



Fire Protection
Association®



IG3: A general guide to Building Regulations and Information Provision

[Regulation 38 ((Building
Regulations 2010 (Amended))
and Part 4 (Building (HRBPs)
Regulations 2023)]

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Abstract

In a similar vein to Building Information Modelling (BIM), the Golden Thread and Regulation 38 has the potential to make more data available to the insurer, and others upon request, that remains relevant, just as insurance has to, throughout the lifespan of the building from design to end-of-life. Correctly applied it should ensure the preservation of knowledge even when the building changes hands, is repurposed, or remodelled, which can be a particularly problematic issue for the insurer. It has been described as ‘a baton’ that can easily be passed from one person to another along the supply chain, allowing any stakeholder who receives it to access and use the product data whilst at the same time adding information of their own.

Against a backdrop of Regulation 38, which has by and large been ignored for many years in spite of it being a legal requirement, and BIM having a very slow birth, it will be interesting to see whether and how the greater availability of information can benefit insurers.

The Golden Thread initiative comes at a good time, particularly in respect of new methods of construction and increasing use of combustible materials in construction where insurers have often struggled to receive from the potential client the information they need to evaluate the prospect. Now it must be provided legally and willingly, and to a precise format that should ensure it is both complete and of sufficient quality.

Further areas for consideration beyond the current scope of this document include:

- insurers access to the information as a key stakeholder
- the relevance of life-safety information to property protection and resilience
- whether the information will encourage engagement with insurers on property protection and resilience.

This document seeks to inform the reader of what information should be available, where it is held, and who has responsibility for it. The document takes key wordings of Regulation 38 (BR 2010 (Amended)), and Part 4 (Regulations 31–39 or Higher-Risk Buildings Procedures 2023) and deconstructs it so that definitions and cross-referencing can be more easily understood without consultation to other documents.

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1 Introduction

The ability to make informed decisions on fire safety and insurance demands the availability of building information that is accessible, complete, accurate, up to date, and of a quality appropriate to supporting the task in hand. Historically this information is seldom available, and in many circumstances even seeking out a valid fire risk assessment can be problematic for the insurer. This in spite of there being a legal requirement for very many years under the direction of Regulation 38 of the Building Regulations 2010.

The neglect of Regulation 38 has been brought to the fore by some recent fire events, including Grenfell, and Dame Judith Hackitt has since promoted the need to preserve the Golden Thread of information about construction and refurbishment work. This ideology has now been firmly embedded into new requirements.

Whilst all regulation pertinent to the Building Regulations are life-safety focussed, the correct adoption of many aspects still holds great meaning for the insurer in respect of property protection, and even without this, poor adherence to legal obligations might indicate a poorly managed risk which insurers need to be aware of.

In RISCAuthority's BDM01 – 'A to Z of Essential Principles for the protection of buildings' Principle V addresses the provision of information as follows:

Letter	Title + Description
Principle V	Verify Recorded Information Accept only pertinent and accurate information at handover, insisting contractors satisfy statutory and contractual duties, checking record information provides full disclosure of the premises as built and commissioned for facilities management.

There are countless references to Regulation 38 and information upkeep and sharing throughout the other 25 principles.

In recent changes to building regulations, Regulation 38 of the Building Regulations 2010 (Amended) has been strengthened, and for buildings deemed to be a 'higher-risk', an alternative set of requirements have been produced under the heading of Part 4 '*Golden thread, mandatory occurrence reporting, information handover etc.*' of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. A welcome requirement for the electronic centralisation of all information gathering and distribution is also called for.

This document seeks to inform the reader of what information should be available, where it is held, and who has responsibility for it. The document takes key wordings of Regulation 38 (BR 2010 (Amended)), and Part 4 (Regulations 31-39 or Higher-Risk Buildings Procedures 2023) and deconstructs it so that definitions and cross-referencing can be more easily understood without consultation to other documents.

With knowledge of what information should be available by law, it is hoped that this will assist insurers gather the information they need with greater ease from those responsible for its development and upkeep.

In the name of accuracy, this document incorporates extensive images of the key text referenced in respect of information provision.

2 Information availability

Under the new systems ordered information should be available for all processes and equipment that contribute to the safety of the building. Where the building has been determined as being 'complex' and has used fire engineering principles in its development, focus is very much on the important aspects of the assumptions made in the management of the building, the performance of the equipment used to meet the safety objectives, and details of the overall fire safety strategy. Where work has been carried out by a 'competent person' under a scheme that has been approved by the government, the type of information required can be different for Higher-Risk Buildings.

How the information is to be presented is loosely termed as being appropriate to meet the regulation requirement, but increasingly, through the use of digital data and equipment, templates are being developed for all protection systems. By way of a simple example for fire doors, the bare minimum information would include details of:

- a. the location and rating of every fire door in the building
- b. the fire door certificate – which MUST be relevant to each installed fire door
- c. the type of seal (intumescent/smoke seal/acoustic) fitted to the door or frame
- d. details of the doorframe (hardwood, softwood, MDF etc.) and how that relates to the fire door test
- e. details of hinges, closers, and other essential building hardware (CE marked) and how that relates to the fire door test
- f. maintenance information for each component, including the door leaf
- g. frequency of inspection and maintenance, depending on expected usage of the door.

Specifically mentioned systems include, but are not limited to:

- escape routes
- fire separation and cavity barriers
- fire doors and ancillaries
- fire detection and alarm systems (automatic and manual)
- signage and Emergency lighting
- wet and dry risers
- fire extinguishers, hose reels, and hydrants
- sprinkler systems (and other active fire protection systems)
- smoke control systems
- identification of high-risk areas
- equipment specification and maintenance schedules
- management assumptions
- personal emergency escape plans
- fire strategy details and equipment dependencies
- assumptions
- details and evidence of correct installation.

3 National requirements

Many national Building Regulations are currently in a state of flux as they adapt to new emerging construction methods post-Grenfell, and to requirements for meeting net-zero targets. Whilst some nations share great commonality with English Building Regulations, differences do arise. In this section reference links are given for all nations but the focus of this document is on the Building Regulations for England having been modernised in a way that others are likely to follow.

3.1 England

Building Regulations 2010 (Amended), which includes Regulation 38, as the prelude to the Regulatory Reform (Fire Safety) Order 2005.

Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, which includes Part 4 – Golden thread, mandatory occurrence reporting, information handover etc.

3.2 Wales

Building Regulations 2010, which includes Regulation 38, as the prelude to the Regulatory Reform (Fire Safety) Order 2005. Also now augmented with 'The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023', which is slightly different to that for England (see later).

<https://gov.wales/fire-safety-act-2021-html>

<https://www.legislation.gov.uk/wsi/2023/1210/contents/made>

Description of higher-risk building

3. A higher-risk building for the purposes of section 120(2) of the Building Act 1984 is a building (including a structure) that—
- (a) is—
 - (i) at least 18 metres in height (when measured in accordance with regulation 4), or
 - (ii) has at least 7 storeys (when calculated in accordance with regulation 5), and
 - (b) contains—
 - (i) at least one residential unit,
 - (ii) a hospital that has at least one bed intended for use by a person admitted to the premises for an overnight stay,
 - (iii) a care home, or
 - (iv) a children's home, and
 - (c) is not an excluded building (see regulation 6).

Excluded buildings

6. A building is an excluded building if it—
- (a) is comprised entirely of—
 - (i) a secure residential institution,
 - (ii) a hotel,
 - (iii) military barracks,
 - (iv) living accommodation provided by the Ministry of Defence, or
 - (v) living accommodation for—
 - (aa) His Majesty's forces, or
 - (bb) any visiting force or international headquarters or defence organisation designated for the purpose of the International Headquarters and Defence Organisations Act 1964⁽¹⁾;
 - (b) comprises residential and non-residential uses, in which all the living accommodation is provided by the Ministry of Defence.

3.3 Scotland

Scotland operates a system of Building Warrants based on the Technical Handbooks.

<https://www.mygov.scot/building-standards-in-scotland/building-warrants>

<https://www.gov.scot/policies/building-standards/monitoring-improving-building-regulations/>

Scotland has one Fire and Rescue Service, and they give advice on Fire Risk Assessments.

<https://www.gov.scot/publications/fire-safety-risk-assessment-forms-and-guidance/>

The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006, with Section 9 Specified Information

<https://www.legislation.gov.uk/asp/2005/5/contents>

<https://www.legislation.gov.uk/ssi/2006/456/contents/made>

<https://www.legislation.gov.uk/ssi/2006/456/regulation/9/made>

3.4 Northern Ireland

The Fire and Rescue Services (Northern Ireland) Order 2006

<https://www.legislation.gov.uk/nisi/2006/1254/body>

The Fire and Rescue Services (2006 Order)(Commencement No.1) Order (Northern Ireland) 2006

<https://www.legislation.gov.uk/nisr/2006/257/article/2/made>

4 Building regulations

Under recent changes post-Grenfell, there is a need to consider differing information requirement for buildings subject to:

- the Building Regulations etc. (Amendment)(England) Regulations 2023
- the Building Regulations 2010, and
- the Building (Higher-Risk Procedures)(England) Regulations 2023.

4.1 The Building Regulations 2010 and the Building Regulations etc. (Amendment)(England) Regulations 2023

The Building Regulation 2010 apply to all buildings in England including higher-risk buildings (HRBs), subject to Regulation 2B which was introduced by the Building Regulations etc. (Amendment)(England) Regulations 2023.

Regulation 2B states that for HRBs many regulations no longer apply, including Regulation 38 (fire safety information), and that the alternative regulations of the Building (Higher-Risk Procedures)(England) Regulations 2023 should be used.

[F1] Disapplication of certain procedural requirements of the Building Regulations 2010 in relation to higher-risk building work

2B. The following regulations do not apply to higher-risk building work—

- (a) regulation 12 (giving of a building notice or an application for building control approval);
- (b) regulation 13 (particulars and plans where a building notice is given);
- (c) regulation 14 (applications for building control approval with full plans);
- (d) regulations 14A (determination of applications for building control approval with full plans);
- (e) regulation 14B (appeal against a local authority's rejection of an application for building control approval);
- (f) regulation 14C (appeal against the regulator's rejection of an application for building control approval for work that is not higher-risk building work);
- (g) regulation 15 (consultation with sewerage undertaker);
- (h) regulation 15A (consultation in relation to fire safety);
- (i) regulation 16 (notices in relation to building work);
- (j) regulation 17 (completion certificates);
- (k) regulation 17A (certificate for building occupied before work is completed);
- (l) regulation 18 (unauthorised building work);
- (m) regulation 18A (appeal against local authority's refusal to grant certain certificates);
- (n) regulation 18B (appeal to regulator in relation to certain decisions);
- (o) regulation 19 (supervision of building work otherwise than by local authorities);
- (p) regulation 38 (fire safety information);
- (q) regulation 39 (information about ventilation);
- (r) regulation 40 (information about use of fuel and power);
- (s) regulation 40A (information about systems for on-site generation of electricity);
- (t) regulation 40B (information about overheating).]

F1 Regs. 2A, 2B inserted (E.) (1.10.2023) by *The Building Regulations etc. (Amendment) (England) Regulations 2023* (S.I. 2023/911), regs. 1(2), 4 (with regs. 22-24)

4.2 The Building (Higher-Risk Procedures)(England) Regulations 2023

The Building Regulation 2010 (as amended) apply to all building in England including higher-risk buildings, subject to Regulation 2B – see above. Where it is determined that the building classifies as higher-risk, certain Regulations (as identified in Regulation 2B), are not applied and the Building (Higher-Risk Procedures)(England) Regulations 2023 are applied which broadly cover:

- **Gateway 2** (before commencement of the works) – building control approval procedures for the construction of new HRBs, and for works to existing HRBs – with approvals coming from the new Building safety Regulator (BSR).
- **Change control procedures** – before or during construction, certain changes to the works will now require prior notification to, or approval from, the BSR. Such changes could include a change to current plans of work, a change to any stage of HRB work, and even a change to any strategies, policies, or procedures described in any current agreed document.
- **An outline of the Golden Thread requirements** – such as the Golden Thread being in electronic format, capable of being transferred electronically, accurate and up-to-date, and secure from unauthorised access.
- **Mandatory occurrence reporting systems** – being “a system which enables as far as is reasonably practicable the prompt reporting of every safety occurrence to the principal dutyholders by reporting persons”, to be established before and maintained during the construction phase.
- **Information to be handed over on completion** – including the Golden Thread and the BFLO information – BFLO information relates to Parts B, F L, and O of the Regulations.
- **Gateway 3** (completion of the works) – details about completion certificate applications to the BSR, including the information to be provided to the BSR in the application. Also further details about BSR inspections (“before determining a completion certificate application the [BSR] must arrange an inspection ... for the purpose of assessing whether

the work complies with all applicable requirements of the building regulations'), and on how the BSR makes and issues its decision

- **A raft of the other topics** – such as inspections (and the BSR's right to require information and the opening up of work for inspection), regularisation of unauthorised building work (where here it appears to the BSR that unauthorised building work has been carried out on or after 11 November 1985), review of the BSR's decisions, appeals to the First-tier Tribunal in relation to a BSR decision, and how to make an application to the Secretary of State.

The criteria for determining whether a building is a higher-risk building during the occupation phase of the new higher-risk regime are as follows:

- **use criteria:** What is the building used for? Does it meet any of the included or excluded categories of the building?
- **legal definition of building:** How does the building definition in the regulations apply to my building structure?
- **height and storeys:** How do the methods for measuring height and storeys in the regulations apply to my building? Does my building meet either the 18-metre or 7-storey height threshold when measured using these methods?

4.2.1 Use criteria

The 'use criteria' for determining if a building is included in the higher-risk regime is given below:

Use criteria for buildings in occupation under the Building Safety Act 2022 and the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

Section 65 of the Building Safety Act 2022 sets out the buildings which are included in the occupation part of the higher-risk regime.

1. Meaning of "higher-risk building" etc

(1) In this Part "higher-risk building" means a building in England that —

(a) is at least 18 metres in height or has at least 7 storeys, and

(b) contains at least 2 residential units.

Regulation 8 sets out the buildings which are excluded from the occupation part of the higher-risk regime.

1. (1) For the purposes of section 65 of the 2022 Act a "higher-risk building" does not include a building of a description specified in paragraph (2).

(2) The following descriptions of building are specified for the purposes of paragraph (1)—

(a) a building that comprises entirely of—

(i) a care home;

(ii) a hospital;

(iii) a secure residential institution;

(iv) a hotel;

(v) military barracks;

(b) a building that contains living accommodation provided by the Ministry of Defence (either alone or in combination with other accommodation);

(c) a building that contains living accommodation (either alone or in combination with other accommodation) for—

(i) His Majesty's forces;

(ii) any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964.

For clarity mixed-use buildings are covered by the higher-risk regime and, by way of example, a shopping centre with 2 or more residential units, or a school or university with boarding accommodation would be considered higher-risk, subject to meeting the height and/or storeys threshold of higher-risk buildings.

4.2.2 Legal definition of a building

The 'legal definition of a building' for determining if a building is included in the higher-risk regime is given below:

**Legal definition of a building in the Higher-Risk Buildings
(Descriptions and Supplementary Provisions) Regulations 2023**

Regulation 4 sets out the definition of a building.

1. Subject to paragraph (2), where a structure is not attached to any other structure, that structure is a "building".
2. Subject to paragraph (5), where a structure that is not attached to any other structure contains one or more independent sections, each independent section is a "building".
3. Subject to paragraph (4), where two or more structures are attached, that set of structures are a "building".
4. Subject to paragraph (5), where two or more structures that are attached contains one or more independent sections, each independent section is a "building".
5. Paragraphs (2) and (4) do not apply while a building is being constructed or proposed to be constructed.
6. An "independent section" is a section that—
 - a. has access, which can be reached from anywhere in the section, for persons to enter and exit the wider building; and
 - b. either—
 - i. has no access to any other section of the wider building; or
 - ii. only has access to another section of the wider building which does not contain a residential unit.
7. "Access" means a doorway, archway or similar opening but does not include a doorway, archway or similar opening intended for exceptional use including emergency use or use for the purpose of maintenance.
8. The "wider building" means—
 - a. in relation to a section of a structure that is not attached to any other structure, that structure;
 - b. in relation to a section within two or more structures that are attached, that set of structures.
9. Where a section is a "building" pursuant to paragraphs (2) or (4), any plant room containing equipment for the provision of services to that section is to be considered as part of that building.

The building definition addresses both single structures and multiple structures which are connected. For certain, more complex structures, the definition allows part (an "*independent section*" in the Regulations) of an overall structure (the "*wider building*" in the regulations) to be considered as the 'building' for the purposes of the higher-risk regime.

To help assess whether part of an overall structure you are responsible for can be considered an independent section, you should consider whether that section:

1. has its own entrance and exit to the outside, accessible from anywhere within that section and;
2. either
 - a. has no access to any other section within the overall structure or;
 - b. only has access to another section of the overall structure which does not contain a residential unit.

Detailed drawings of a range of scenarios are given in the following government guidance: <https://www.gov.uk/guidance/criteria-for-being-a-higher-risk-building-during-the-occupation-phase-of-the-new-higher-risk-regime>.

4.2.3 Height and storeys

For a building to be a higher-risk building it must meet either the height or storeys threshold – it does not need to meet both (although it may). The height threshold is set at 18 metres or higher. The storeys threshold is set at seven storeys or more.

If a building meets the seven-storey threshold and meets the use criteria set out in this guidance, this is a higher-risk building and does not need to be measured against the height threshold. If a building is 18-metre in height and meets the use criteria, then it is a higher-risk building and does not need to meet the storeys threshold.

If a building does not meet either of the 18-metre or seven-storey height thresholds (for example, it is 17 metres and 6 storeys in height), then it is not a higher-risk building, regardless of whether it meets the use criteria.

The 'height and storey' criteria for determining if a building is included in the higher-risk regime is given below:

Prescribed method for measuring height and counting storeys in the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

Regulation 5 sets out the method for measuring height.

(1) Subject to paragraph (2), the height of a building is to be measured from ground level to the top of the floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms).

(2) Where the top storey is not directly above the lowest part of the surface of the ground adjacent to the building, the height of the building is to be measured vertically from the lowest part of the surface of the ground adjacent to the building to the point which is a horizontal projection from the top of the floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms).

Regulation 6 sets out the method for counting storeys.

6. — (1) Subject to paragraph (2), when determining the number of storeys a building has the following is to be ignored—

(a) any storey which is below ground level;

(b) any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms; and

(c) any storey consisting of a gallery with an internal floor area that is less than 50% of the internal floor area of the largest storey vertically above or below it which is not below ground level.

(2) Where a section is a building pursuant to regulation 4(2) or (4), any storey directly beneath the building which is not below ground level is to be counted in determining the number of storeys the building has.

(3) A storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.

Regulation 1(3) defines ground level for these Regulations.

"ground level", in relation to a building, means—

(a) where the level of the surface of the ground on which the building is situated is uniform, the level of the surface of the ground immediately adjacent to the building; or

(b) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground adjacent to the building.

Detailed drawings of a range of scenarios are given in government guidance, together with a glossary of terms used: <https://www.gov.uk/guidance/criteria-for-being-a-higher-risk-building-during-the-occupation-phase-of-the-new-higher-risk-regime>.

5

The Building Regulations 2010 (as amended) – Regulation 38 – definitions

For buildings that are not considered higher-risk, Regulation 38 of The Building Regulations 2010 (as amended) apply as follows (definitions are given in identified sections):

Fire safety information — **E**

38.—(1) This regulation applies where building work— **5.1**

- (a) consists of or includes the erection or extension of a relevant building; or **5.2 5.3**
- (b) is carried out in connection with a relevant change of use of a building, **5.4**

and Part B of Schedule 1 imposes a requirement in relation to the work. **5.5**

[F1 (2)] The person carrying out the work must give fire safety information to the responsible person no later than— **5.6 5.7**

- (a) where the building, proposed building or extension to which the building work relates is not occupied during the building work, the date of completion of the work or the date of occupation of the building or the extension, whichever is the earlier;
- (b) in any other case, the date of completion of the work.

(2A) The responsible person must give the person carrying out the work a notice acknowledging receipt of the fire safety information and confirming the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work in question.

(2B) Subject to paragraph (2D), the person carrying out the work must give a notice to the relevant authority— **5.8**

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and
- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2C) The notification under paragraph (2B) must be given no later than—

- (a) where regulation 20 (provisions applicable to self-certification schemes) applies to the work, 30 days after the date referred to in paragraph (2),
- (b) in any other case, five days after the date referred to in paragraph (2).

(2D) Paragraphs (2B) and (2C) do not apply where regulation 20A (provisions applicable to third party certification schemes) applies to the work and instead paragraphs (2E) to (2G) apply.

(2E) Where this paragraph applies, the person carrying out the work must notify the third party certifier appointed under regulation 12(6)(c)—

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and
- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2F) The notification under paragraph (2E) must be given no later than seven days after the date referred to in paragraph (2).

(2G) Within 30 days of receiving the notification under paragraph (2E) the third party certifier appointed under regulation 12(6)(c) must notify the relevant authority confirming receipt of the notification under paragraph (2E). **]**

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;
- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

In the following sections, terminology is deconstructed to assist with understanding.

5.1 What is ‘building work’?

The meaning of ‘building work’ is described in Regulation 3 of Building Regulations 2010 (as amended) as follows:

Meaning of building work

3.—(1) In these Regulations “building work” means—

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
- (d) work required by regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by regulation 22 (requirements relating to a change of energy status);
- (h) work required by regulation 23 (requirements relating to thermal elements);
- (i) work required by regulation 28 (consequential improvements to energy performance).

(2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—

- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

(3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely—

Part A (structure)

paragraph B1 (means of warning and escape)

paragraph B3 (internal fire spread—structure)

paragraph B4 (external fire spread)

paragraph B5 (access and facilities for the fire service)

Part M (access to and use of buildings).

Controlled services or fittings include a service or fitting subject to Schedule 1 (to the Building Regulations) requirements in respect of sanitation, hot water safety, water efficiency, drainage and waste disposal, combustion appliances and fuel storage, conservation of fuel or power, and electrical safety.

5.2 What is a ‘relevant building’?

A ‘relevant building’ is one to which the Regulatory Reform (Fire Safety) Order 2005 applies. **It is important to note that this is a different use of the term ‘relevant building’ that is given in Regulation 7(4) pertinent to Materials and Workmanship in the control of external fire spread (B4).**

5.3 What buildings does the Regulatory Reform (Fire Safety) Order 2005 apply to?

Details of the types of construction covered by the Regulatory Reform (Fire Safety) Order 2005 is given in Article 6 in terms of constructions not covered:

Application to premises

6.—(1) This Order does not apply in relation to —

- (a) domestic premises, except to the extent mentioned in [F1 paragraph (1A) or] article 31(10);
- (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995 M1;
- (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
- (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
- (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 M2 or a vehicle exempted from duty under that Act;
- (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954 M3, other than any building on the surface at a mine;
- (g) a borehole site to which the Borehole Sites and Operations Regulations 1995 M4 apply.

[F2(1A) Where a building contains two or more sets of domestic premises, the things to which this order applies include—

- (a) the building's structure and external walls and any common parts;
- (b) all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).

(1B) The reference to external walls includes—

- (a) doors or windows in those walls, and
- (b) anything attached to the exterior of those walls (including balconies).]

(2) Subject to the preceding [F3 provisions] of this article, this Order applies in relation to any premises.

5.4 What is a 'relevant change of use' of a building?

A 'relevant change of use' is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building.

5.5 What is 'Part B of Schedule 1'?

The key legal requirements which building work must meet in order to comply with the Building Regulations are frequently referred to as the 'technical requirements'. The technical requirements are set out in Schedule 1 to the Building Regulations and the areas addressed in the requirement are summarised below. Part B of schedule 1 pertains to Fire safety and the regulations specific to this part are Regulations 7 and 38.

Table 7.1 Key technical requirements of the Building Regulations

Lettered parts from Schedule 1	Building Regulations specific to each part
A: Structure	
B: Fire safety	Regulations 7, 38
C: Site preparation and resistance to contaminants and moisture	
D: Toxic substances	
E: Resistance to the passage of sound	Regulation 41
F: Ventilation	Regulations 39, 42, 44
G: Sanitation, hot water safety and water efficiency	Regulations 36, 37
H: Drainage and waste disposal	
J: Combustion appliances and fuel storage systems	
K: Protection from falling, collision and impact	
L: Conservation of fuel and power	Regulations 23, 24, 25, 25a, 26, 26a, 27, 27a, 28, 35, 40, 43, 44
M: Access to and use of buildings	
P: Electrical safety (dwellings)	
Q: Security (dwellings)	
R: Physical infrastructure for high speed electronic communications networks (dwellings)	
NOTE: The Building Regulations, including Regulation 7, also apply.	

In addition to complying with the technical requirements in Schedule 1 to the Building Regulations, work controlled by the Building Regulations must be carried out with adequate and proper materials and in a workmanlike manner, as required by Regulation 7.

Part B of schedule 1 gives requirements for:

- B1 - Means of warning and escape
- B2 - Internal fire spread (linings)
- B3 - Internal fire spread (structure)
- B4 - External fire spread
- B5 - Access and facilities for fire service

PART B FIRE SAFETY	
<p>Means of warning and escape</p> <p>B1. The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.</p>	Requirement B1 does not apply to any prison provided under section 33 of the Prison Act 1952 (power to provide prisons etc).
<p>Internal fire spread (linings)</p> <p>B2.—(1) To inhibit the spread of fire within the building, the internal linings shall—</p> <p>(a) adequately resist the spread of flame over their surfaces; and</p> <p>(b) have, if ignited, either a rate of heat release or a rate of fire growth, which is reasonable in the circumstances.</p> <p>(2) In this paragraph "internal linings" means the materials or products used in lining any partition, wall, ceiling or other internal structure.</p>	
<p>Internal fire spread (structure)</p> <p>B3.—(1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.</p> <p>(2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.</p> <p>(3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following—</p> <p>(a) sub-division of the building with fire-resisting construction;</p> <p>(b) installation of suitable automatic fire suppression systems.</p> <p>(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.</p>	Requirement B3(3) does not apply to material alterations to any prison provided under section 33 of the Prison Act 1952.
<p>External Fire Spread</p> <p>B4.—(1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.</p> <p>(2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.</p>	
<p>Access and facilities for the fire service</p> <p>B5.—(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.</p> <p>(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.</p>	

5.6 What is 'fire safety information'?

'Fire safety information' means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with, the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety.

Specific details of information requirements pertinent to Regulation 38 of The Building Regulations 2010 (as amended) are given later in this document (See Section 6).

5.7 Who is 'the responsible person'?

'Responsible person' has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Meaning of "responsible person"

3. In this Order "responsible person" means—

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
- (b) in relation to any premises not falling within paragraph (a)—
 - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
 - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

5.8 What does 'relevant authority' mean?

'Relevant authority' means—

- a) in cases where the regulator is the building control authority by virtue of section 91ZB of the Building Safety Act 2022 (the regulator: building control authority for other work), the regulator;
- b) in any other case, the local authority for the area in which the building is situated or the proposed building is to be situated;

6

The Building Regulations 2010 (as amended) – Regulation 38 – Information requirements

Compliance with Regulation 38 will be achieved when the person responsible for the building has all the information to enable them to do all of the following:

- understand and implement the fire safety strategy of the building
- maintain any fire safety system provided in the building
- carry out an effective fire risk assessment of the building.

Regulation 38 puts onus on the person carrying out any works to which the Regulatory Reform (Fire Safety) Order 2005 applies, to give fire safety information to the responsible person no later than the date of completion of the work, or the date of occupation of the building (or extension), whichever is the earlier.

The following referenced guidance from Approved Document B Volumes 1 & 2, 2019 edition indicates only the information that should be provided for all buildings and complex buildings; however, **the level of detail required should be considered on a case-by-case basis.**

These documents provide guidance for common building situations. They may not provide appropriate guidance if the case is unusual in terms of its design, setting, use, scale, or technology. Non-standard conditions (leading to the building being deemed 'complex') may include any of the following:

- a. difficult ground conditions
- b. buildings with unusual occupancies or high levels of complexity
- c. very large or very tall buildings
- d. large timber buildings
- e. some buildings that incorporate modern construction methods.

6.1 Essential information

Essential information

17.3 Basic information on the location of fire protection measures may be sufficient. An as-built plan of the **building** should be provided showing all of the following.

- a. **Escape routes** – this should include exit capacity (i.e. the maximum allowable number of people for each **storey** and for the **building**).
- b. Location of **fire-separating elements** (including **cavity barriers** in walk-in spaces).
- c. **Fire doorsets**, **fire doorsets** fitted with a **self-closing device** and other doors equipped with relevant hardware.
- d. Locations of fire and/or smoke detector heads, alarm call points, detection/alarm control boxes, alarm sounders, fire safety signage, **emergency lighting**, fire extinguishers, dry or wet fire mains and other firefighting equipment, and hydrants outside the **building**.
- e. Any sprinkler systems, including isolating valves and control equipment.
- f. Any smoke control systems, or ventilation systems with a smoke control function, including mode of operation and control systems.
- g. Any high risk areas (e.g. heating machinery).

17.4 Details should be provided of all of the following.

- a. Specifications of fire safety equipment provided, including routine maintenance schedules.
- b. Any assumptions regarding the management of the **building** in the design of the fire safety arrangements.
- c. Any provision enabling the evacuation of disabled people, which can be used when designing personal emergency evacuation plans.

6.2 Additional Information for complex buildings

Additional information for complex buildings

17.5 A detailed record should be provided of both of the following.

- a. The fire safety strategy.
- b. Procedures for operating and maintaining any fire protection measures. This should include an outline cause and effect matrix/strategy for the building.

Further guidance is available in clause 9 and Annex H of **BS 9999**.

17.6 The records should include details of all of the following.

- a. The fire safety strategy, including all assumptions in the design of the fire safety systems (such as fire load). Any risk assessments or risk analysis.
- b. All assumptions in the design of the fire safety arrangements for the management of the building.
- c. All of the following.
 - i. **Escape routes** (including occupant load and capacity of escape routes).
 - ii. Any provision to enable the evacuation of disabled people.
 - iii. Escape strategy (e.g. simultaneous or phased).
 - iv. Muster points.
- d. All passive fire safety measures, including all of the following.
 - i. Compartmentation (i.e. location of **fire-separating elements**).
 - ii. **Cavity barriers**.
 - iii. **Fire doorsets**, including **fire doorsets** fitted with a **self-closing device** and other doors equipped with relevant hardware (e.g. electronic security locks).
 - iv. Duct dampers.
 - v. Fire shutters.
- e. All of the following.
 - i. Fire detector heads.
 - ii. Smoke detector heads.
 - iii. Alarm call points.
 - iv. Detection/alarm control boxes.
 - v. Alarm sounders.
 - vi. Emergency communications systems.
 - vii. CCTV.
 - viii. Fire safety signage.
 - ix. **Emergency lighting**.
 - x. Fire extinguishers.
 - xii. Other interior facilities for the fire and rescue service.
 - xiii. Emergency control rooms.
 - xiv. Location of hydrants outside the building.
 - xv. Other exterior facilities for the fire and rescue service.
- f. All active fire safety measures, including both of the following.
 - i. Sprinkler system(s) design, including isolating valves and control equipment.
 - ii. Smoke control system(s) (or heating, ventilation and air conditioning system with a smoke control function) design, including mode of operation and control systems.
- g. Any high risk areas (e.g. heating machinery) and particular hazards.
- h. Plans of the building as built, showing the locations of the above.
- i. Both of the following.
 - i. Specifications of any fire safety equipment provided, including all of the following.
 - Operational details.
 - Operators' manuals.
 - Software.
 - System zoning.
 - Routine inspection, testing and maintenance schedules.
 - ii. Records of any acceptance or commissioning tests.
- j. Any other details appropriate for the specific building.

The Building (Higher-Risk Procedures)(England) Regulations 2023 – Information requirements

The information exchange requirements for higher-risk buildings is described in Part 4 ‘Golden thread, mandatory occurrence reporting, information handover etc.’ of the Building (Higher-Risk Procedures)(England) Regulations 2023 in Regulations 31 to 39.

- Regulation 31 – Golden thread
- Regulation 32 – Mandatory occurrence reporting system
- Regulation 33 – Mandatory occurrence reporting: reporting to the regulator
- Regulation 34 – Mandatory occurrence reporting: defences
- Regulation 35 – Mandatory occurrence reporting: definitions
- Regulation 36 – Mandatory occurrence reporting: regulator’s annual report
- Regulation 37 – Mandatory occurrence reporting: client duty on appointment of principal contractor or principal designer
- Regulation 38 – Handover of information on completion etc
- Regulation 39 – Information to be provided where work is scheme work

The principle areas of coverage include:

- all data to be managed (stored, secured, communicated, exchanged, managed, and maintained) on a suitable electronic platform
- timeliness of information provision
- regular inspection during construction
- information change management
- legal considerations
- qualifications.

7.1 Regulation 31 – Golden Thread

Regulation 31 demands the use of an appropriate electronic system for the storing, sharing, and updating of information and its timely population with key information including the ‘fire statement’. One such system is BS8644-1: *Digital Management of Fire Safety Information – Part 1, Design, construction, handover, asset management, and emergency response* which is described later in Section 8. Regulation 31 reads as follows:

Golden thread

31.—(1) The arrangements made by a client under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations must include—

- (a) where the work is HRB work or a stage of HRB work—
 - (i) arrangements for an electronic facility to be created and maintained by the client (or someone on their behalf) for the purpose of holding the golden thread information;
 - (ii) procedures for persons involved with designing or carrying out the work to have access to the facility for the purpose of maintaining the golden thread information in the facility;
- (b) where the work is work to existing HRB—
 - (i) arrangements for an electronic facility which holds the golden thread information to be maintained by the client (or someone on their behalf) for the purpose of updating the golden thread information in relation to the work;
 - (ii) procedures for persons involved with designing or carrying out the work to have access to the facility for the purpose of maintaining the golden thread information in the facility.

- (2) The client must ensure the golden thread information—
- (a) is kept in an electronic format,
 - (b) is capable of being transferred electronically to other persons without the data, information or document in it being lost or corrupted,
 - (c) is accurate and up to date,
 - (d) is available in a readable format which is intelligible to the intended readers of the data, and any key needed to understand the data is provided with the data,
 - (e) is made available as soon as reasonably practicable following a request from a principal designer (or sole or lead designer) or principal contractor (or sole contractor) to enable them to comply with their requirements under the building regulations,
 - (f) is secure from unauthorised access,
 - (g) is only changed in accordance with procedures which record the person who made the change and the date of that change, and
 - (h) as far as is reasonably practicable uses language, terminology and definitions which are consistent.
- (3) The principal designer (or sole or lead designer) must ensure designs for the building work produced before a building control approval application for HRB work, a stage of HRB work or work to existing HRB is submitted are provided to the client and the client must ensure, before the construction phase begins (or, in the case of a stage of HRB work, that stage begins), the facility referred to in paragraph (1) is updated to include the design.
- (4) Where building control approval for HRB work, a stage of HRB work or work to existing HRB is granted the client must ensure, before the construction phase begins (or, in the case of a stage of HRB work, that stage begins), the facility referred to in paragraph (1) includes—
- (a) a copy of the fire statement in relation to the higher-risk building or proposed higher-risk building,
 - (b) where the work is HRB work or a stage of HRB work, a copy of the plans and each of the other documents for the proposed higher-risk building which are approved under regulation 7(8)(b) (building control approval applications for HRB work or stage of HRB work: decisions) together with all the evidence recorded to show compliance with the applicable requirements of the building regulations, and
 - (c) where the work is work to existing HRB, a copy of the plans and each of the other documents for the work which are approved under regulation 15(8)(b) (building control approval applications for work to existing HRB: decisions) together with all the evidence recorded to show compliance with the applicable requirements of the building regulations.
- (5) Where regulation 10 (notification of emergency repairs to existing HRB) applies in relation the work, the client must ensure a copy of the notice required under regulation 10(1)(a) is included in the facility referred to in paragraph (1).
- (6) Where an agreed document is provided or approved under the terms of a requirement imposed on the grant of a building control approval under—
- (a) regulation 7 (building control approval applications for HRB work or stage of HRB work: decisions);
 - (b) regulation 15 (building control approval applications for work to existing HRB: decisions);
 - (c) regulation 24 (change control applications: decisions),
- the client must ensure the facility referred to in paragraph (1) is updated to include a copy of that agreed document as soon as practicable after the document is provided or approved.
- (7) Where a controlled change is proposed the client must ensure a copy of the record required to be made under regulation 18(2) (a) (change control) is included in the facility referred to in paragraph (1) as soon as practicable after the change is recorded and where the proposed change is not carried out the facility referred to in paragraph (1) must be updated with a note to that effect.
- (8) Where a controlled change is proposed and an agreed document is affected by the change, the client must ensure a copy of the revised version of the document required to be produced under regulation 18(2)(b) (change control) is included in the facility referred to in paragraph (1) as soon as practicable after the revised version is produced and where the proposed change is not carried out the facility referred to in paragraph (1) must be updated with a note to that effect.
- (9) Where a notice is given under regulation 29 (new principal contractor or principal designer etc: notification), the client must ensure the facility referred to in paragraph (1) is updated to include a copy of the notice and any statement which accompanied that notice as soon as practicable after the notice is given.
- (10) Where a written report is provided to the regulator under regulation 33 (mandatory occurrence reporting: reporting to the regulator), the client must ensure the facility referred to in paragraph (1) is updated to include a copy of that report as soon as practicable after the report is provided.
- (11) Where the client proposes to make a completion certificate application or a partial completion certificate application they must ensure the facility referred to in paragraph (1) is updated to include a copy of the proposed application and a copy of each document which it is proposed will accompany the application.
- (12) The requirements of this regulation do not apply to work to existing HRB which consists only of—
- (a) scheme work, or
 - (b) exempt work.
- (13) In this regulation—
- “fire statement” means any statement in relation to the higher-risk building or proposed higher-risk building submitted in accordance with article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015⁽²¹⁾;
- “golden thread information” means the information required by this regulation to be included in the facility referred to in paragraph (1), including previous versions of any document which has been updated.

7.2 Regulation 38 – Handover of information on completion etc

Specific to 'Handover of information on completion etc.' Regulation 38 support the provision of the golden thread information as previously described, together with information pertaining to Parts F, L, and O of the BR 2010 (Amended), and confirmation of its delivery as follows:

B1: Means of warning and escape

B2: Internal fire spread (linings)

B3: Internal fire spread (structure)

B4: External fire spread

B5: Access and facilities for fire service

F1: Means of ventilation

L1: Conservation of fuel and power

L2: On-site generation of electricity

O: Overheating mitigation

Regulation 38 reads as follows:

38.—(1) The client for HRB work, a stage of HRB work or work to existing HRB must give—

- (a) the BFLO information; and
- (b) the specified golden thread information,

to the relevant person no later than the date the work is completed, or where regulation 45 (partial completion certificates) applies no later than the date the part of the building is to be occupied.

(2) The golden thread information given under paragraph (1) must be provided in such a way as to retain the filing structure in which it was kept, including each index, key or other information logically associated with it and in a format which enables the relevant person to read, keep and update the information.

(3) The relevant person must give the client a notice acknowledging receipt of the specified golden thread information which confirms—

- (a) they are able to access the information, and
- (b) the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work.

(4) The requirements of paragraph (1) do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

(5) In this regulation—

"BFLO information" means—

- (a) where Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, the fire safety information;
- (b) where paragraph F1(1) of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, sufficient information about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation;
- (c) where paragraph L1 of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances;
- (d) where paragraph L2 of Schedule 1 to the 2010 Regulations applies in relation to the work, sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use; and
- (e) where Part O of Schedule 1 to the 2010 Regulations applies in relation to the work, sufficient information about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating;

"relevant person" means—

- (a) where, after building work is completed, a building is not a higher-risk building for the purposes of Part 4 of the 2022 Act, the responsible person for the building;
- (b) in any other case, the accountable person for the part of the building to which the work relates(23) and the responsible person (if any) for the building;

"responsible person" has the meaning given in article 3 of the Regulatory Reform (Fire Safety) Order 2005(24);

"specified golden thread information" means—

- (a) in relation to cases where regulation 45 applies, a copy of —
 - (i) the partial completion certificate application in relation to the HRB work, the stage of HRB work or, as the case may be, work to existing HRB which the client proposes to make, and
 - (ii) each document which under regulation 45 (partial completion certificate applications) is required to accompany the application;
- (b) in relation to any other case, a copy of—
 - (i) the completion certificate application in relation to the HRB work, the stage of HRB work or, as the case may be, work to existing HRB which the client proposes to make; and
 - (ii) each document which under regulation 40 (completion certificate applications) is required to accompany the application.

7.2.1 Completion Certificate – Regulations 40

Regulations 40 details the information requirements for completion certificates in relation to HRBs.

Completion certificate applications

40.—(1) An application for a completion certificate in relation to HRB work, a stage of HRB work or work to existing HRB ("a completion certificate application") must be made in writing to the regulator, signed by the client (in this Part "the applicant"), and must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the application is made under this regulation;
- (d) a description of the work, as built, including—
 - (i) the location of the higher-risk building;
 - (ii) details of the use or intended use of the higher-risk building, including the use or intended use of each storey;
 - (iii) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(25);
 - (iv) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
 - (v) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
 - (vi) the provision made for the drainage of the higher-risk building;
 - (vii) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes a requirement, the precautions taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
 - (viii) the steps taken to comply with any local enactment that applies;
- (e) a statement, signed by the client, confirming that to the best of the client's knowledge—
 - (i) in the case of HRB work, the higher-risk building, as built, complies with all applicable requirements of the building regulations;
 - (ii) in the case of a stage of HRB work, the stage, as built, complies with all applicable requirements of the building regulations;
 - (iii) in the case of work to existing HRB, the work, as built, complies with all applicable requirements of the building regulations;
- (f) a statement, signed by both the client and the relevant person, confirming that the information to be provided to the relevant person in accordance with regulation 38 (handover of information on completion etc) has been given and the relevant person has received the information.

(2) A completion certificate application must be accompanied by—

- (a) a notice stating the date on which the building work was completed,
- (b) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the higher-risk building and its relationship to adjoining boundaries;
 - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building within the curtilage;
 - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
- (c) such other plans that are necessary to show that the HRB work, a stage of HRB work or work to existing HRB complied with all applicable requirements of the building regulations;
- (d) the following agreed documents—
 - (i) the construction control plan;
 - (ii) the change control plan;
 - (iii) the mandatory occurrence reporting plan;
 - (iv) the Building Regulations compliance statement;
 - (v) a fire and emergency file,or, where regulation 12(3) (building control approval applications for work to existing HRB) applies, such of the documents referred to in paragraphs (i) to (v) as were approved under regulation 15 (building control approval applications for work to existing HRB: decisions);
- (e) a copy of the change control log updated to show all the changes for the project required by these Regulations to be included in the log,
- (f) subject to paragraph (3), a compliance declaration signed by—
 - (i) each principal contractor (or sole contractor) for the HRB work, the stage of HRB work or work to existing HRB, and
 - (ii) each principal designer (or sole or lead designer) for the HRB work, the stage of HRB work or work to existing HRB, if such a statement was not already provided to the regulator, in relation to that part of the work, under regulation 29 (new principal contractor or principal designer etc: notification);
- (g) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.

(3) Where a client is unable to ensure the person mentioned in paragraph (2)(f) provides a compliance declaration, the completion certificate application must be accompanied by a statement by the client giving the reasons why the declaration has not been provided.

(4) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

(5) In this regulation, "compliance declaration" means a document, signed by the principal contractor (or sole contractor) or the principal designer (or sole or lead designer) to which the declaration relates, that includes—

- (a) the name, address, telephone number and (if available) email address of that person;
- (b) the dates of their appointment, and
- (c) a statement confirming—
 - (i) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations;
 - (ii) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations.

7.2.2 Partial Completion Certificate – Regulation 45

Regulation 45 details the information requirements for partial completion certificates in relation to HRBs.

Partial completion certificates

45.—(1) This regulation applies where—

- (a) HRB work or a stage of HRB work is being carried out in relation to a building and the building (or any part of it) is to be occupied before completion of the work;
- (b) work to existing HRB is being carried out in relation to a building and before completion of the work—
 - (i) any part of the building which ceased to be occupied in order for the work to be carried out is to be re-occupied, or
 - (ii) any new unit created by the work is to be occupied before completion of the work.

(2) Where this regulation applies, before the occupation referred to in paragraph (1) the client must make an application for a completion certificate in relation to part of the work for the building ("partial completion certificate application") in writing to the regulator, signed by the client (in this regulation "the applicant"), the application must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the application is made under this regulation;
- (d) a plan showing the part of the building to which the application relates indicating the intended use of that part and the location of the flats (if any) to be occupied or residential rooms (if any) to be occupied;
- (e) a description of the part of the HRB work, the stage of HRB work or work to existing HRB that remains to be completed after the date on which the application is made;
- (f) a description of the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates, including—
 - (i) the location of the higher-risk building;
 - (ii) details of the use or intended use of the higher-risk building, including the use or intended use of each storey;
 - (iii) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(26);
 - (iv) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
 - (v) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
 - (vi) the provision made for the drainage of the higher-risk building;
 - (vii) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes a requirement, the precautions taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
 - (viii) the steps taken to comply with any local enactment that applies;
- (g) a statement, signed by the client, confirming that to the best of the client's knowledge the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates complies with all applicable requirements of the building regulations;
- (h) a statement, signed by both the client and the relevant person, confirming that the information, as at the date on which the application is made, to be provided in accordance with regulation 38 (handover of information on completion etc) has been given and the relevant person has received the information;
- (i) a statement ("partial occupation statement") setting out a detailed description of the proposed stages of the work (including an estimate of the time when each stage of the work will start).

(3) A partial completion certificate application must be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the higher-risk building, together with the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates, and the building's relationship to adjoining boundaries;
 - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building within the curtilage;
 - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
- (b) such other plans that are necessary to show that the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates complied with all applicable requirements of the building regulations;
- (c) the following agreed documents—
 - (i) the construction control plan;
 - (ii) the change control plan;
 - (iii) a mandatory occurrence reporting plan;
 - (iv) the Building Regulations compliance statement;
 - (v) a fire and emergency file;or, where regulation 12(3) (building control approval applications for work to existing HRB) applies, such of the documents referred to in paragraphs (i) to (v) as were approved under regulation 15 (building control approval applications for work to existing HRB: decisions);
- (d) a copy of the change control log updated, up to the date on which the application is made, to show all the changes for the project required by these Regulations to be included in the log;

- (e) subject to paragraph (4), a compliance declaration signed by—
 - (i) each principal contractor (or sole contractor) for the HRB work, the stage of HRB work or work to existing HRB, and
 - (ii) each principal designer (or sole or lead designer) for the HRB work, the stage of HRB work or work to existing HRB, if such a statement was not already provided to the regulator, in relation to that part of the work, under regulation 29 (new principal contractor or principal designer etc: notification);
 - (f) a partial completion strategy;
 - (g) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (4) Where a client is unable to ensure the person mentioned in paragraph (3)(e) provides a compliance declaration, the partial completion certificate application must be accompanied by a statement by the client giving the reasons why the declaration has not been provided.
- (5) Where the regulator receives a partial completion certificate application which is valid the regulator must—
- (a) notify the applicant to that effect, and
 - (b) determine it within 8 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.
- (6) Where the regulator receives a partial completion certificate application which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).
- (7) A partial completion certificate application is valid if it complies with paragraphs (2) to (4).
- (8) Before determining a partial completion certificate application the regulator must—
- (a) comply with regulation 42(1) to (3) (completion certificates applications: consultation), as modified by paragraph (9);
 - (b) comply with regulation 43(1) (completion certificates applications: inspection) as modified by paragraph (9).
- (9) Regulations 42 (completion certificates applications: consultation) and 44 (completion certificates applications: inspection) and Schedule 1 have effect with the following modifications—
- (a) any reference to as built is to be treated as a reference to as completed at the date on which the application is made;
 - (b) any reference to HRB work is to be treated as a reference to the part of the HRB work to which the application relates;
 - (c) any reference to work to existing HRB is to be treated as a reference to the part of work to existing HRB to which the application relates;
 - (d) any reference to a higher-risk building is to be treated as a reference to the building to which HRB work, the stage to HRB work or work to existing HRB is being carried out.
- (10) The regulator must approve the partial completion certificate application and issue a partial completion certificate, if it is satisfied, after taking all reasonable steps, that—
- (a) the part of the HRB work or work to existing HRB which the application relates complies with all applicable requirements of the building regulations and the part of the building to be occupied before completion of the HRB work or work to existing HRB complies with all applicable requirements of the building regulations;
 - (b) the documents and information listed in paragraphs (2) and (3) and submitted as part of the application are complete and accurate;
 - (c) the information, as at the date on which the application is made, to be provided to the relevant person in accordance with regulation 38 (handover of information on completion etc) has been given.
- (11) If the regulator is not satisfied in accordance with paragraph (10) it must reject the partial completion certificate application.
- (12) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in paragraph (5).
- (13) A notice that the application has been rejected must give the reasons for rejection.
- (14) If the application is approved the regulator must issue a partial completion certificate for the building at the same time as giving the notice of its decision under paragraph (12).
- (15) If requested by the applicant or the relevant person, the regulator must provide a paper copy of the partial completion certificate.
- (16) A certificate issued under this regulation is evidence (but not conclusive evidence) that all applicable requirements have been complied with in relation to the part of the HRB work or work to existing HRB to which the certificate relates.
- (17) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (16).
- (18) When the partial completion certificate application is approved the client must ensure the relevant person (as defined in regulation 38 (handover of information on completion etc) is sent—
- (a) a copy of the partial completion certificate application and each of the other documents which accompanied the application, and
 - (b) a copy of the partial completion certificate.
- (19) The requirements of this regulation do not apply to work to existing HRB which consists only of—
- (a) scheme work;
 - (b) exempt work, or
 - (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

BS8644-1: Digital Management of Fire Safety Information – Part 1, Design, construction, handover, asset management, and emergency response

Following the Grenfell Tower tragedy in June 2017, where 72 lives were lost, Dame Judith Hackitt published the *Independent review of building regulations and fire safety: Final report* [1]. Dame Judith concluded that there was “*unanimous concern surrounding the ineffective operation of the current rules around the creation, maintenance, and handover of building and fire safety information*”. She made four recommendations in relation to developing a “*golden thread of building information*” for higher-risk buildings.

Central to these recommendations was the need to create a “*digital standard of record-keeping for the design, construction and during the occupation of new High-Risk Residential Buildings (HRRBs)*”.

The Building Safety Act 2022 now requires ‘dutyholders’ such as building owners and facility managers to implement digital systems for record keeping, information monitoring, sharing, and compliance for in-scope buildings.

This part of BS 8644 outlines an information management process that enables information to be digitally managed and exchanged. It is designed to be appropriate to all assets across the built environment, including buildings for which a Golden Thread of information is required.

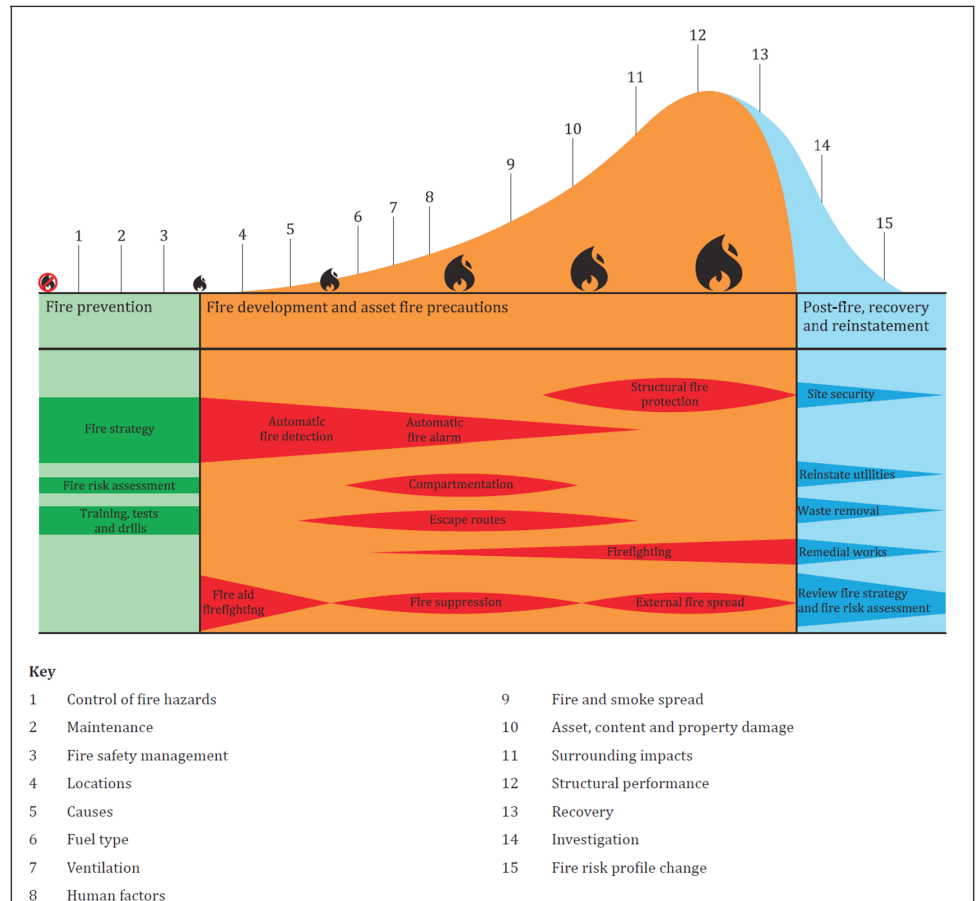
An information exchange for fire safety information, FIREie, is proposed for the purpose of exchanging predetermined and evolving fire safety information.

The application of this part of BS 8644 is intended to enable:

- getting the right information to the right people at the right time
- clear identification of fire safety hazards, people, assets and environments at risk, and measures put in place to mitigate those risks
- clear identification of tasks and trigger events throughout an asset’s life cycle
- clear allocation of responsibility for fire safety through an asset’s life cycle
- clear understanding of technical information by all parties sharing responsibilities for fire safety
- appropriate dissemination of fire safety knowledge, experience, and lessons learnt.

Figure 1(below) gives an example for an asset with multiple fire safety precautions. It explains what fire safety information is needed for the asset in day-to-day use, and over the course of a fire incident, from initial fire growth, through to a severe, potentially uncontrolled fire, to post-fire investigation and remediation. It also indicates fire protection measures relevant at different stages of a fire.

Figure 1: Example of relevant information before, during and after a fire incident



Relevant fire safety information during day-to-day use of an asset to support fire prevention explains:

- a) how the asset needs to be operated to prevent fires from occurring
- b) what active and passive fire safety measures are provided for the asset, including specific measures for disabled people
- c) how these measures need to be maintained and how they interact with each other
- d) what training, tests, and fire drills are needed, to be prepared in case of a fire incident.

Fire safety information in the event of a fire is needed, for example:

- 1) during the early stages of a fire:
 - i. to identify the location and cause of the incident through fire detection measures
 - ii. to provide early warning through the fire detection and fire alarm system to allow trained persons to investigate the cause and location of the fire and enable intervention where appropriate
 - iii. to provide early warning to enable people to escape, in particular people who might require more time and assistance to escape.
- 2) during the developed stages of a fire:
 - i. to inform firefighting response tactics, taking into consideration such factors as the fuel available to the fire, ventilation conditions, environmental factors, and human factors of people who might require rescue
 - ii. to explain built-in safety measures in place to control a significant fire in the asset and protect the surrounding environment from external fire spread
 - iii. to identify parts of the asset that are specifically protected from fire and smoke damage, or that might need salvage in the event that protective measures fail.

3) after a fire:

- i. to implement planned recovery strategies, and post-fire investigations
- ii. to enable site recovery, waste removal, reinstatement of utility services and planning of remedial works
- iii. to capture changes to the fire strategy, risk profile and risk assessments.

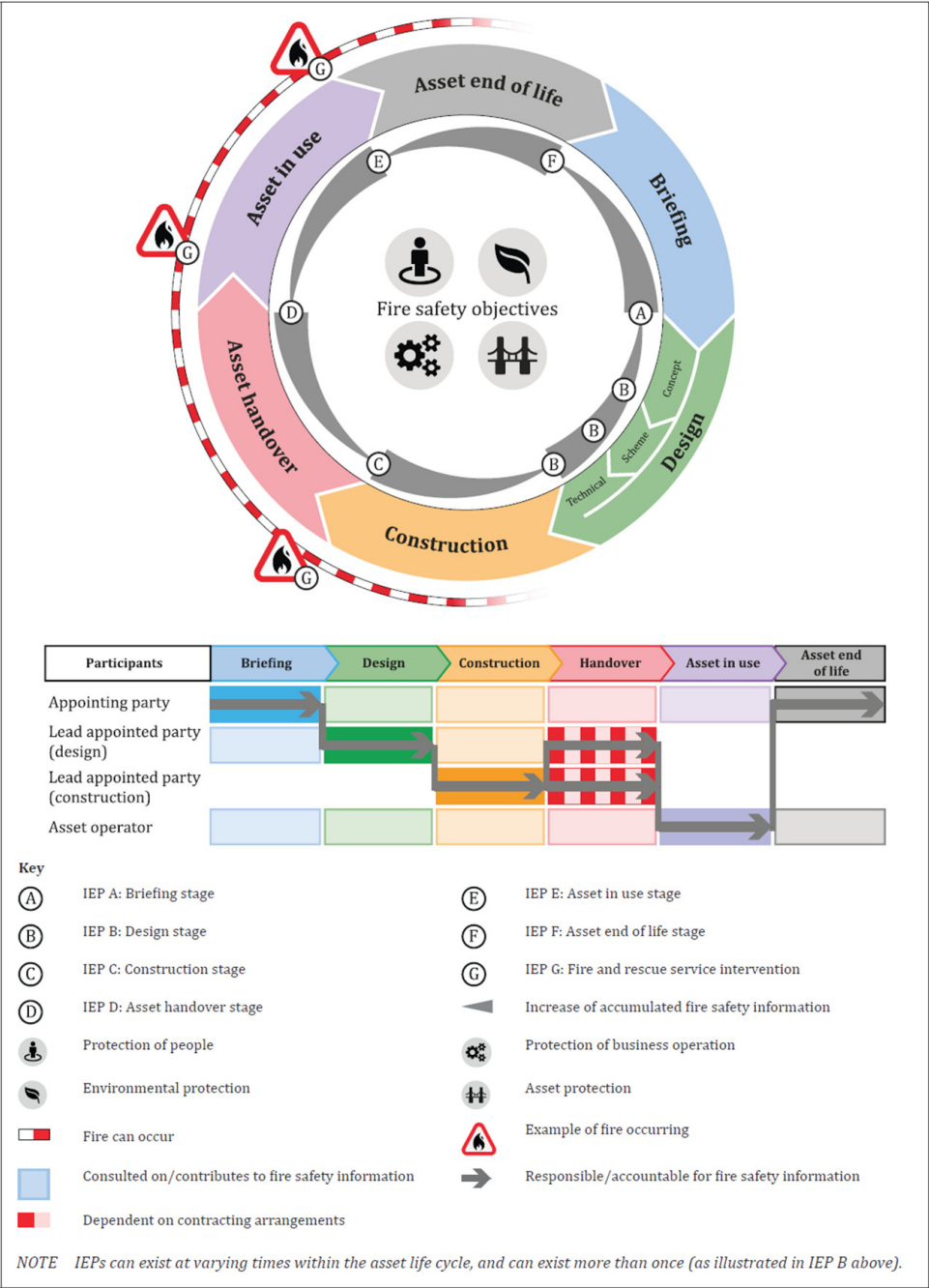
The fire safety information management framework is organised around an asset's life cycle. The asset might not yet exist if it is to be newly constructed, or might exist and change through one or more trigger events/projects.

The life cycle is broken down into six stages: briefing, design, construction, handover, in use, and end of life. The life cycle also includes the trigger event of fire and rescue service intervention.

The framework, illustrated in Figure 2, comprises the following elements:

- fire safety objectives relating to protection of people, assets, the environment and business operation
- participants involved with different duties
- responsibilities of participants during a particular stage of an asset's life cycle, whether they are responsible or accountable, need to be consulted or need to be informed
- Information Exchange Points – the point in an asset's life cycle that requires fire safety information to be sent and received
- risks presented by fire incidents that can occur during an asset's physical life cycle, at which point information relating to the prevention, mitigation, and response to a fire incident is needed.

Figure 2: Fire safety information management information



When such a system is implemented the potential benefit to insurer is obvious, subject to them having appropriate access to the data.

9 Summary

In a similar vein to Building Information Modelling (BIM), the Golden Thread and Regulation 38 has the potential to make more data available to the insurer, upon request, that remains relevant, just as insurance has to, throughout the lifespan of the building from design to end-of-life. Correctly applied it should ensure the preservation of knowledge even when the building changes hands, is repurposed, or remodelled which can be a particularly problematic issue for the insurer. It has been described as 'a baton' that can easily be passed from one person to another along the supply chain, allowing any stakeholder who receives it to access and use the product data whilst at the same time adding information of their own.

Against a backdrop of Regulation 38, which has by and large been ignored for many years in spite of being a legal requirement, and BIM having a very slow birth, it will be interesting to see whether and how the greater availability of information can benefit insurers.

The Golden Thread initiative comes at a good time, particularly in respect of new methods of construction and increasing use of combustible materials in construction where insurers have often struggled to receive from the potential client the information they need to evaluate the prospect. Now it must be provided willingly, and to a precise format that should ensure it is both complete and of sufficient quality.

Further areas for consideration beyond the current scope of this document include:

- insurers access to the information as a key stakeholder
- the relevance of life-safety information to property protection and resilience
- whether the information will encourage engagement with insurers on property protection and resilience.



**Fire Protection
Association®**



Fire Protection Association

London Road
Moreton in Marsh
Gloucestershire GL56 0RH
T: +44 (0)1608 812500
E: info@riscauthority.co.uk
W: www.thefpa.co.uk

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