



Building regulations and the Building Safety Act for domestic clients and roofing contractors

The recent amendments to 'The Building Regulations etc. (Amendment) (England) Regulations 2023'¹, which came into force on 1 October 2023, inserted a new Part 2A into the Building Regulations 2010. This introduced formal roles and responsibilities for dutyholders, clients, principal designers and principal contractors.

A commercial client must take all reasonable steps to ensure any designer or contractor they appoint is sufficiently competent and can fulfil their duties under Part 2A of the building regulations England—however domestic clients are treated differently. Where there is only one contractor, then that contractor is responsible for making the arrangements set out within Part 2A.

Where there is more than one contractor, then either the principal contractor or the principal designer, subject to their agreement with the client, is responsible for making those arrangements for the project.

What is the difference between a commercial client and a domestic client?

- **Commercial Client**—A commercial client is anyone (*individual, partnership or organisation*) who has construction work carried out for them in connection with their profit or not-for-profit business.
- **Domestic Client**—A domestic client is an individual who has construction work carried out on their home or the home of a family member that is not connected to any business. For example, a couple extending their home or having their roof replaced.

What are building regulations?

Building regulations help to ensure that the construction of new buildings, extensions to an existing building, conversions of an existing building or renovations to a building, either domestic or commercial, are undertaken safely and perform to the requirements stipulated within the supporting approved documents.

What is the Building Safety Act?

The Building Safety Act (BSA 2022) sets out clear lines of responsibility for building owners. At the heart of the act is the legal obligation for all individuals and organisations to be competent to ensure compliance with the Building Regulations in both design and construction. This obligation applies across all sectors from the smallest of residential alterations to the largest most complex development.

The Act includes a special category of client called a "**domestic client**", who are treated differently from commercial clients because they are generally considered to be inexperienced buyers of design and building services.

Domestic clients have less onerous duties than commercial clients as their role and responsibilities sit with the Principal Designer and Principal Contractor if there is more than one contractor involved. These dutyholders must have the appropriate skills, knowledge, experience, and organisational capability to manage health and safety risks, and design compliance effectively. (*The Principal Contractor may also undertake the work of the Principal Designer as long as they have and can prove their competency*).

Single Contractor Projects:

When only one contractor is involved, that contractor will manage health and safety and assume the client's duties, ensuring compliance with CDM 2015 and BSA 2022. When advising the client on a roofing specification they will also become the Principal Designer.

Any person undertaking building work as a contractor must have:

1. Where the person is an individual, the skills, knowledge, experience and behaviours necessary.
2. Where the person is not an individual but a company the organisational capability, to fulfil the duties of a contractor under the regulations in relation to the works being undertaken.

Note, "**organisational capability**" essentially means; *having the appropriate management policies, procedures, systems and resources in place to ensure the individuals in the organisation can meet the competencies required by the regulations.*

What items 1 and 2 above are asking is, can either the individual or the company prove their competence and/or the competence of their employees for the task that they are undertaking, whether that be:

- Designing the works
- Planning the works
- Managing the works
- Supervising the works; and
- Undertaking the actual works



Please note

1. If a domestic client provides a roof specification to a roofing contractor as to what they want installed, then the client is the Principal Designer and as such should be able to prove their competence to undertake this role.
2. If a domestic client is undertaking the roofing works themselves, then it is the domestic client's responsibility to comply with all the relevant building regulations.
3. If a designer is undertaking design works for a domestic client and they are aware that the domestic client is going to undertake the works themselves then they have a duty to satisfy themselves that the client is aware of their responsibilities to comply with all relevant building regulations.
4. Matters regarding a lack of competence could now be considered as a contravention of the building regulations and may lead to Initial Notice cancellation and enforcement action.

Approved Documents

Approved Documents describe how the requirements of Schedule 1 and Regulation 7 of the Building Act 1984 can be met. In essence they explain the requirements of the Building Regulations which buildings in England and Wales must comply.

The list of Approved documents is shown below for England and Wales and the individual or company undertaking, designing or supervising the works should understand the requirements of these Approved Documents dependent on the works being undertaken:

Part A: Structure

Part B: Fire safety

Part C: Contamination and moisture

Part D: Toxic substances

Part E: Passage of sound

Part F: Ventilation

Part G: Sanitation and water

Part H: Drainage and waste disposal

Part J: Combustion appliances and fuel storage systems

Part K: Falling, collision and impact

Part L: Conservation of fuel and power

Part M: Access and use of buildings

Part O: Overheating

Part P: Electrical safety

Part Q: Security

Part R: Electronic communications infrastructure

Part S: Infrastructure for the charging of electric vehicles

Regulation 7: Materials and workmanship



For more information

¹ *The Building Regulations etc. (Amendment) (England) Regulations 2023:*

<https://www.legislation.gov.uk/uksi/2023/9111/contents/made>

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