

RIBA
Practice
Note

Principal Designer Role

Covering the CDM Regulations (Great Britain)
& the Building Regulations (England)

25.11.2024

Status of RIBA Practice Notes

RIBA and its members uphold high standards of professional competence. RIBA Practice Notes set out best practice guidance for members and for RIBA Chartered Practices in particular fields of application. Adherence to the Practice Note is not compulsory but members and Chartered Practices should use their judgment to determine when to follow such guidance and to what extent. RIBA cannot accept liability for when and how members and Chartered Practices apply best practice guidance published by RIBA.

Having an audit trail showing that the member took account of the practices contained in RIBA Practice Notes may provide a partial defence to an allegation of negligence. When seeking an independent expert report to defend such a case, the expert is likely to reference relevant Practice Notes as a measure of reasonable skill and care.

RIBA regularly reviews its Practice Notes and Guidance material, to take into account changes in the legal and regulatory compliance environment. However, it is each member's responsibility to ensure that they keep up to date with legal and regulatory compliance regimes, supported by – in this case - RIBA principal designer compliance requirements and RIBA standards material as this is published and reviewed from time to time.

Members should be reminded that ARB Standards of Conduct (for all Registered Architects) and the RIBA Code of Conduct (for Chartered members) and RIBA Code of Practice (for Chartered Practices) impose requirements for practice and holding suitable insurance to cover potential liabilities arising from negligence or breach of contract associated with professional activities.

This Practice Note does not intend to replicate the detail of either the CDM Regulations' legislative requirements or the Building Regulations' legislative requirements, but instead address practice guidance regarding specific scenarios where RIBA recommend a 'best practice' route to meet the requirements of the legislation.

Part 1: Principal Designer Role – Best Practice

1.1 Introduction

The origin of principal designer duties goes back to 1995, when the first statutory duties for a designer with control over the design team were enshrined in law. Since then, these statutory duties have developed to reflect the principal designer duties that exist today, with the most recent development being the introduction of additional duties with respect to Building Regulations compliance under the Building Safety Act 2022 (BSA).

The Construction (Design and Management) Regulations 2015 (CDM Regulations) came into effect 6 April 2015, replacing CDM 2007, which is when the statutory role of principal designer was first introduced. Prior to this those appointed in a similar capacity under the previous versions of the regulations (i.e. planning supervisor and CDM Coordinator) were often health and safety specialist consultants, rather than designers. Following the introduction of the CDM Regulations a number of these third parties began to offer their services as CDM Regulations' consultants to perform the principal designer duties, in part to fill a gap presented by architects not willing or able to offer the service (for a number of reasons, including an initial limitation on professional indemnity cover and concerns regarding competence), but also as a result of the old model of a health and safety specialist consultant being appointed, being applied. However, the purpose of the CDM Regulations is clear that this is not the intention of the regulations, which defines the principal designer as a designer with control over the pre-construction phase¹ (which applies in Great Britain²).

New secondary legislation published in August 2023, under the Building Safety Act 2022, introduced new duties under The Building Regulations 2010 via The Building Regulations etc. (Amendment) (England) Regulations 2023 for the client, designer, principal designer, contractor and principal contractor. These echo the dutyholders introduced under the CDM Regulations, whilst each regime has different obligations and intended outcomes, the duty of the principal designer to “plan, manage and monitor’ the design is consistent. Additional duties in relation to the design and construction of higher-risk buildings are prescribed under The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (HRB Regulations). The amended

¹The Construction (Design and Management) Regulations 2015, Regulation 5(1)(a)

²The Construction (Design and Management) Regulations 2015, Regulation 3(a)

Part 1: Principal Designer Role – Best Practice

Building Regulations has a similar definition for principal designer as the CDM Regulations, defining the principal designer as a designer with control over the design work³ (which applies to all buildings in England, requiring building control approval⁴).

To enable you to discharge your statutory function in practice it is essential you have a clear understanding of the duties and behaviours required of principal designers. This requires you to understand the purpose, structure and scope of the regulatory regime so you not only understand how it applies to the project and but also how to apply it when appraising design work and, where appropriate, challenging the compliance of the design.

As principal designer you are not expected to know all the detail of all the applicable guidance and standards that apply to the design and construction of your project, but you need to be sufficiently familiar with the regulatory requirements of the CDM and Building Regulations to know when they apply and where to find the relevant guidance and/or where to seek advice at the appropriate time. You should apply the appropriate skills, knowledge, experience and behaviours of these regulations in an effective, proportionate and consistent manner. You need sufficient understanding of the general principles of construction that are relevant to the design of your project to enable you to manage and appraise any comments you receive from the principal contractor regarding the compliance of the design and construction with the relevant members of the design team. You also need to have an understanding of the appropriate information management systems that you will need to utilise to fulfil your procedural statutory duties; such as enabling you to record your project strategies for achieving design compliance, manage those strategies and control changes that affect design compliance.

The new principal designer role under the building regulations is a natural fit for architects and we are fully committed to positioning our members in this role. In October 2023 RIBA launched their Principal Designer Register to support Chartered Members in demonstrating their individual competence to clients, government and industry and will continue to provide further guidance on this critical new role.

³ The Building Regulations etc. (Amendment) (England) Regulations 2023, regulation 11D(1)(a)

⁴ The Building Regulations etc. (Amendment) (England) Regulations 2023, Regulation 4

Part 1: Principal Designer Role – Best Practice

1.2 Best practice guidance

RIBA encourages architects to embrace the role of principal designer under the CDM and Building Regulations and make it their own. Architects are well positioned in the project team to engage with the client, the design team (including specialist designers), the principal contractor and key stakeholders, to understand how the design needs to be coordinated to achieve the brief. None more so than the lead designer, who will have been doing this already. The difference now is that it has become a statutory duty under the Building Regulations, with prescribed tasks and information requirements that go with that.

RIBA offers the following best practice guidance for members intending to accept an appointment as principal designer under either regime.

Competence

- Understand that both regimes prescribe that it is a ‘designer in control of the design’ that must be appointed to undertake duties of principal designer under the CDM and Building Regulations – question any appointment where that is not reflected in the contractual arrangements, particularly where you are not, or cease to be, the architect (designer) and lead designer.
- For the majority of projects it is likely that, to be most effective, the principal designer would be best placed being architect (designer), lead designer and principal designer; either one person or one organisation, subject to the scope and complexity of the project (and the appropriate competence requirements being met).
- Understand the duties of client, designer, contractor and principal contractor, to fulfil your duties as principal designer effectively and efficiently.

Part 1: Principal Designer Role – Best Practice

- Consider the benefit of the [RIBA Principal Designer Register](#) for Chartered Members (though inclusion on a principal designer register is not a legal requirement), as a route to evidencing individual competence of the regulatory requirements and processes associated with the CDM Regulations and PAS 8671:2022⁵. The [RIBA Principal Designer Register Assessment](#) supporting documents are a useful guide to RIBA's 'best practice' for competence. Implement and/ or follow (as applies) any organisational procedures in place in respect of competence, where required by your organisation.
- Undertake regular and relevant continuous professional development (CPD). Noting however CPD alone is not the panacea of competence and attendance in CPD does not necessarily ensure competence to offer services as a principal designer. Plan appropriate CPD to support and enhance competence, to address gaps or deficiencies in skills, knowledge, experience and behaviours.

Roles and Responsibilities

- 'The Building Regulations etc. (Amendment) (England) Regulations 2023' introduces a requirement for principal designers to have the behaviours necessary to manage their functions, in a way that ensures they fulfil their duties under the Regulations. Therefore, any activity you believe to not align with the requirements of the Building Regulations must be raised (note that provisions are made for both the principal designer and principal contractor to have regard for comments under the building regulations). This behavioural requirement emphasises why the regulations prescribe the principal designer having control over the design work and why the ability to challenge the other designers is an important competence for the principal designer.
- Establish an early design programme with your client and their design team (including the principal contractor where available) as this will not only support the design work resource, but also highlight where the new Building Regulation changes may change previous strategic approaches to programming for your client (such as approval and completion processes).

⁵ PAS 8671 - Framework for Competence of Individual Principal Designers

Part 1: Principal Designer Role – Best Practice

- Implementing and maintaining a Design Responsibility Matrix will assist you to clarify the responsibilities, accountabilities and consultation needs of all parties at each stage (this may not be managed by the principal designer, but by the lead designer, or the Project Manager as defined under the scope of the respective appointment in place). A Design Responsibility Matrix is of particular importance for complex or large projects. Where utilising trackers to support your duties, scope and evidence of compliance as principal designer, you must ensure they are completed appropriately and in their entirety for effectiveness and efficiency.

Contracts

- Utilise standard forms of appointment where feasible, to ensure the duties you are appointed to perform are in line with the requirements of associated regulations as the language and provisions have been through rigorous professional and legal review to mitigate onerous or excessive obligations. If your client requires the use of a bespoke or alternative form of appointment, before you accept the appointment, seek appropriate review via your legal advisors and/ or insurers to ensure the provisions are acceptable, not unduly onerous and that your Professional Indemnity Insurance covers the same.
- If you are an incoming principal designer taking over from a previous principal designer you must request details of the outgoing principal designer's arrangements for planning, managing and monitoring the design and their statement or declaration (see below). These should be used to support your resourcing, planning and scope requirements – if there has been no principal designer on the project prior to your appointment, your review should allow for any risks this introduces, including any retrospective activities it may be necessary for you to undertake.
- It is a legal requirement that the client appoints the principal designer, therefore under a Design & Build contract where the design team are novated to the principal contractor, RIBA advocate the main contractor as both principal designer and principal contractor; appointed directly by the client. This is the simplest and most likely route that will be followed for the appointment of the principal designer, post novation. If you have therefore been the principal designer prior to the novation of your design appointment you will need to terminate your principal designer appointment and provide the statement or declaration in accordance with Part 2A of the Building Regulations to the client at the point of novation. It is for the client to take all reasonable steps to satisfy themselves of their new principal designer's organisational capability to fulfil the requirements of the regulations and for the main contractor to not accept any appointment if they do not satisfy the competence requirements of the principal designer at the time of the appointment.

Part 1: Principal Designer Role – Best Practice

- RIBA supports members providing an advisory consultant role to the principal contractor acting as principal designer, provided their professional indemnity insurance provides cover for this service. Note that the principal contractor when appointed as principal designer, cannot transfer the statutory liability of ‘principal designer’ to any consultant or sub-contractor they employ.

To ensure that you fulfil these duties effectively, you need to understand that discharging your principal designer duties amounts to more than an administrative exercise.

To support the role of principal designer under the CDM and Building Regulations, RIBA recommend reading the RIBA Principal Designer’s Guide by Dieter Bentley-Gockmann as this guidance provides a clear and concise review of the relevant respective regulatory regimes.

Part 2: Principal Designer Role - Frequently Asked Questions

To be read in line with RIBA's 'best practice' recommendations, this section supports the frequently asked questions associated with Part 1.

2.1 Demonstrating Competence

Why are we seeing new requirements on competence under the building regulations?

Competence is not a new requirement for architects; either as a designer and/ or principal designer. The difference now is that it has become a statutory obligation to evidence under the Building Regulations, with prescribed tasks and information requirements.

RIBA's Code of Professional Conduct requires competence as one of three key principles with 'skill, knowledge, care and ability' for members to be competent, appraise their own ability and resource to complete any proposed work, performing services only when you are sufficiently qualified (by education, experience or training in the specific area involved and have appropriate resource), to abide by applicable laws and regulations at all times, and members should not misrepresent the qualifications, resources or services they or their practice provide⁶. Competence is therefore not a new requirement for architects, this is also addressed by the Architects Registration Board under the Architect's Code.

The CDM Regulations may not specifically use 'competence' in the regulations, but the same is inferred through reference to "skills, knowledge and experience" as well as "organisational capability".

The Building Regulations introduces competence⁷ requirements to ensure professionals only accept appointments for projects where they have the skills, knowledge, experience and the necessary behaviours to fulfil their duties under the Building Regulations. This has always been a fundamental professional conduct requirement, along with the organisational capability to resource the services also echoed in the Building Regulations. Under the Building Regulations, every designer on a project remains responsible for the design work they undertake and is responsible for ensuring their respective design work complies with Building Regulations. Under the Building Regulations there is a misconception that the principal designer has to take responsibility for everyone's design - they do not.

⁶ RIBA Code of Professional Conduct (April 2021), Principle 2: Competence, Paragraph 1, Page 9

⁷ The Building Regulations etc. (Amendment) (England) Regulations 2023, Chapter 3, 11F & 11G

Part 2: Principal Designer Role - Frequently Asked Questions

Why must I evidence my competence to a client, when I am an ARB and RIBA member?

Before you are appointed as the principal designer, the client must take all reasonable steps to satisfy themselves that you fulfil the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11G(1) (competence: principal designer) in relation to the design work. This means you will likely need to provide evidence of your competence to help your client meet their duties.

It is likely you may have already been doing this for any bids, as you show the client your skills, knowledge and experience relevant to their project, organisation and values.

While you will likely have been selected by the client either through a 'find an architect' service, recommendation or through previous work due to your professional credentials, it is important evidence is also specific. Therefore, evidence should go beyond qualification, to make it current and relevant the project and appointment scope.

Our clients appoint health & safety specialists as CDMPD, can they also be BRPD?

Not all health and safety experts will have the competence to also be the CDM Regulations' principal designer (CDMPD) and unlikely to have the competence as the Building Regulations' principal designer (BRPD) – so caution is required, and appropriate advice should be provided, if your client suggests combining these appointments or extending the appointment of any existing third party consultant. There's a misconception that the principal designer under the CDM Regulations should be a Health & Safety expert - they do not.

The architect as lead designer already understands the holistic approach to design and is experienced in design risk management, collaboration and risk mitigation which are the necessary skills, knowledge and experience for the duties under the CDM and Building Regulations.

Part 2: Principal Designer Role - Frequently Asked Questions

What is PAS 8671 and why is it relevant?

PAS 8671:2022 (Framework for Competence of Individual Principal Designers, under the Building Regulations) provides guidance to enable the assessment of core competence criteria relevant to individual principal designers (including designated individuals), with additional criteria for a principal designer appointed in connection with higher-risk building (HRB) work.

The framework does not provide guidance regarding how to meet the statutory requirement for organisational capability and it does not include CDM competence criteria. The RIBA Principal Designer Competence Criteria is the standard that RIBA is assessing against for the RIBA Principal Designer Register including CDM and the Building Regulations' competence.

For architects who have been following good practice and have been lead designer, the principles of the new regime (and the requirements under the CDM Regulations) will not be very different for domestic and non higher-risk building design work.

If your practice is being appointed as the principal designer, evidence of your organisational capability should include details of the processes and procedures you have in place to ensure the individuals you designate to fulfil principal designer duties are regularly reviewing and maintaining evidence of their competence. Organisational capability is an element of quality assurance, which could be embedded in to your practice's quality management system.

Your procedures should include keeping written records demonstrating that you undertake regular reviews of your designated designers' competence evidence (at least once a year and/or at the outset of each new project).

What is the benefit of the RIBA Principal Designer Register?

RIBA sees a form of protection of function for members who can prove they are competent to fulfil the duties for the statutory role of principal designer.

Further detail on the [RIBA Principal Designer Register Assessment](#) is available via [architecture.com](#) along with a live registration list of Chartered Member's included on the [Principal Designer Register](#). (Note: you will need to remain a Chartered Member to proceed through the RIBA Principal Designer Register Assessment and once you are on the RIBA Principal Designer Register.)

Inclusion on a Register is a reliable route to evidencing competence, with the benefit of verification by an independent third party. RIBA's assessment involves a test and written submission for all classification of assessment including where working with domestic clients. There is then a further provision of an interview for those seeking 'general' or 'higher-risk building' attainments.

Part 2: Principal Designer Role - Frequently Asked Questions

Must I attend the RIBA Principal Designer CPD course to offer my services as principal designer?

Attending RIBA (or other) CPD is not a pre-requisite of accepting a principal designer appointment or for joining the RIBA Principal Designer Register, but supports and can assist evidencing competence in developing relevant knowledge, understanding and skills. Equally, attendance of a CPD course may not ensure automatic competence – it is therefore important to understand your skills, knowledge and experience gaps and to ensure an appropriate development (and supervision) plan is in place as necessary.

What if I cease to be competent?

Under both regimes you must not accept appointments that are beyond your competence.

Recognising where you cease to be competent⁸ is an important necessary behaviour. This may occur where the project scope changes, the project brief changes or in respect of organisational capability where the situation may occur due to staff changes.

What is meant by necessary behaviours?

The Building Regulations introduces a new competence of ‘necessary behaviours’. This is intended to ensure that you not only possess the appropriate skills, knowledge and experience required for your principal designer role, but also that you know and are able to demonstrate how these should be applied, and that you do in fact take responsibility for applying these, including identifying limitations of your own competence.

Refer to the RIBA Code of Conduct (for Chartered members) and RIBA Code of Practice (for Chartered Practices) and the RIBA’s Ethical Principles.

⁸ The Building Regulations etc. (Amendment) (England) Regulations 2023 11I

Part 2: Principal Designer Role - Frequently Asked Questions

To what extent must I 'appraise' others' work or comments?

RIBA view "appraising" other dutyholders' design work or comments, as carrying out the appropriate due diligence in respect of project objectives, reviewing options and weighing up critical design decisions and co-ordination impact (including how the decisions may also influence or affect other critical project processes), risks and potential for unintended consequences ahead of a decision being made to support the duties to plan, manage and monitor.

RIBA do not view 'appraising' other's design work or comments as 'approving' or 'signing-off' other dutyholder work, or 'assessing' all designers' work for design work compliance.

What is meant by 'challenging' the design work of others – they are the specialists?

RIBA see the principal designer 'challenging' the design work of others as holding the other designer's to account for compliance of their respective specialisms, questioning and managing their collaborative approaches to a co-ordinated design. This does not extend to checking or approving other multi-disciplinary work, which is not only beyond the requirements of the building regulations, but also likely outside your competence and scope of appointment. It must be evidenced that design work should comply with building regulations.

RIBA reinforce the importance of professional integrity to challenge design work you do not believe to be compliant and to question competence where you do not see the same evidenced. While these may be difficult conversations, they must not be avoided but approached professionally and consideration should be given to the benefit of documenting any matters raised.

Part 2: Principal Designer Role - Frequently Asked Questions

2.2 Roles & Responsibilities

How do I help my client understand their duties?

As a designer, you must not start design work unless satisfied that the client is aware of the duties owed by the client for the building work to which the design relates under all relevant requirements⁹. To help meet this duty, it may help you to adopt an appropriate client care letter, for your project needs. The client care letter templates (a version for clients and domestic clients) should be read in accordance with the RIBA Principal Designer Guide, to appropriately cover services anticipated under the CDM and Building Regulations as applies.

RIBA addressed client care letters in a professional feature (October 2023) - [Building Safety Act: where can architects find new client care letter templates to use under the new regime?](#)

I work for domestic clients and commercial clients – why is the distinction important?

The distinction made between commercial and domestic clients is important as the regulations anticipate the domestic client is unlikely to have the competence to undertake the client duties so there are specific provisions for domestic clients under both the CDM and Building Regulations.

It is important to understand the duties that may transfer under respective regimes as these may impact your fee proposal where additional resource and fulfilling additional duties is required.

Is there a distinction between lead designer and principal designer?

RIBA addressed these roles in a professional feature (August 2024) - [Building Safety Act: what do architects need to know about the important differences between Principal Designer and Lead Designer roles?](#)

⁹ The Building Regulations etc. (Amendment) (England) Regulations 2023 11K(1)

Part 2: Principal Designer Role - Frequently Asked Questions

2.3 Contracts

Are there standard appointments to use for the principal designer's professional services?

RIBA have published separate Professional Services Contracts for the appointments under the CDM and Building Regulations, as the duties differ under each regime and to enable appointments to be split for competence and duty needs. Architects should note that these are not suitable for the appointment of a principal designer by a 'domestic client' under the Building Regulations and/or a 'consumer client' acting outside of their business as defined by the Consumer Rights Act 2015. The 'RIBA Domestic Professional Services Contract 2020 (2024 amendment) Architectural Services' includes an option for the architect to act as BRPD as well as the CDMPD.

What happens when your appointment ends before the end of the project?

Provision is made under The Building Regulations etc. (Amendment) (England) Regulations 2023¹⁰ and HRB Regulations¹¹ for a change of the principal designer. This may be due to a change in project scope and competence, or due to reaching the end of your appointment term, or even the late appointment of the duties (taking over from the client). It is worth noting that you may therefore be the outgoing principal designer or the incoming principal designer.

Your appointment may not extend to cover all the RIBA work stages, due to the scope of services appointed and/ or due to the procurement route for the project, as well as due to any occasion causing you to resign from a project. If this is the case you should take the appropriate action under the respective regulatory regime, where you are working for clients (including domestic clients) with non-HRBs¹⁰ or HRBs¹¹ projects.

How are my duties affected under a Design & Build contract?

If the project is procured via a design and build route, in either of the following scenarios the Completion Statement/ Compliance Declaration noted above would apply, and would inform the incoming principal designer of the project status for their due diligence and on-going works based on the previous principal designer's statement or declaration.

¹⁰ The Building Regulations etc. (Amendment) (England) Regulations 2023 11D(4), 11M(6)

¹¹ The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, Regulation 29

Part 2: Principal Designer Role - Frequently Asked Questions

Only the client can appoint the principal designer, and this should be the designer in control of the design work, therefore in accordance with 'best practice guidance' it is recommended that a design and build main contractor is both principal designer and principal contractor; appointed directly by the client as recommended in Part 1. RIBA would support members providing an advisory supporting role to the principal contractor in this scenario where their professional indemnity insurance extends to this service. This route may not always be practicable and other possible routes are expanded below with RIBA's guidance on considerations in respect of alternative principal designer appointments.

- The client (where not also the principal contractor) does not appoint a principal designer and fulfils those duties themselves. As the architect (designer and or lead designer) you should be clear that the principal designer obligations are therefore outside your scope of appointment. RIBA does not recommend this route as the client is not in 'control over the design work' and they are in fact more removed from the project as a result of the design and build contract.
- A separate organisation may be appointed outside of the design & build contract directly by the client to be the principal designer. RIBA does not recommend this route as that organisation is unlikely to have 'control over the design work'.
- The original architect continues to work directly for the client providing design oversight and is appointed as the principal designer, while a new architect joins the design team employed by the main contractor. RIBA does not recommend this route as that organisation is unlikely to have 'control over the design work' and there may be the potential for 'designer' crossover (in respect of design oversight, due to the original architect having the project's historical context) which could result in a broader scope of work than purely duties as 'principal designer'.
- The architect is novated to the contractor and also appointed directly by the client to be the principal designer. This creates a potential conflict of interest for the architect and therefore RIBA does not recommend this approach and does not make provision in the RIBA Professional Services Contract suite for this appointment route.

How can I best manage fee proposals and claims where I am designer and principal designer?

Due to the statutory nature of your principal designer duties and potential liability that differs to your other professional design duties, RIBA recommend separating your architect (designer) and principal designer appointments and fees.

Part 2: Principal Designer Role - Frequently Asked Questions

A vital part of your fee proposal is understanding the necessary resources required (at the appropriate time) to discharge your principal designer duties. The project fee you agree with your client must therefore anticipate and allow you to provide the level of staffing you require (in terms of an appropriate number of sufficiently competent architect designers being available at the relevant design stages of the project), and that the project programme you agree with your client allows adequate time to enable you, working in conjunction with the project design team, to discharge your principal designer duties appropriately.

When may the client appoint a third party principal designer?

While the RIBA maintain the lead designer as best placed to undertake the role of principal designer (under both regimes), it is acknowledged there may be occasion for other appropriate parties to be appointed as principal designer, likely for one of these more typical alternative reasons:-

- Another discipline is the appointed project lead due to the specialism of the work (e.g. a data centre project, with a Building Services Engineer as the lead);
- The lead designer is not/ no longer competent to fulfil the principal designer duties and the client appoints an independent designer;
- In-house expertise exists within the client and/ or construction teams (with the relevant and appropriate competence and experience), who are embedded within the design team and able to plan, manage and monitor and coordinate design work.

I am planning to offer services as principal designer, does this change my professional indemnity insurance?

It is important to ensure that you have the appropriate cover in place for the services you are offering (and that may include your appointment of third parties to cover services you are contracting directly) and you are clear on any limitations of your cover.

If you think your broker is misunderstanding the duties under either regime, to the point that they will not provide cover we suggest provide a copy of this Practice Note and the associated Regulations.

It is important, as noted throughout this Practice Note, that should any deviation from the statutory duties be proposed within your scope of work as principal designer by the client, you ensure appropriate coverage with your professional indemnity insurance broker and ideally, avoid such obligations by using the RIBA standard terms of appointment.

Part 2: Principal Designer Role - Frequently Asked Questions

Is the principal designer required to inspect the building work?

There is a misconception under the HRB Regulations for Mandatory Occurrence Reporting that the principal designer (or sole or lead designer) must ensure an appropriate frequency of inspections of HRB building work during the design phase – this is not the case, as this is the duty of the principal contractor. The principal designer must ensure appropriate frequency of inspections of HRB design work for safety occurrences throughout the construction phase.¹² The principal designer is not the specialist of all disciplines, so this will involve working with the design team. There is no such appropriate frequency of inspection obligation on the ‘designer’.

Whether the architect (designer) attends site will be a matter of the scope of the appointment agreed. Care should be taken when accepting ‘inspecting’ work during stage 5 that it is not to be confused with ‘supervising’ work, which should be avoided.

¹² The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, Regulation 32(4)

Part 2: Principal Designer Role - Frequently Asked Questions

2.4 Building Control

I am not clear on the new building control routes for my project.

For non-HRB projects building control submissions must be made to either a Registered Building Control Approver or a Local Authority Building Control by the client or a project manager or lead designer, acting on the client's behalf. For HRBs all applications for building control approval must be submitted to the Building Safety Regulator, where the building regulations prescribe the client must sign a declaration taking responsibility for the submission, albeit the prescribed documentation may be prepared, collated and submitted by a party acting on the client's behalf.

The principal designer will not have responsibility for the application for building control approval for non-HRBs or HRBs. As the architect and / or lead designer working on the project you may have this provision within your Schedule of Services.

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