

Guide to Dutyholders: Domestic Client

From 1 October 2023, significant changes to the Building Regulations 2010 will come into effect. The introduction of Part 2A provides specific requirements to all key parties involved, regarding their roles and responsibilities for the planning, managing and monitoring of all construction projects.

Domestic clients have been defined as “for whom a project is being carried out which is not in the course or furtherance of a business of that client”. For example, a homeowner wishing to have an extension, conversion or alteration to their property would fall into this category.

Key responsibilities:

- Provide building information as soon as is practicable to every designer and contractor on the project. This information could include, existing services or infrastructure (electrical, gas or water), potential contamination or historic usage that would likely have an impact on the project.
- cooperating with any other person working on the project to enable any person with a duty or function under these Regulations to fulfil that duty or function.
- In circumstances where there is more than one client involved in a project, an agreement in writing is to be obtained to identify who is responsible for the duties owed by a client under these Regulations.
- Provide the necessary information to all designers and contractors working on projects considered higher-risk building work and carry out a periodic review to establish if/or when the work becomes ¹higher-risk work.

They must appoint a contractor, who on their behalf must carry out the duties to ensure that:

- Suitable arrangements are made for planning, managing and monitoring a project, including the allocation of sufficient time and other resources.
- Design work if built, would comply with all relevant requirements.
- Building work is carried out in accordance with all relevant requirements.
- Cooperation between the designers and contractors is enabled to ensure compliance is achieved.

¹ “Higher Risk” as defined in Section 65 of the Building Safety Act 2022: -

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

(b) contains at least 2 residential units.

Some exemptions include care homes, hospitals, hotels and military premises.

- A periodic review of the building/design work is undertaken to identify if it would be considered higher-risk work and subject to additional requirements.

Where there is more than one contractor, the principal contractor is responsible for the above or the principal designer can fulfil the duties should an agreement in writing be in place.

Appointment of principal designer and principal contractor etc

- The client is required to appoint a principal designer and principal contractor, If a domestic client fails to make the appointments: -
 - (a) the designer in control of the design phase of the project is the principal designer.
 - (b) the contractor in control of the construction phase of the project is the principal contractor.
- The domestic client is **not** responsible for fulfilling the duties of the principal contractor or designer in their absence or while awaiting the appointment of either duty holder.
- The client can show compliance with the above by certifying in writing that the appointments made under The Construction (Design and Management) Regulations 2015 are also being used for the requirements within the building regulations.
- Where the appointment of a principal contractor or designer ends before the completion of the project, the client must appoint another person to that role.
- Records must be kept when appointing duty holders concerning higher-risk work and the steps taken to ensure competence and consideration before work is carried out.

Considerations before a person carries out work

As a domestic client, certain responsibilities are to be carried out by the contractor or designer (principle if more than one), these include: -

- Ensuring that those carrying out building or design work (individual or organisation) are competent to do so, having the relevant skills, knowledge, experience and behaviours necessary to satisfy the relevant requirements.
- ensure the work carried out by them (and by any workers under their control) is planned, managed and monitored to comply with all relevant requirements.
- obtain information regarding serious sanctions or misconduct where work relates to higher risk building and consider the suitability for appointment.

Notification of change of duty holder

In circumstances where the client for a project changes at any time after building control approval or a building notice is made, the new client must notify the relevant authority and include: -

- The location of the building work
- Name, address, location and contact details of the new client
- Name, address, location and contact details of the previous client including the date they ceased to be the duty holder.
- where the notice is given by someone on behalf of the new client, a statement signed by the new client confirming they agree to the notice being made and that the information contained in the notice is correct.
- In a domestic scenario, an outgoing duty holder must provide the domestic client with their details within 5 calendar days of their appointment end. The domestic client is then to provide this information to the newly appointed duty holder so that they can notify the relevant authority along with a statement on the client's behalf of the changes within 14 days of appointment.

Summary

The domestic client effectively passes on the responsibility of ensuring that the work being undertaken meets the relevant requirements of the building regulations and that those involved in the design and construction stages have the relevant skills, knowledge, experience and behaviours.

This is the duty of either the contractor or designer who has been appointed before work commences. The domestic client still has a key role to play in providing information to all parties so that their duties can be undertaken and facilitate cooperation between duty-holders involved.

It is essential that all duty holders exhibit “necessary behaviours”, which the Regulations specify as the following:

- *Compliance with relevant requirements, including refusing to carry out:*
 - *any building work which is not in compliance with any relevant requirement.*
 - *any design work if the building work to which the design relates cannot be carried out in compliance with all relevant requirements.*
- *Cooperation with other persons in relation to the work.*
- *Refusing to carry out work which is beyond their skills, knowledge or experience, and asking for the assistance of other persons where necessary.*