



COVID-19 - Application of the Building Regulations during the coronavirus (COVID-19) outbreak

To: Chief Executives, Main Contacts and APSE Contacts in England.

For information: Chief Executives, Main Contacts and APSE Contacts Scotland, Wales and Northern Ireland

Key Points

On 21 April 2020, The Ministry of Housing Communities and Local Government published guidance regarding the application of the Building Regulations during the outbreak of the coronavirus (COVID-19).

1.0. Background

On 21 April 2020, The Ministry of Housing Communities and Local Government published guidance regarding the application of the Building Regulations during the outbreak of the coronavirus (COVID-19).

This briefing provides an overview of the published guidance.

2.0. Context

The government state that the document has been drafted to provide guidance during the COVID-19 outbreak regarding the following:-

- The need to erect new or temporary accommodation to provide medical care, treatment, or for other supporting services.
- Other types of urgent building work being carried.

The government comment that there is a balance to be drawn between enabling building work to continue where it is still safe, and ensuring that work continues to meet Building Regulations' requirements. The guidance refers to the Building Regulations 2010 (as amended) and the Building Act 1984, herein referred to as the Building Regulations and the Building Act respectively. In addition, it also provides guidance on the Building (Approved Inspectors etc.) Regulations 2010. It is clearly stated that the guidance is only to be applied during the COVID-19 outbreak, while social distancing is in place and it states

that the guidance will be reviewed as the measures to deal with the pandemic are amended.

3.0. New or temporary healthcare buildings

The government acknowledge that building work is being carried out at pace across the country to support the fight against the COVID-19 outbreak and that this building work includes the creation of healthcare buildings through temporary buildings and buildings undergoing a change of use.

It is commented that the government are not currently intending to issue any type relaxations of Building Regulations' requirements under Section 11 of the Building Act, though we will keep this under review. For example, Regulation 12 of the Building Regulations (Giving of a building notice or deposit of plans) still applies.

The guidance advises that when determining what is reasonable provision to meet the applicable requirements of Schedule 1, Building Control Bodies should take account of the exceptional circumstances in which work may be taking place. The government states that it is supportive of Building Control Bodies taking a pragmatic approach while keeping auditable records of the decisions taken. Regulation 11 (1) of the Building Regulations allows local authorities to dispense or relax requirements in particular cases.

Where an approved inspector is the building control body, the approved inspector and the local authority should work together with the person(s) carrying out the work to ensure that building work can continue, noting that any relaxation or dispensation of the building regulations requirements should not compromise essential health and safety requirements.

The government advise that Building Control Bodies should note the guidance from the National Fire Chiefs Council on the creation of field hospitals where this is relevant to the work being carried out. This guidance can be found on the [National Fire Chiefs Council website](#).

4.0. Guidance for Building Control Bodies on operating during the COVID-19 outbreak

Under the guidance, for all building work being carried out during the COVID-19 outbreak, it is stated that Building Control Bodies should, where possible, check regularly with those carrying out work including its current status and any plans to continue work.

In addition, Building Control Bodies are required to continue to assess deposited plans on their merits and ensure that the statutory requirements to consult with fire and rescue authorities and sewage undertakers continue to be met. It is recommended that early engagement with both authorities is undertaken during the COVID-19 outbreak including the format of relevant plans.

The guidance advises Building Control Bodies to continue to undertake normal, regular on-site inspection activity where this can be done safely, in line with Public Health England guidance and suggests that Building Control Bodies may wish to consider the use of alternative methods of checking compliance to supplement physical inspections, for example using digital photographs and video or other remote means of checking compliance.

Building Control Bodies are required to satisfy themselves within the limits of their professional skill and care that these remote inspections are used appropriately. Remote inspections should not normally be used as the sole method of assessing compliance. Building owners may wish to occupy part of a building even if work on the rest of the building has stopped. In these cases, Building Control Bodies can issue a part final or completion certificate for that part of the building.

Regulation 17(7) of the Building Regulations (Approved Inspectors etc.) 2010 allows a local authority to extend initial notices any of the prescribed time periods in Regulation 17, either before or after the expiry of the period. The government states that local authorities should take a flexible and pragmatic approach when receiving these applications and consider resource impacts from the COVID-19 outbreak.

In the situation where a part final or completion certificate has been issued, the guidance advises that this should accurately record and describe the part of the building(s) or work(s) which has been issued a certificate. Building control bodies should monitor buildings which are occupied with a part final or completion certificate and should follow up at a later date to work with the building owner to obtain a final or completion certificate for the remaining work.

Under the guidance Building Control Bodies are required to ensure that they maintain a record that the person carrying out the works has passed key fire safety information to the responsible person when issuing either a full/partial final or completion certificate, in accordance with Regulation 38 of the Building Regulations 2010. In addition, where local authorities are aware that work has been, or is intended to be, halted, they should be ready to provide advice on ensuring that this is done such as to leave the building in a safe state.

5.0. Social distancing

It is reported that the Construction Leadership Council has published an [updated version 3 of its site operating procedures](#) and that this guidance is intended to introduce consistent measures on construction sites of all types and sizes in line with the government's recommendations on social distancing and ensure employers and individuals make every effort to comply.

6.0. Remediation

The remediation of high-rise buildings with unsafe cladding remains a priority for government. Remediation work should continue where it is safe to do so in accordance

with guidance to minimise the risk of spreading infection. Further information, can be found on the [remediation guidance page](#). The government comment that it expects Building Control Bodies to continue supporting the progress of remediation where appropriate.

APSE COMMENT

APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

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