

## Guidance

# Design and building work: meeting building requirements

The duties and competence requirements for building regulations that clients, designers and contractors must meet.

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From: [Health and Safety Executive \(/government/organisations/health-and-safety-executive\)](#)

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### Applies to England

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## Building regulations and duties covered in this guide

This guide helps you understand your duties and competence requirements for design and building work under The Building Regulations etc. (Amendment) (England) Regulations 2023. You have other duties under Building Regulations 2010 which are not covered in this guide.

### Higher-risk buildings

This guide also covers additional duties under The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, when the project involves:

- construction of a new higher-risk building
- work on an existing higher-risk building, including work that causes the building to stop being a higher-risk building

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Collection

[Design and construction of higher-risk buildings \(/government/collections/design-and-construction-of-higher-risk-buildings\)](#)

A higher-risk building is a building that has at least:

- 7 storeys or is at least 18 metres high
- 2 residential units or is a hospital or a care home

A higher-risk building with at least 2 residential units must be [registered with the Building Safety Regulator \(BSR\)](https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building) (<https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building>) before people live there.

You can read guidance about [the criteria that makes a building a higher-risk building](https://www.gov.uk/government/collections/guidance-on-the-criteria-for-being-a-higher-risk-building). (<https://www.gov.uk/government/collections/guidance-on-the-criteria-for-being-a-higher-risk-building>)

## **Clients' duties**

Building and design work is done on behalf of the client, in relation to the client's business. A client can be an organisation or an individual. They will often be a developer or the building owner.

### **Managing the project**

As the client, you must make suitable arrangements for planning, managing, and monitoring a project so it complies with all relevant requirements on completion.

You must:

- allocate enough time and resource for the building work to comply with building regulations
- establish, review, and maintain systems and arrangements to meet building regulations
- co-operate with others working on the project so they can comply with their duties
- enable co-operation between designers and contractors

designer and contractor working on the project.

Building information relates to:

- the building work or design work
- the planning and management of the project
- any issues involving compliance with relevant requirements and how they have been addressed

## **Appointing designers and contractors**

You must take all reasonable steps to appoint designers and contractors with the necessary [competence or organisational capability](#) to carry out their roles.

If there is more than one designer or contractor working on the project, you must appoint in writing a:

- principal designer to be in control of design work
- principal contractor to be in control of the building work

If the project has only one designer, they are the principal designer. If the project has only one contractor, they are the principal contractor.

## **Appointing an organisation as principal designer or principal contractor**

You can appoint an organisation as the principal designer or principal contractor. The organisation must designate a competent individual from within the organisation to carry out the functions of the role. This does not make the individual the principal designer or principal contractor - the legal responsibilities remain with the organisation.

## **Higher-risk building work: clients' duties**

building control approval. This includes providing certain documents and information to BSR, such as:

- drawings and plans
- a competence declaration
- a construction control plan
- a change control plan
- a mandatory occurrence reporting plan

Find out more about the documents and information you must provide to BSR in the guide [managing building control approval for higher-risk buildings](https://www.gov.uk/guidance/managing-building-control-approval-applications-for-higher-risk-buildings). (<https://www.gov.uk/guidance/managing-building-control-approval-applications-for-higher-risk-buildings>)

In addition to managing the building control approval application, you must also:

- make sure the principal designer and principal contractor have a [mandatory occurrence reporting system](https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system) (<https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system>) in place
- allow for a periodic review of the building and design work to identify whether it is higher-risk building work
- provide information to designers and contractors so they are aware the project involves higher-risk building work

You must put in place [a record of information about the building \(also known as the golden thread\)](https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread) (<https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread>). You must provide the information to relevant individuals and organisations, such as accountable persons.

When you, or the principal designer or principal contractor appoint an individual or organisation to carry out work, you must:

sure those appointed meet the [competence requirements](#) to carry out their duties

- provide details about the competence of those appointed in the competence declaration and the construction control plan when [managing building control applications](#) (<https://www.gov.uk/guidance/managing-building-control-approval-applications-for-higher-risk-buildings>)

## **Higher-risk building work: individuals or organisations with serious sanctions**

As the client, you must tell BSR if an individual or organisation is appointed that has been issued with a serious sanction in the last 5 years. This covers appointments made by you, the principal designer or the principal contractor.

A serious sanction can be:

- a compliance notice which refers to a contravention or likely contravention of a requirement of Part A (structure) or Part B (fire safety) of Schedule 1 of the Building Act 1984
- a stop notice under the Building Act 1984
- convictions under the Building Act 1984, The Health and Safety at Work etc. Act 1974, the Building Safety Act 2022, or the Regulatory Reform (Fire Safety) Order 2005

A serious sanction can also be a report published under the Inquiries Act 2005 that finds an appointee's actions, or inaction, resulted in one of the following:

- one or more deaths
- a likely contravention of any requirement under the Building Act 1984, The Health and

You must consider how any serious sanction and any resulting action by the individual or organisation affects their judgement or their capability to do the work.

You must provide information to BSR in the competence declaration and construction control plan about:

- why you consider the individual or organisation is competent to carry out their duties, despite having a serious sanction issued against them
- how you will mitigate the risks of appointing an individual or organisation with a serious sanction, such as checking their work more frequently

## **Clients' duties: multiple clients**

When there is more than one client for a project, the clients can nominate a lead client. All clients must confirm this in writing.

When there is a lead client, they must carry out all the [clients' duties](#) for the project. The other clients, who are not the lead client, must:

- provide building information to every designer and contractor working on the project
- co-operate with others working on the project to enable them to comply with their duties
- allow for a periodic review of the building and design work to identify whether it is higher-risk building work
- provide information to designers and contractors so they are aware the project involves higher-risk building work

A domestic client is any individual who has building work carried out on their home, or the home of a family member. The building work is done for domestic purposes, not for business purposes.

## **Managing the project**

As the domestic client, you are in control of the project, which means you must:

- allocate enough time and resource for the building work to comply with building regulations
- appoint designers and contractors
- co-operate with anyone working on, or in relation to the project, so everyone involved can comply with their duties and functions

You must provide building information you have, or would be reasonable for you to get, to designers and contractors working on the project. This includes information about:

- known work that has been carried out
- surveys carried out and kept from a mortgage application, or prior to any building work

## **Appointing designers and contractors**

When there are multiple designers and contractors working on the project, as the domestic client you can appoint a:

- principal designer to be in control of design work
- principal contractor to be in control of the building work

If you do not appoint either a principal designer or principal contractor, then the:

- designer in control of the design phase of the



the project is the principal contractor

## **Designers' duties**

As a designer you must:

- not start any design work unless you are satisfied the client is aware of what their legal duties are
- take all reasonable steps to make sure the design work carried out by you, or other designers you manage, is planned, managed and monitored
- provide sufficient information about the design, construction and maintenance of the building to the client and other designers and contractors
- provide advice, when requested, to the principal designer or client on whether any design work you are doing relates to higher-risk building work

During the design phase, you must be satisfied that a design, if built, complies with all relevant requirements. This means you must:

- check that you, or other designers you manage, have taken all reasonable steps to make sure a design, if built, complies with all relevant requirements
- co-operate with the client, other designers, contractors, the principal designer, and principal contractor

If you are carrying out only part of the project's design work, you must consider how your design work interacts with other design work. You must tell the principal designer if you are concerned that:

- your design work makes other design work non-compliant
- other design work makes your design work non-compliant

[competence](#) to carry out the work.

## Principal designers' duties

As the principal designer you must carry out [designers' duties](#) and the duties for principal designers. You must have the necessary [competence requirements to work as a principal designer](#).

It is important you are part of the design team and not a third party without any influence over design decisions.

You must plan, manage, monitor and co-ordinate matters related to the design work. This means you must:

- take reasonable steps to make sure all designers comply with their duties under building regulations
- assess design work to make sure all designers produce designs that comply with relevant building regulations
- work with the principal contractor and share information about planning, managing, monitoring and co-ordinating the design and building work
- assist the client in providing information to others, if requested

You must take reasonable steps to make sure anyone working on the design co-operates, communicates and co-ordinates their work with:

- the client
- the principal contractor
- other designers and contractors

If there is a principal contractor working on the project, you must consider any comments they make in relation to compliance with building

**As the principal designer you can delegate certain functions to others, but that does not make them the principal designer. The legal responsibilities remain with you.**

If you stop being the principal designer, you must give the client a document that explains the arrangements you put in place to fulfil your duties. You must do this no later than 28 days after your appointment as principal designer ends.

If you are appointed to replace a previous principal designer, you must review any arrangements they put in place to meet their legal duties.

## **Higher-risk building work: principal designers' duties**

You have additional duties if the project involves higher-risk building work, you must:

- establish and operate a [mandatory occurrence reporting system](https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system) (<https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system>)
- [submit mandatory occurrence notices and reports](https://www.gov.uk/guidance/submitting-mandatory-occurrence-notice-and-reports) (<https://www.gov.uk/guidance/submitting-mandatory-occurrence-notice-and-reports>) to BSR
- [store the required information about the building \(also known as the golden thread\)](https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread) (<https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread>), and provide it to the client and the principal contractor as necessary
- keep and share with the client the steps you have taken to make sure those you appoint to do design work meet the [competence requirements](#)

## **Contractors' duties**

- not start any building work unless you are satisfied the client understands what their legal duties are
- take all reasonable steps to make sure the building work carried out by you, or other contractors you manage, is planned, managed and monitored
- co-operate with the client, designers and contractors (including the principal designer and principal contractor) to make sure the building work complies with all relevant requirements.
- make sure building work that you and others you manage carry out complies with all relevant requirements
- provide each worker you are responsible for with appropriate supervision, instructions and information
- provide sufficient information about the building work to assist the client, other contractors and designers to comply with relevant requirements
- provide advice, when requested, to the principal contractor or client on whether any work is higher-risk building work

If you are carrying out only part of the project's building work, you must consider how your building work interacts with other building work. You must tell the principal contractor if you are concerned that:

- your building work makes other building work non-compliant
- other building work makes your building work non-compliant

If you appoint other contractors to work on the project, you must make sure they have the [required competence](#) to carry out the work.

## **Principal contractors' duties**

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[contractors' duties](#) and the duties for principal contractors. You must have the necessary [competence requirements to work as a principal contractor](#).

You must plan, manage, monitor and co-ordinate matters related to the building work. This means you must:

- make sure building work done by all contractors is co-ordinated so that it complies with all relevant requirements
- assess building work to make sure it complies with relevant building regulations
- never accept non-compliant building work
- work with the principal designer and share information about planning, managing, monitoring and co-ordinating the design and building work
- assist the client in providing information to others, if requested

You must take reasonable steps to make sure anyone working on the building work co-operates, communicates and co-ordinates their work with:

- the client
- the principal designer
- other contractors and designers

If there is a principal designer working on the project, you must consider any comments they make in relation to compliance with building regulations.

**As the principal contractor you can delegate certain functions to others, but that does not make them the principal contractor. The legal responsibilities remain with you.**

If you stop being the principal contractor, you must

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You must do this no later than 28 days after your appointment as principal contractor ends.

If you are appointed to replace a previous principal contractor, you must review any arrangements they put in place to meet their legal duties

## **Higher-risk building work: principal contractors' duties**

If the project involves higher-risk building work, you must:

- establish and operate a [mandatory occurrence reporting system](https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system) (<https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system>)
- [submit mandatory occurrence notices and reports](https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports) (<https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports>) to BSR
- [store the required information about the building \(also known as the golden thread\)](https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread) (<https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread>), and provide it to the client and the principal designer as necessary
- keep and share with the client the steps you have taken to make sure those you appoint to do design work meet the [competence requirements](#)

## **Competence requirements**

Any individual or organisation that carries out work beyond their competence level or organisational capability can face enforcement action.

### **Individual competence**

Individuals must be able to demonstrate they are competent to carry out their duties and undertake the work. This means having the necessary skills

Individuals must be able to:

- co-operate with others working on the project
- refuse to carry out work that is beyond their competence
- make sure their work complies with relevant requirements, and refuse to carry out non-compliant work
- ask for assistance from others when necessary

## **Organisational capability**

Organisations must be able to demonstrate they have the organisational capability to carry out their duties and undertake the work. This means having policies, procedures, systems and resources in place to make sure those employed by the organisation comply with all relevant regulations.

The procedures and policies that organisations put in place should:

- actively monitor and supervise their people
- provide sufficient time and resources to do the job

## **Trainee competence**

A trainee without the necessary competence cannot carry out design work or building work unsupervised. Whoever appoints the trainee must make sure the trainee has adequate supervision to carry out the work.

An individual training to be a principal designer or principal contractor must not be appointed as the project's principal designer or principal contractor.

## **Change in competence**

notify whoever appointed them when:

- they are no longer competent, or no longer have the organisational capability to carry out their duties
- they have been issued with a [serious sanction](#) if they are working on a project that involves higher-risk building work

## **Principal designers: competence requirements**

The principal designer should be able to co-ordinate the design team. A principal designer is not expected to be an expert in every design specialism. However, they are expected to know enough about building regulations to assess whether a building design will comply with all relevant regulations.

Principal designers should support others. For example, being able to pass on necessary information to contractors and explain to them how to demonstrate that elements are built properly.

The British Standards Institute's Publicly Available Specification (PAS) 8671 sets out the recommended competence requirements of principal designers. Using PAS 8671 can help [demonstrate and assess competence](#).

The following sections summarise the recommended competence requirements set out in PAS 8671.

### **Legislative and regulatory framework for compliance**

Principal designers should understand the law as it relates to their role and competency requirements as set out in building regulations



## **Management of design work compliance**

Principal designers should be able to manage other designers and reach a consensus that design work is compliant with building regulations. They should be able to monitor identified compliance risks and assess gaps in other designers' competencies.

Principal designers should be able to:

- set out a plan to achieve design work compliance
- control changes to the plan and monitor risks to design work compliance
- co-ordinate designers' work related to achieving the plan
- communicate with principal contractors about design work compliance
- monitor progress against the plan through to the end of the design phase

## **Technical framework for compliance**

Principal designers should understand technical guidance, codes of practice and standards. This is so they can assess, challenge and build design team consensus on design compliance.

## **Principal contractors: competence requirements**

The principal contractor is expected to take responsibility for their site and manage the flow of information, making sure it gets to those who need it.

A principal contractor should have arrangements to monitor and keep records of building work to make sure it complies with the law. They should be able to communicate and work with the principal designer to agree any changes.

the recommended competence requirements of principal contractors. Using PAS 8672 can help [demonstrate and assess competence](#).

The following sections summarise the recommended competence requirements set out in PAS 8672.

### **Legal and contractual requirements: principal contractor duties**

Principal contractors should have the ability to understand applicable legislation and recognise obligations regarding building safety.

### **Managing building work**

Principal contractors should be able to manage building work, which includes having knowledge of risks and how to mitigate them.

### **Planning and organising production**

Principal contractors should be able to appoint competent contractors and suppliers. They should be able to procure quality materials, products and building systems.

### **Managing construction processes and production**

Principal contractors should be able to co-ordinate and monitor contractors, suppliers, and service providers, by:

- identification, assessment, inspection, and testing of safety critical materials components and building systems
- ensuring any time or budgetary pressures do not impact building safety

## **Leadership, decision making and change management**

Principal contractors should be able to lead a building project using learning, experiences, and knowledge of standards and best practice. They should be able to take control of a build and manage change control but also delegate and empower others.

## **Liaising with the client, other stakeholders and regulatory bodies**

Principal contractors should be able to develop trusting, open and honest relationships with those in charge of managing and monitoring the project.

## **Developing people and teams**

Principal contractors should be able to define the competencies required on a project and develop others to address any gaps.

## **Managing the quality of building work**

Principal contractors should be able to manage build quality through communicating with and monitoring the work of other contractors. They should be able to recognise and manage alterations or deviations.

## **Managing information**

Principal contractors should be able to keep accurate and reliable documented information. They should develop digital systems to manage the build information.

## **Demonstrating and assessing**

Individuals must be able to demonstrate the full range of skills, knowledge, experience and behaviours for the role they have been appointed to. Examples of how competence can be demonstrated include:

- completing formal training
- providing a portfolio of work detailing relevant experience and knowledge

Trade associations, professional bodies, sector training providers and awarding bodies may be able to support the improvement, demonstration, and validation of competence.

## **Competence standards and benchmarking**

The British Standards Institute's PAS 8671 and PAS 8672 sets out the recommended competence requirements for principal designers and principal contractors.

Compliance with The British Standards Institute's PAS standards, or any other standard, does not guarantee meeting all legal obligations.

The PAS competencies can, however, be used to benchmark and assess the competence of individuals if credible evidence is also provided

## **Construction (Design and Management) Regulations 2015**

The function of the roles of client, principal designer, and principal contractor under:

- Construction Design and Management Regulations (CDM) is to manage the health and safety of workers and anyone around the site during building work

There are different competence requirements for the principal contractor and principal designer under CDM and under building regulations. The client must appoint individuals or organisations to these roles.

The principal designer and principal contractor for CDM can also carry out these same roles for building regulations. If they are the same, the client must confirm this in writing to those they appoint to the roles.

When the individuals or organisations in these roles are different under CDM and building regulations, they need to work together and share relevant information.

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