Building Safety Act 2022

2022 CHAPTER 30

An Act to make provision about the safety of people in or about buildings and the standard of buildings, to amend the Architects Act 1997, and to amend provision about complaints made to a housing ombudsman. [28th April 2022]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

INTRODUCTION

1 Overview of Act

(1) This Act has 6 Parts, and contains provisions intended to secure the safety of people in or about buildings and to improve the standard of buildings.

(2) Part 2 contains provision about the building safety regulator and its functions in relation to buildings in England.

(3) Part 3 amends the Building Act 1984.

(4) Amendments made by Part 3—

(a) provide that the regulator is the building control authority in relation to higher-risk buildings in England, and

(b) require the regulator (for England) and the Welsh Ministers (for Wales) to establish and maintain registers of building control approvers and building inspectors.

(5) Part 4 is about occupied higher-risk buildings in England, and imposes duties on accountable persons.

Status: *This version of this Act contains provisions that are prospective.*
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(6) Part 5 contains further provisions, including—

(a) provisions about remediation and redress;

(b) provision requiring a new homes ombudsman scheme to be established;

(c) powers to make provision about construction products;

(d) further provision about fire safety;

(e) provision about the regulation of architects;

(f) provision about housing complaints.

(7) Part 6 contains general provisions.

Commencement Information

I1 S. 1 in force at Royal Assent, see **s. 170(1)(a)**

PART 2

THE REGULATOR AND ITS FUNCTIONS

The regulator and its general functions

2 The building safety regulator

(1) In this Part "the regulator" means the Health and Safety Executive.

(2) Schedule 1 contains amendments of provisions of the Health and Safety at Work etc Act 1974 that relate to the regulator.

Commencement Information

I2 S. 2(1) in force at Royal Assent, see **s. 170(1)(b)**

I3 S. 2(2) in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I4 S. 2(2) in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

3 The regulator: objectives and regulatory principles

(1) The regulator must exercise its building functions with a view to—

(a) securing the safety of people in or about buildings in relation to risks arising from buildings, and

(b) improving the standard of buildings.

(2) In exercising a building function (other than an excepted function), the regulator must have regard to the following principles—

(a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and

(b) regulatory activities should be targeted only at cases in which action is needed.

(3) The duty in subsection (2) is subject to any other requirement affecting the exercise of the function.

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(4) In subsection (2) "excepted function" means—

(a) a function under any of sections 4 to 6, or

(b) a function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to any such function.

(5) In this Part "building function" means—

(a) any function of the regulator under, or under an instrument made under, this Act or the Building Act 1984;

(b) any prescribed function of the regulator;

(c) any function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to a function within paragraph (a) or (b).

Commencement Information

I5 S. 3 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I6 S. 3 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(b)

4 Duty to facilitate building safety: higher-risk buildings

(1) The regulator must provide such assistance and encouragement to relevant persons as it considers appropriate with a view to facilitating their securing the safety of people in or about higher-risk buildings in relation to building safety risks as regards those buildings.

(2) The assistance and encouragement that must be provided under subsection (1) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.

(3) For this purpose "relevant persons" means—

(a) residents of higher-risk buildings within the meaning of Part 4,

(b) owners of residential units in such buildings,

(c) persons who are accountable persons within the meaning of Part 4, and

(d) persons upon whom duties are imposed by virtue of paragraph 5B of Schedule 1 to the Building Act 1984 (dutyholders).

(4) In subsections (1) and (2)—

"building safety risk" has the meaning given by section 62;

"disabled": see section 30;

"higher-risk building" means—

(a) a higher-risk building within the meaning of Part 4 (see section 65), or

(b) a higher-risk building within the meaning of the Building Act 1984.

(5) Parts 3 and 4 confer further functions on the regulator in relation to higher-risk buildings.

Commencement Information

I7 S. 4 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

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I8 S. 4(1)(2)(3)(4) in force at 1.12.2022 in so far as not already in force by S.I. 2022/1210, **reg. 2(a)** (with reg. 3)
I9 S. 4(5) in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(a)**

5 Duty to keep safety and standard of buildings under review

The regulator must keep under review—

(a) the safety of people in or about buildings in relation to risks as regards buildings, and

(b) the standard of buildings.

Commencement Information
I10 S. 5 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I11 S. 5 in force at 1.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 2(1)(a)**

6 Facilitating improvement in competence of industry and building inspectors

(1) The regulator must provide such assistance and encouragement as it considers appropriate to—

(a) persons in the built environment industry, and

(b) registered building inspectors,

with a view to facilitating their improving the competence of persons in that industry or members of that profession (as the case may be).

(2) For the meaning of "the built environment industry" and "registered building inspector" see section 30.

Commencement Information
I12 S. 6 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I13 S. 6 in force at 1.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 2(1)(b)**

7 Proposals and consultation relating to regulations

(1) This section applies to regulations under—

(a) this Part, or

(b) any provision of Part 4 except section 62, 65 or 68.

(2) The regulator may at any time make proposals to the Secretary of State for the making of regulations.

(3) Before making a proposal, the regulator must consult such persons as it considers appropriate.

(4) Before making regulations, other than regulations proposed by the regulator, the Secretary of State must consult—

(a) the regulator, and

(b) such other persons as the Secretary of State considers appropriate.

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Commencement Information

I14 S. 7 in force at Royal Assent, see **s. 170(1)(c)**

8 Duty to establish system for giving of building safety information

(1) The regulator must make arrangements for a person to establish and operate a voluntary occurrence reporting system.

(2) A "voluntary occurrence reporting system" is a system to facilitate the voluntary giving of information about building safety to the person who operates the system.

Commencement Information

I15 S. 8 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I16 S. 8 in force at 1.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 2(1)(c)**

Committees

9 Building Advisory Committee

(1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee to be known as the Building Advisory Committee, with the following function.

(2) That function is to give advice and information to the regulator about matters connected with any of the regulator's building functions except its functions relating to the competence of—

(a) persons in the built environment industry, and

(b) registered building inspectors.

(3) The Building Regulations Advisory Committee for England, established under section 14 of the Building Act 1984, is abolished.

Commencement Information

I17 S. 9 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I18 S. 9(1)(2) in force at 1.12.2022 in so far as not already in force by S.I. 2022/1210, **reg. 2(b)**

I19 S. 9(3) in force at 1.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 2(1)(d)**

10 Committee on industry competence

(1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee concerned with the competence of persons in the built environment industry ("industry competence"), with the following functions (and any other function that the regulator considers appropriate).

(2) The functions are—

(a) monitoring industry competence;

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(b) advising the regulator in relation to industry competence;

(c) advising persons in the built environment industry in relation to industry competence;

(d) facilitating persons in the built environment industry to improve industry competence;

(e) providing guidance to the public (or a section of the public) about ways of assessing the competence of persons in the built environment industry;

(f) carrying out analysis and research in connection with a function mentioned in any of paragraphs (a) to (e).

Commencement Information

I20 S. 10 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I21 S. 10 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(b)**

11 Residents' panel

(1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee with the functions mentioned in this section (and any other function that the regulator considers appropriate).

(2) The committee is to consist of—

(a) such residents of higher-risk buildings as the regulator considers appropriate, and

(b) such relevant persons (if any) as it considers appropriate.

(3) The regulator must take all reasonable steps to ensure that the committee includes—

(a) one or more residents of a higher-risk building who are disabled,

(b) a body that represents, supports or promotes the interests of any description of disabled people that includes residents of higher-risk buildings, or

(c) a member of a body within paragraph (b).

(4) The committee is to give advice to the regulator about such matters connected with the regulator's building functions and relating to higher-risk buildings as the regulator may specify.

(5) The regulator must consult the committee before issuing or revising any of the following—

(a) guidance to residents of higher-risk buildings about any of their rights or obligations under Part 4 or regulations made under that Part;

(b) guidance relating to any duty under regulations made under section 89 to give information or documents to residents of higher-risk buildings or owners of residential units in such buildings;

(c) guidance relating to any of sections 91 to 93 or 95 or regulations made under any of those sections (engagement with residents etc, and residents' duties).

(6) If the committee has not been established at a time when the regulator has prepared guidance to which subsection (5) applies—

(a) that subsection has effect as if it did not require the committee to be consulted before the guidance is issued, and

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(b) the committee must be consulted in relation to the issued guidance as soon as reasonably practicable.

(7) See also—

(a) section 17(3) (duty to consult committee about regulator's strategic plan);

(b) section 94(2) (duty to consult committee about regulator's complaints system).

(8) In this section—

"higher-risk building" has the same meaning as in Part 4 (see section 65);

"relevant person" means—

(a) an owner of a residential unit in a higher-risk building,

(b) a body that represents, supports or promotes—

(i) the interests of any description of residents of higher-risk buildings or owners of residential units in such buildings, or

(ii) the interests of any description of persons that includes a description of such residents or owners, or

(c) a member of a body within paragraph (b).

Commencement Information

I22 S. 11 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I23 S. 11 in force at 1.12.2022 in so far as not already in force by S.I. 2022/1210, **reg. 2(c)**

12 Committees: power to amend or repeal

(1) The Secretary of State may by regulations amend or repeal any of sections 9 to 11 (provision about specific committees).

(2) But regulations repealing section 9, 10 or 11 may be made only if the regulator has made a proposal to the Secretary of State for the making of such regulations (as to which see section 7(2)).

(3) Regulations under this section may make consequential amendments of this Act.

Commencement Information

I24 S. 12 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I25 S. 12 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(a)**

Staffing etc

13 Local authorities and fire and rescue authorities: assistance etc to regulator

(1) A relevant authority may at the request of the regulator do anything for the purpose of—

(a) facilitating the exercise by the regulator of a relevant function, or

(b) enabling the relevant authority to facilitate the exercise by the regulator of a relevant function.

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(2) The regulator may, for a purpose mentioned in paragraph (a) or (b) of subsection (1), direct a relevant authority to do anything specified in the direction.

(3) The direction may specify the way in which, and the time by which, the thing is to be done.

(4) A direction—

(a) may be given only if the regulator considers that it is expedient for the authority to do the specified thing, and

(b) must state how, in the regulator's opinion, the doing of the thing will facilitate the exercise of a relevant function or enable the authority to facilitate that exercise.

(5) A direction may be given only with the consent of the Secretary of State.

(6) Before giving a direction, the regulator must—

(a) make a written request under subsection (1) for the authority to do the thing, and

(b) have regard to any written representations made by the authority in the period specified in the request.

(7) A request under subsection (6)(a) must—

(a) state that the regulator may seek consent to give a direction under this section if the request is not complied with,

(b) state how, in the regulator's opinion, the doing of the thing will facilitate the exercise of a relevant function or enable the authority to facilitate that exercise, and

(c) specify a reasonable period for the authority to make any representations as to why it should not do the thing requested.

(8) In this section—

"relevant authority" means a local authority or fire and rescue authority;

"relevant function" means—

(a) a function of the regulator relating to—

(i) the regulation of higher-risk buildings (within the meaning of the Building Act 1984 or Part 4 of this Act), or

(ii) higher-risk building work (as defined by section 91ZA of the Building Act 1984), or

(b) in the case of a local authority, a function of the regulator relating to the regulation of any work for which the regulator is the building control authority by virtue of section 91ZB of the Building Act 1984.

(9) A direction or consent under this section must be in writing.

Commencement Information

I26 S. 13 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I27 S. 13 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(b)**

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14 FSO authorised persons: assistance etc to regulator

(1) An FSO authorised person may at the request of the regulator do anything for the purpose of—

(a) facilitating the exercise by the regulator of a relevant function, or

(b) enabling FSO authorised persons to facilitate the exercise by the regulator of a relevant function.

(2) In this section—

"FSO authorised person" means a person authorised as mentioned in article 25(1)(e) of the Regulatory Reform (Fire Safety) Order 2005;

"relevant function" means a function of the regulator relating to—

(a) the regulation of higher-risk buildings (within the meaning of the Building Act 1984 or Part 4 of this Act), or

(b) higher-risk building work (as defined by section 91ZA of the Building Act 1984).

Commencement Information

I28 S. 14 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I29 S. 14 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(c)**

15 Provision of assistance etc: supplementary

(1) This section supplements sections 13 and 14.

(2) A relevant authority must ensure that any of its staff involved in providing relevant assistance to the regulator have the appropriate skills, knowledge, experience and behaviours.

(3) For this purpose "relevant assistance" means anything done by the authority pursuant to a request or direction, for the purpose of facilitating the exercise by the regulator of a relevant function.

(4) The Secretary of State may by regulations make provision about the reimbursement by the regulator of expenditure incurred by relevant authorities in complying with requests or directions.

(5) The Secretary of State may pay a relevant authority such amount as the Secretary of State considers appropriate in respect of things done by the relevant authority in complying with a request or direction.

(6) The Secretary of State may by regulations make further provision in relation to requests and directions, including in particular provision about—

(a) things done by a relevant authority in connection with a request or direction;

(b) things done by an FSO authorised person in connection with a request.

(7) In this section—

"direction" means a direction given under section 13;

"FSO authorised person" has the meaning given by section 14;

"relevant authority" has the meaning given by section 13;

"relevant function" has the meaning given by section 13;

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"request" means a request made under section 13 or 14.

Commencement Information

I30 S. 15 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I31 S. 15 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(d)**

16 Guidance about the provision of assistance

(1) The regulator may issue guidance to—

(a) relevant authorities about their functions under section 13;

(b) FSO authorised persons about their functions under section 14.

(2) The regulator may revise or withdraw any issued guidance.

(3) A relevant authority must have regard to any guidance under this section when exercising its functions under section 13.

(4) An FSO authorised person must have regard to any guidance under this section when exercising their functions under section 14.

(5) Guidance under this section may be issued, revised or withdrawn only with the consent of the Secretary of State.

(6) In this section—

"FSO authorised person" has the meaning given by section 14;

"relevant authority" has the meaning given by section 13.

Commencement Information

I32 S. 16 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I33 S. 16 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(e)**

Plans and reports

17 Strategic plan

(1) The regulator must—

(a) prepare a strategic plan, and

(b) submit it to the Secretary of State for approval.

(2) A "strategic plan" is a plan setting out how the regulator proposes to carry out its building functions in the period to which the plan relates.

(3) Before submitting it, the regulator must consult—

(a) the committee mentioned in section 11 (residents' panel), and

(b) such other persons as the regulator considers appropriate.

(4) The Secretary of State may approve the plan, with or without modifications.

(5) Before approving the plan with modifications, the Secretary of State must consult the regulator.

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(6) The regulator must publish the approved plan, and act in accordance with it.

(7) The first plan—

(a) must be submitted as soon as reasonably practicable after this section comes into force, and

(b) must relate to a period ending with the third 31 March to occur after the day on which it is submitted.

(8) If the committee mentioned in section 11 has not been established at the time the first plan is prepared—

(a) subsection (3) has effect as if it did not require the committee to be consulted before the plan is submitted, and

(b) the committee must be consulted in relation to the first approved plan as soon as reasonably practicable.

(9) Any other plan—

(a) must be submitted before the end of the period to which the most recent approved plan relates ("the current period"), and

(b) must relate to the period of three years, or such other period as the Secretary of State and the regulator may agree, beginning immediately after the end of the current period.

Commencement Information

I34 S. 17 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I35 S. 17 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(c) (with reg. 6)

18 Revised strategic plans

(1) This section supplements section 17.

(2) The regulator may at any time in the period to which a plan relates—

(a) prepare a revised plan relating to the remainder of that period (or to such other period as the Secretary of State and the regulator may agree), and

(b) submit it to the Secretary of State for approval.

(3) The Secretary of State may at any time during the period to which a plan relates require the regulator to submit a revised plan for approval.

(4) Where such a requirement is made, the revised plan—

(a) must be submitted as soon as reasonably practicable, and

(b) must relate to the remainder of the period to which the current plan relates (or to such other period as the Secretary of State and the regulator may agree).

(5) Section 17(3) to (6) apply in relation to a revised plan.

(6) If approved, the revised plan replaces the current plan.

(7) In this section—

"current plan" means the first plan mentioned in subsection (2) or (3) (as the case may be);

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"plan" means a strategic plan as defined by section 17.

Commencement Information

I36 S. 18 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I37 S. 18 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(c) (with reg. 6)

19 Annual report about information provided under mandatory reporting requirements

(1) As soon as reasonably practicable after the end of each financial year, the regulator must prepare and publish a report about the information provided to it during that year pursuant to the mandatory reporting requirements.

(2) For this purpose, information is provided pursuant to the "mandatory reporting requirements" if it is provided under—

(a) section 87 (duty of accountable person to report to regulator), or

(b) any provision of building regulations that is prescribed by the regulations for the purposes of this section.

(3) A report under this section must not contain personal data.

Commencement Information

I38 S. 19 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I39 S. 19 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(c)**

20 Statement of regulator's engagement with residents etc

(1) The regulator must, at least once each financial year, publish a statement about its engagement with—

(a) the committee mentioned in section 11 (residents' panel),

(b) residents of higher-risk buildings,

(c) owners of residential units in higher-risk buildings, and

(d) bodies that represent, support or promote—

(i) the interests of any description of residents of higher-risk buildings or owners of residential units in such buildings, or

(ii) the interests of persons including any description of such residents or owners.

(2) A statement under subsection (1) must, in particular, include information about the regulator's engagement with residents of higher-risk buildings who are disabled.

(3) A statement under subsection (1) may be published by including it in the regulator's annual report.

(4) In this section—

"annual report" means the report made under paragraph 10(3) of Schedule 2 to the Health and Safety at Work etc Act 1974;

"higher-risk building" means—

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(a) a higher-risk building within the meaning of Part 4, or
(b) a higher-risk building within the meaning of the Building Act 1984.

Commencement Information
I40 S. 20 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I41 S. 20 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(f)**

21 Report on certain safety-related matters

(1) Before the end of the period of three years beginning when this section comes into force, the regulator must—
(a) carry out a cost-benefit analysis of making regular inspections of, and testing and reporting on, the condition of electrical installations in relevant buildings;
(b) consider what further provision under the Building Act 1984, or in guidance under that Act, may be made about—
(i) stairs and ramps in relevant buildings,
(ii) emergency egress of disabled persons from relevant buildings, and
(iii) automatic water fire suppression systems in relevant buildings,
with a view to improving the safety of persons in or about relevant buildings, and carry out a cost-benefit analysis of the making of that provision.

(2) Before the end of that period, the regulator must—
(a) prepare one or more reports about the analysis mentioned in subsection (1) (which may also contain recommendations), and
(b) give them to the Secretary of State.

(3) The Secretary of State must publish any report received under subsection (2).

(4) In this section "cost-benefit analysis" means—
(a) an analysis of the costs together with an analysis of the benefits that will arise if the things mentioned in subsection (1)(a) are done or the provision mentioned in subsection (1)(b) is made, and
(b) an estimate of those costs and of those benefits (subject to subsection (5)).

(5) If, in the opinion of the regulator—
(a) the costs or benefits cannot reasonably be estimated, or
(b) it is not reasonably practicable to produce an estimate,
the cost-benefit analysis need not estimate them, but must include a statement of the regulator's opinion and an explanation of it.

(6) In this section—
"electrical installation" means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter;
"relevant building" means a residential building or any other kind of building that the regulator considers appropriate.

Commencement Information
I42 S. 21 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

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I43 S. 21 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(d)**

Enforcement

22 Authorised officers

(1) The regulator may authorise a person in relation to specified paragraphs of Schedule 2 (investigatory powers), for the purposes of any specified relevant building function.

(2) A person may be authorised in relation to a paragraph of the Schedule only if they appear to the regulator to be suitably qualified to exercise any power conferred by virtue of that paragraph or do anything else mentioned in that paragraph.

(3) An authorisation—

(a) must be in writing;

(b) may be varied or revoked by an instrument in writing.

(4) When exercising or seeking to exercise a power conferred by virtue of Schedule 2, an authorised officer must if asked produce the authorisation (including any instrument varying it) or a duly authenticated copy.

(5) In this section—

"authorised officer" means a person in respect of whom an authorisation under this section is in force;

"relevant building function" means any function of the regulator under, or under an instrument made under—

(a) Part 4 of this Act (higher-risk buildings), or

(b) the Building Act 1984;

"specified" means specified in the authorisation.

Commencement Information

I44 S. 22 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I45 S. 22 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

23 Authorised officers: offences

(1) A person who intentionally obstructs a person who is an authorised officer exercising a relevant building function commits an offence.

(2) A person who, with intent to deceive, impersonates an authorised officer commits an offence.

(3) In this section—

"authorised officer" means a person in respect of whom an authorisation under section 22 is in force;

"relevant building function" has the meaning given by that section.

(4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine.

Commencement Information

I46 S. 23 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I47 S. 23 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(h)**

24 Provision of false or misleading information to regulator

(1) A person commits an offence if they provide false or misleading information to the regulator—

(a) in purported compliance with a building enactment or a requirement imposed by virtue of such an enactment,

(b) in connection with an application made to the regulator under a building enactment, or

(c) for the purpose of avoiding enforcement action being taken or continued,

and the person knows that, or is reckless as to whether, the information is false or misleading.

(2) In this section—

"building enactment" means any provision of, or of an instrument made under—

(a) Part 2 or 4 of this Act, or

(b) the Building Act 1984;

"enforcement action" means action taken with a view to, or in connection with—

(a) securing compliance with a building enactment or a requirement imposed by virtue of such an enactment, or

(b) the imposition of a sanction in respect of a contravention of any such enactment or requirement.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

Commencement Information

I48 S. 24 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I49 S. 24 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(i)**

Reviews and appeals

25 Review by regulator of certain decisions made by it

(1) This section applies in relation to a prescribed decision of the regulator.

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(2) A prescribed person may, before the end of a period prescribed for the purposes of this subsection, give a notice to the regulator requiring it to carry out a review of the decision in accordance with this section.

(3) A notice under subsection (2) must—
- (a) contain prescribed information,
- (b) be in the prescribed form, and
- (c) be given in the prescribed way.

(4) The nature and extent of the review are to be such as appear to the regulator to be appropriate in the circumstances.

(5) The review must take account of any representations made, or information given, by the person at a stage which gives the regulator a reasonable opportunity to consider the representations or information (and may take account of any other information).

(6) On the conclusion of the review the regulator must either uphold or vary the decision.

(7) The regulator must notify the person of the outcome of the review and its reasoning before the end of a period prescribed for the purposes of this subsection or such other period as may be agreed in writing ("the relevant period").

(8) Where the regulator is required to undertake a review but does not notify the person by the end of the relevant period—
- (a) the review is treated as having concluded at the end of that period, and the regulator is treated as having upheld the decision, and
- (b) the regulator must, as soon as reasonably practicable after the end of that period, notify the person of that fact.

(9) The decisions that may be prescribed under subsection (1) are any decisions of the regulator under, or under an instrument made under, this Act or the Building Act 1984 except—
- (a) a decision made on an appeal to the regulator, or
- (b) a decision to do any of the following—
  - (i) give a compliance notice under section 99 of this Act;
  - (ii) give a notice under section 35B, 35C or 36 of the Building Act 1984 (notices in respect of contraventions of building regulations etc);
  - (iii) make a disciplinary order under section 58I or 58U, or an order under section 58J or 58V, of that Act (misconduct of registered building inspector or building control approver);
  - (iv) give a notice under section 58Z4 or 58Z5, or act under section 58Z6 or 58Z7, of that Act (contravention of operational standards rules).

Commencement Information

I50 S. 25 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I51 S. 25 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(j)**

26 Right of appeal: requirement for review before appeal

(1) This section applies to a right of appeal against a decision of a kind prescribed under subsection (1) of section 25.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The right of appeal may be exercised only if the decision has been reviewed under that section.

(3) If on the conclusion of the review the decision is varied, the right of appeal is in respect of the decision as varied (and not the original decision).

(4) For the purpose of any time limit as regards the exercise of the right of appeal—
  (a) the decision is treated as made on the day on which the review concludes, and
  (b) a person is treated as notified of the decision on the day on which they are notified of the outcome of the review.

Commencement Information
I52 S. 26 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I53 S. 26 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(e)**

Supplementary and general

27 Cooperation and information sharing

(1) Schedule 3—
  (a) imposes duties of cooperation on the regulator and other persons, and
  (b) confers powers to share information on the regulator and other persons.

(2) Except as provided by subsection (3), the disclosure of information under Schedule 3 does not breach—
  (a) any obligation of confidence owed by the person making the disclosure, or
  (b) any other restriction on the disclosure of information (however imposed).

(3) Schedule 3 does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by the Schedule).

Commencement Information
I54 S. 27 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I55 S. 27 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

28 Fees and charges

(1) The Secretary of State may by regulations make provision authorising the regulator—
  (a) to charge fees, and
  (b) to recover charges,
  for or in connection with the performance of a relevant function.

(2) The regulations may—
  (a) prescribe a fee or charge, or
  (b) provide for the amount of a fee or charge to be determined by the regulator in accordance with the regulations.

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(3) The regulations may in particular—

(a) provide that the amount of any charge is to be determined by the regulator in accordance with a scheme made and published by it, and

(b) make provision about such schemes, including the principles to be embodied in such schemes.

(4) The regulations may make provision about the effect of failing to pay a fee or charge in accordance with the regulations.

(5) In this section "relevant function" means —

(a) any function of the regulator under, or under regulations made under, this Part or Part 4, or

(b) any function of the regulator under the Health and Safety at Work etc Act 1974 that is a building function.

(6) The regulator may—

(a) with the consent of the Secretary of State, provide services to a person in connection with any matter relating to buildings;

(b) charge fees for such services at a rate agreed with the person.

(7) Nothing in subsection (6) limits any other power of the regulator to charge for a service provided by it.

Commencement Information

I56 S. 28 in force at Royal Assent, see **s. 170(1)(d)**

29 Service of documents

(1) This section applies to a document required or authorised under this Part or Part 4, or regulations under either Part, to be given to a person; but this is subject to subsection (11).

(2) The document may be given by—

(a) delivering it by hand to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at their proper address, or

(d) sending it by email to an electronic address at which the person has agreed to receive documents or has agreed to receive the document.

(3) The document may—

(a) in the case of a body corporate, be given in accordance with subsection (2) to an officer of the body;

(b) in the case of a partnership, be given in accordance with subsection (2) to a partner.

(4) For the purposes of this section, the "proper address" of a person (except an authorised officer of the regulator) is—

(a) in the case of a document to be given by or on behalf of the regulator to a person who has provided an address for service to the regulator, that address;

(b) subject to that—

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(i) in the case of a body corporate (including a document given to an officer of the body), the address of its registered or principal office;

(ii) in the case of a partnership (including a document given to a partner), the address of its principal office;

(iii) in the case of any other person, their last known address.

(5) For the purposes of this section, the "proper address" of an authorised officer of the regulator is—

(a) the address specified by the officer, or

(b) if no address is specified, the address of the regulator's principal office.

(6) If—

(a) the document is to be given to the person as the owner of any premises, a resident of any premises, or the accountable person of a higher-risk building, and

(b) the person's name and proper address is not known, despite reasonable steps having been taken to ascertain it,

the document may be given by addressing it to the owner or resident of the premises (naming the premises) or the accountable person of the building (naming the building) and fixing it to a conspicuous part of the premises or building.

(7) A document left as mentioned in subsection (2)(b) is treated as given when it was left.

(8) A document sent as mentioned in subsection (2)(c) is treated as given 48 hours after it was sent, unless the contrary is proved.

(9) A document sent as mentioned in subsection (2)(d) is treated as given 24 hours after it was sent, unless the contrary is proved.

(10) A document fixed as mentioned in subsection (6) is treated as given 48 hours after it was fixed.

(11) This section does not apply to the giving of a document for which other provision is made by or under this Part or Part 4.

(12) In this section—

"accountable person" has the same meaning as in Part 4 (see section 72);

"agreed" means agreed in writing;

"authorised officer" means a person in respect of whom an authorisation under section 22 is in force;

"giving": references to giving include similar expressions (such as serving);

"specified" means specified in writing.

Modifications etc. (not altering text)

C1 S. 29 applied (16.1.2024) by The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (S.I. 2023/907), regs. 1(2), **8(6)**; S.I. 2024/40, reg. 2(e)

Commencement Information

I57 S. 29 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I58 S. 29 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(l)**

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30 Interpretation of Part 2

(1) In this Part—

"building" (except in section 28(6)) means any permanent or temporary building in England except a building of a prescribed description;

"building function" has the meaning given by section 3;

"the built environment industry" means—

(a) persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, and

(b) employees of such persons;

and references to a person "in" the industry are to any such person or employee;

"contravention" includes a failure to comply;

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"disabled": a person is disabled if the person has a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities;

"financial year" means a year ending with 31 March;

"fire and rescue authority" means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004, for an area in England;

"local authority" means—

(a) a district council or relevant unitary authority,

(b) a London borough council,

(c) the Common Council of the City of London,

(d) the Sub-Treasurer of the Inner Temple,

(e) the Under Treasurer of the Middle Temple, or

(f) the Council of the Isles of Scilly;

"maximum summary term for either-way offences", with reference to imprisonment for an offence, means—

(a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;

(b) if the offence is committed after that time, 12 months;

"owner" has the meaning given by section 115;

"personal data" has the same meaning as in the Data Protection Act 2018;

"prescribed" means prescribed by regulations made by the Secretary of State;

"registered building inspector" has the meaning given by section 58A of the Building Act 1984;

"the regulator" has the meaning given by section 2;

"resident" and "resident of a higher-risk building" have the same meaning as in Part 4 (see section 71(3) and (4)(c));

"residential unit" means—

(a) a dwelling, or

(b) any other unit of living accommodation;

"standard": any reference to the standard of a building is to its standard from a technical perspective.

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(2) In subsection (1), in the definition of "local authority", "relevant unitary authority" means a council for a county in England so far as it is the council for an area for which there are no district councils.

(3) The Secretary of State may by regulations provide that in any prescribed provision of this Part a reference to a building includes any of the following—
  (a) any other structure or erection of any kind (whether temporary or permanent);
  (b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be prescribed.

Commencement Information
I59 S. 30 in force at Royal Assent, see **s. 170(1)(e)**

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

31 Higher-risk buildings etc

In the Building Act 1984 after section 120C (inserted by Schedule 5) insert—

"Higher-risk buildings etc

120D Meaning of "higher-risk building": England

(1) This section applies for the purposes of this Act as it applies in relation to England.

(2) "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) is of a description specified in regulations made by the Secretary of State.

(3) The Secretary of State may by regulations make provision supplementing this section.

(4) The regulations may in particular—
  (a) define "building" or "storey" for the purposes of this section;
  (b) make provision about how the height of a building is to be determined for those purposes;
  (c) provide that "higher-risk building" does not include a building of a specified description.

(5) Regulations made by virtue of subsection (4)(a) may in particular define "building" so as to provide that it includes—

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(a) any other structure or erection of any kind (whether temporary or permanent);

(b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be specified.

(6) The Secretary of State may by regulations amend this section (other than subsection (1) or (3) or this subsection).

(7) For the meaning of "higher-risk building work" see section 91ZA.

120E Regulations under section 120D: procedure

(1) Before making regulations under section 120D, the Secretary of State must consult—

(a) the regulator, and

(b) such other persons as the Secretary of State considers appropriate.

(2) But the regulator need not be consulted if—

(a) the regulations give effect to a recommendation made by the regulator under section 120G, or

(b) the Secretary of State has under section 120H asked the regulator for advice about the description of building in question.

120F Regulations under section 120D: additional procedure in certain cases

(1) This section applies if the Secretary of State proposes to make regulations under section 120D that would result in a description of building (including anything within subsection (5) of that section) becoming a higher-risk building for the purposes of this Act as it applies in relation to England.

(2) The Secretary of State must ask the regulator under section 120H(1) for advice about the description of building, except where the regulations would give effect to a recommendation under section 120G(2).

(3) The Secretary of State must carry out a cost-benefit analysis and publish it.

(4) In this section "cost-benefit analysis" means—

(a) an analysis of the costs together with an analysis of the benefits that will arise if the regulations are made, and

(b) an estimate of those costs and of those benefits (subject to subsection (5)).

(5) If, in the opinion of the Secretary of State—

(a) the costs or benefits cannot reasonably be estimated, or

(b) it is not reasonably practicable to produce an estimate,

the cost-benefit analysis need not estimate them, but must include a statement of the Secretary of State's opinion and an explanation for it.

120G Recommendations about regulations under section 120D

(1) Subsection (2) applies if, in respect of any description of building that is not a higher-risk building, the regulator considers—

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(a) that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description,
(b) that if the risk materialised as regards a building of that description it would have the potential to cause a major incident, and
(c) that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.

(2) The regulator must—
(a) recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act, and
(b) give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.

(3) If, following a recommendation, the Secretary of State decides not to make regulations under section 120D giving effect to the recommendation, the Secretary of State must publish a document setting out—
(a) the regulator's recommendation,
(b) the Secretary of State's decision not to make the regulations, and
(c) the reasons for that decision.

(4) If the regulator considers that a particular description of higher-risk building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England, it must make a recommendation to the Secretary of State to that effect.

(5) In this section—

"building safety risk" means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—
(a) the spread of fire;
(b) structural failure;
(c) any other matter prescribed by regulations under section 62 of the Building Safety Act 2022 in relation to all buildings, or in relation to a description of building that includes the building;

"major incident" means an incident resulting in—
(a) a significant number of deaths, or
(b) serious injury to a significant number of people.

120H Advice about regulations under section 120D

(1) Subsections (2) to (5) apply if the Secretary of State asks the regulator for advice as to whether a specified description of building should be a higher-risk building for the purposes of this Act as it applies in relation to England.

(2) The regulator must consider whether the following conditions are met—
(a) the first condition is that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description;
(b) the second condition is that, if the risk materialised as regards a building of that description, it would have the potential to cause a major incident;

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(c) the third condition is that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.

(3) The regulator must—

(a) if the conditions mentioned in subsection (2) are met, recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England;

(b) otherwise, recommend to the Secretary of State that buildings of that description should not be higher-risk buildings for those purposes.

(4) The regulator must give the Secretary of State a statement of its assessment of the issues it considered in relation to the recommendation under subsection (3).

(5) If, following a recommendation under subsection (3)(a), the Secretary of State decides not to make regulations under section 120D giving effect to the recommendation, the Secretary of State must publish a document setting out—

(a) the regulator's recommendation,

(b) the Secretary of State's decision not to make the regulations, and

(c) the reasons for that decision.

(6) If requested, the regulator must provide advice to the Secretary of State as to whether a specified description of building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England.

(7) In this section—

"building safety risk" has the meaning given by section 120G;

"major incident" has the meaning given by that section;

"specified" means specified in the request.

120I Higher-risk buildings and higher-risk building work: Wales

(1) This section applies for the purposes of this Act as it applies in relation to Wales.

(2) "Higher-risk building" means a building of a description specified in regulations made by the Welsh Ministers.

(3) "Higher-risk building work" means any work relating to a higher-risk building or a proposed higher-risk building, including—

(a) any work relating to a building that is not a higher-risk building that causes it to become such a building, and

(b) any work relating to a higher-risk building that causes it to cease to be such a building.

(4) The Welsh Ministers may by regulations define "building" for the purposes of this section.

(5) The regulations may in particular provide that "building" includes—

(a) any other structure or erection of any kind (whether temporary or permanent);

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(b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be specified."

Commencement Information

I60 S. 31 not in force at Royal Assent, see **s. 170(4)(a)**(i)(c)

I61 S. 31 in force at 28.6.2022 for specified purposes by S.I. 2022/561, **regs. 1(2)**, 3(d)

I62 S. 31 in force at 9.12.2022 for specified purposes by S.I. 2022/1287, **reg. 2(a)**

32 Building control authorities

(1) The Building Act 1984 is amended as follows.

(2) In section 91—

(a) in subsection (1) before paragraph (a) insert—

"(za) subsection (3) of this section and regulations under section 91ZD,";

(b) in subsection (2) for the words from "sections" to the end substitute "—

(a) subsection (3) of this section,

(b) sections 5(3), 48(1) and 53(2), and

(c) regulations under section 91ZD.";

(c) after that subsection insert—

"(3) In cases where section 91ZA or 91ZB provides that the regulator is the building control authority, it is the duty of the regulator (and not the local authority in question)—

(a) to carry Part 1 of this Act into execution, and

(b) to enforce building regulations.";

(d) in the heading at the end insert "and the regulator".

(3) After that section insert—

"**91ZA The regulator: building control authority for higher-risk buildings in England**

(1) The regulator is the building control authority in relation to any higher-risk building in England or any proposed such building.

(2) This includes the regulator being the building control authority as regards—

(a) any work relating to a building in England that is not a higher-risk building that causes it to become such a building, and

(b) any work relating to a higher-risk building in England that causes it to cease to be such a building.

(3) In this Act "higher-risk building work", in relation to England, means any work for which the regulator is the building control authority by virtue of this section.

(4) For the meaning of "higher-risk building" see section 120D.

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91ZB The regulator: building control authority for other work

(1) This section applies in relation to work of a prescribed description ("the work") that is to be carried out in England and has a prescribed connection with any higher-risk building work.

(2) Where—

(a) the regulator and the person intending to carry out the work, acting jointly, give a notice under this section (a "regulator's notice") to the local authority for the area in which the work is to be carried out, and

(b) the regulator's notice is accepted (or treated as accepted) by the local authority,

the regulator is the building control authority in relation to the work.

(3) A regulator's notice may not be given if any of the following has been given to the local authority in relation to the work (or any part of it)—

(a) an application for building control approval;

(b) an initial notice (within the meaning of section 47);

(c) a public body's notice (within the meaning of section 54).

91ZC Section 91ZB: supplementary

(1) This section supplements section 91ZB.

(2) A local authority to whom a regulator's notice is given must reject the notice if any prescribed ground exists, and must otherwise accept the notice.

(3) A notice of rejection must be given within the prescribed period, and must specify the ground or grounds in question.

(4) The person intending to carry out the work may appeal to the tribunal against a decision of the local authority to reject the regulator's notice.

(5) Where a local authority to whom a regulator's notice is given does not—

(a) give a notice of rejection in accordance with subsection (3), or

(b) give a notice of acceptance within the period mentioned in that subsection,

the authority is treated as having accepted the regulator's notice at the end of that period.

(6) As regards any notice under section 91ZB or this section, building regulations may make provision about—

(a) the form and content of the notice;

(b) the information and documents that must accompany it;

(c) the way in which the notice, and anything that is to accompany it, is to be given.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

91ZD Higher-risk buildings in Wales: local authority work

(1) Building regulations may make provision about cases where a local authority for an area in Wales ("the relevant local authority") proposes to carry out higher-risk building work in that area.

(2) The regulations may in particular—

(a) restrict (or prevent) the exercise by the relevant local authority of prescribed functions in relation to the higher-risk building work;

(b) require the relevant local authority to notify the Welsh Ministers of prescribed matters;

(c) confer on the Welsh Ministers a power to designate another local authority as the building control authority in relation to the higher-risk building work (instead of the relevant local authority);

(d) confer on the Welsh Ministers a power to require the relevant local authority to provide specified information, for the purposes of deciding whether to exercise the power of designation.

(3) The regulations may also provide, in cases where a local authority is designated as the building control authority in relation to the higher-risk building work, that the relevant local authority and the designated local authority may agree that the designated local authority is to be the building control authority in relation to any work of a prescribed description that has a prescribed connection with the higher-risk building work.

(4) Where, as a result of regulations made by virtue of subsection (2)(c) or (3), a designated local authority is the building control authority in relation to any work, as regards that work—

(a) prescribed functions are functions of the designated local authority (rather than the relevant local authority);

(b) the designated local authority (rather than the relevant local authority) must perform such functions relating to enforcement as may be prescribed."

(4) After section 121 insert—

"**121A Meaning of "building control authority"**

(1) In this Act "building control authority" means—

(a) the regulator, in cases where section 91ZA or 91ZB provides that the regulator is the building control authority;

(b) the local authority mentioned in subsection (2), in any other case.

(2) That local authority is—

(a) if, by virtue of regulations made under section 91ZD (higher-risk buildings in Wales: local authority work), a designated local authority is the building control authority, that local authority;

(b) otherwise, the local authority for the area in which the building is situated or the proposed building is to be situated."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I63 S. 32 not in force at Royal Assent, see **s. 170(4)(a)**(ii)(b)(i)(c)

I64 S. 32 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(m)**

I65 S. 32 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(f)** (with reg. 4)

I66 S. 32(1)(4) in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(a)**

I67 S. 32(3) in force at 5.9.2023 for specified purposes by S.I. 2023/914, **reg. 2(a)**

I68 S. 32(3) in force at 6.4.2024 for specified purposes by S.I. 2024/207, **reg. 2(a)** (with regs. 3, 4, 8-12)

33 Building regulations

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 1 insert—

"Procedural requirements etc: general

1A (1) Building regulations may make provision about the procedure that may or must be followed in relation to any work.

(2) The regulations may in particular make provision for and in connection with—

(a) the giving of notices;

(b) the making of applications to building control authorities;

(c) the giving or receipt of certificates;

(d) requiring a prescribed person, in prescribed circumstances, to consult such other person as may be prescribed.

(3) The regulations may—

(a) confer on a building control authority a power to require a person to notify the authority of specified matters by the specified time;

(b) provide that in prescribed circumstances an application is treated as granted or is treated as refused;

(c) make provision about the effect of the grant of an application;

(d) make provision about the effect of certificates;

(e) require a person consulted to give a substantive response to the consultation before the end of a prescribed period.

(4) In sub-paragraph (3)(a) "specified" means specified by the building control authority.

Applications for building control approval

1B (1) Building regulations may in particular make provision for and in connection with applications for building control approval (including approval of changes to anything that has already been approved).

(2) "Building control approval"—

(a) in relation to any work, means the approval by the building control authority of—

(i) plans of the work, and

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(ii) such other documents, relating to compliance with any provision of building regulations, as may be prescribed (or, in a case within sub-paragraph (5), as are provided to the authority);

(b) in relation to a change to a relevant document, means the approval by the authority of the change.

(3) Building regulations may—

(a) confer on building control authorities a power, with the consent of the applicant—

(i) to impose requirements (including in particular requirements of a kind mentioned in sub-paragraph (4)) when granting an application;

(ii) to vary requirements;

(b) make provision about the cases in which an application for approval of a change must be made (including provision conferring on building control authorities a power to specify the circumstances in which such an application must be made).

(4) The requirements referred to in sub-paragraph (3)(a) are—

(a) a requirement relating to the provision of a revised version of a specified relevant document;

(b) a requirement that the work does not proceed beyond a specified stage unless a specified relevant document has been given to, and approved by, the building control authority.

(5) Building regulations may provide that in prescribed cases—

(a) an application may be made to the authority for approval of the plans and such other relevant documents as the applicant considers appropriate, and

(b) the authority may refuse the application if the applicant does not, on request, provide it with a specified relevant document.

(6) In this paragraph—

(a) "relevant document" means—

(i) the plans mentioned in sub-paragraph (2)(a)(i), or

(ii) a document prescribed for the purposes of sub-paragraph (2)(a)(ii);

(b) "specified" means specified by the building control authority;

(c) a reference to a change to a document includes the replacement of it.

Certificates: approved schemes

1C (1) Building regulations may in particular make provision for and in connection with certificates that are given—

(a) by a member of a scheme that is approved,

(b) in accordance with the scheme, and

(c) in accordance with any prescribed requirement relating to the provision of insurance cover in respect of work to which the certificate relates.

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(2) Building regulations may make provision for and in connection with—
- (a) the approval of schemes by the appropriate national authority or a person designated by that authority;
- (b) the suspension or withdrawal of approvals (including provision about appeals to the appropriate court or tribunal against the suspension or withdrawal of approvals).

(3) The regulations may in particular provide that a scheme may be approved (and may remain approved) only if prescribed requirements relating to the provision of insurance cover are complied with.

(4) The regulations may provide—
- (a) that an approval has effect for a particular period (including a period specified in the approval), or
- (b) that an approval has effect until it is suspended or withdrawn.

(5) The requirements relating to insurance cover that may be prescribed include in particular a requirement that insurance cover is provided through a scheme of insurance approved by the appropriate national authority or a person designated by that authority.

Obtaining, keeping and giving information and documents

1D (1) Building regulations may, in relation to any work, make provision about—
- (a) obtaining information or documents;
- (b) creating documents;
- (c) keeping information or documents;
- (d) giving information or documents.

(2) The regulations may in particular—
- (a) provide that information or documents must be given or kept in accordance with prescribed standards;
- (b) impose requirements as regards keeping information or documents up to date;
- (c) confer on building control authorities or other prescribed persons a power, in prescribed circumstances, to require a person to give information to them.

(3) Where building regulations provide that any information or document must be given, they may make provision about the admissibility in any criminal proceedings of the information or document.

Reporting requirements: duty to establish and operate system

1E (1) This paragraph applies where building regulations made by virtue of paragraph 1D require a person to give information—
- (a) in relation to work in England, to the regulator;
- (b) in relation to work in Wales, to the building control authority.

(2) For the purpose of facilitating and securing compliance with any such requirement, the regulations may—

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(a) require a prescribed person to establish and operate a system for the giving of prescribed information to such person as may be prescribed, and
(b) make provision about such systems.

Form and content of documents etc

1F (1) Where building regulations provide that any document must or may be given, they may make provision about—
(a) the form and content of the document;
(b) the information and other documents that must accompany it;
(c) the way in which the document, and anything that is to accompany it, is to be given.

(2) Where building regulations provide that any information must or may be given, they may make provision about the way in which it is to be given.

(3) Building regulations may provide that any of the matters mentioned in paragraphs (a) to (c) of sub-paragraph (1), or in sub-paragraph (2), are to be specified in a direction made and published in accordance with the regulations.

(4) Building regulations may provide that—
(a) a prescribed application must be accompanied by such prescribed documents as the applicant considers appropriate, and
(b) the building control authority may refuse the application if the applicant does not, on request, provide it with a document of a kind prescribed for the purposes of paragraph (a) in relation to the application.

Inspection, testing etc

1G (1) Building regulations may make provision for and in connection with—
(a) the inspection and testing of work;
(b) the inspection and testing of buildings;
(c) the inspection and testing of services, fittings and equipment provided in connection with buildings;
(d) the taking of samples.

(2) The regulations may in particular—
(a) prohibit the covering up of any work, for a prescribed period after a prescribed or specified event;
(b) provide for the cutting into or laying open of any work or building, or the pulling down of any work.

(3) In sub-paragraph (2)(a) "specified" means specified by the building control authority.

Applications to building control authorities: extension of period by agreement

1H Building regulations may provide that any prescribed period for the doing of a thing by a building control authority in connection with an application

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made to it may be extended by agreement between the authority and the applicant.

Appeals

1I (1) Building regulations may make provision for and in connection with appeals against decisions made under, or under an instrument made under, Part 1, 2 or 2A of this Act.

(2) The regulations may confer, in respect of a prescribed decision—

(a) in relation to England—

(i) a right to appeal to the regulator or the tribunal, and

(ii) in the case of an appeal to the regulator, a right of appeal to the tribunal against the decision of the regulator made on appeal;

(b) in relation to Wales—

(i) a right to appeal to the Welsh Ministers or a magistrates' court, and

(ii) in the case of an appeal to the Welsh Ministers, a right of appeal to a magistrates' court or a right of appeal to the High Court, against the decision of the Welsh Ministers made on appeal.

(3) The provision that may be made in connection with appeals includes provision about a right of appeal conferred by Part 1, 2 or 2A.

(4) The regulations may in particular make provision about—

(a) the grounds upon which an appeal may be made;

(b) the period within which an appeal must be made;

(c) the way in which any appeal is to be made;

(d) the powers of the court, tribunal or other person determining the appeal (including provision conferring a power to give directions and, in the case of the regulator or Welsh Ministers, powers in respect of costs).

(5) In respect of appeals to the regulator or the Welsh Ministers, the regulations may make provision about procedural matters (including provision conferring a discretion as to the procedure to be adopted).

(6) In respect of appeals to the Welsh Ministers, the regulations may in particular make provision for and in connection with the Welsh Ministers appointing a person to determine the appeal (including provision conferring functions on that person and providing that their decision is treated as the decision of the Welsh Ministers)."

Commencement Information

I69 S. 33 not in force at Royal Assent, see **s. 170(4)(b)**(ii)(c)

I70 S. 33 in force at 6.4.2023 in force for E. and for W. except for specified purposes by S.I. 2023/362, **reg. 3(1)(n)**

I71 S. 33 in force at 5.9.2023 for W. in so far as not already in force by S.I. 2023/914, **reg. 2(b)(i)**

Status: *This version of this Act contains provisions that are prospective.*
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34 Dutyholders and general duties

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 5 insert—

"Appointed persons

5A (1) Building regulations may require prescribed appointments to be made in relation to any work.

(2) Building regulations may make provision about appointments, including provision about—

(a) the persons who are to make appointments;
(b) the persons who may be appointed;
(c) the time by which appointments must be made;
(d) the period for which persons are to be appointed;
(e) the termination of appointments;
(f) the replacement of appointed persons.

(3) The regulations may provide that in prescribed circumstances an appointment is treated as made.

(4) In this Schedule "appointed person", in relation to any work, means a person appointed in relation to that work under building regulations made by virtue of this paragraph.

General duties

5B (1) Building regulations may, for the purpose of facilitating compliance with any requirement of building regulations in relation to any work to which building regulations are applicable—

(a) impose duties on relevant persons in connection with the planning or management of the work;
(b) require relevant persons to co-operate with other relevant persons.

(2) The following are "relevant persons" for this purpose—

(a) any appointed person;
(b) any prescribed person."

Commencement Information

I72 S. 34 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)
I73 S. 34 in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(n)**
I74 S. 34 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(ii)**

35 Industry competence

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 5B (inserted by section 34) insert—

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"Competence requirements

5C (1) Building regulations may, in relation to any work, impose competence requirements on—

(a) any appointed person, or

(b) any prescribed person.

(2) A "competence requirement" is a requirement relating to—

(a) the skills, knowledge, experience and behaviours of an individual;

(b) the capability of a person other than an individual to perform its functions under building regulations.

(3) The regulations may require an appointed person who is not an individual to give an individual acting under its control who has the appropriate skills, knowledge, experience and behaviours the task of managing its functions as an appointed person."

Commencement Information

I75 S. 35 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I76 S. 35 in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(n)**

I77 S. 35 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(ii)**

36 Lapse of building control approval etc

(1) The Building Act 1984 is amended as follows.

(2) For section 32 substitute—

"**32 Lapse of building control approval**

(1) This section applies where—

(a) an application for building control approval in respect of any work is made on any day ("the relevant day"), and

(b) the application is granted.

(2) Where—

(a) the work relates to one building, and

(b) the work is not commenced within 3 years from the end of the relevant day,

the relevant provisions have effect as if the application had not been made (and the approval had not been given).

(3) Where—

(a) the work relates to more than one building, and

(b) the work relating to one or more of the buildings ("the relevant work") is not commenced within 3 years from the end of the relevant day,

the relevant provisions have effect in relation to those buildings and the relevant work as if the application had not been made (and the approval had not been given).

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(4) In subsection (1) the reference to an application for building control approval is to an application for approval of a kind mentioned in paragraph 1B(2)(a) of Schedule 1.

(5) In this section "the relevant provisions" means this Act and regulations made under it except the following provisions and any regulations made under them—

(a) sections 56, 56A, 56B and 91A (records and registers etc);

(b) section 105B (fees and charges).

(6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section."

(3) In section 47(4)(b) (time when initial notice ceases to be in force) for "below", in the first place it occurs, substitute "(final certificates) and section 53A (lapse of initial notice)".

(4) In section 50 (plans certificates) omit subsection (8).

(5) In section 52 (cancellation of initial notice) omit subsection (5).

(6) In section 53(2) (effect of initial notice ceasing to be in force: general)—

(a) at the end of paragraph (a) insert "and";

(b) omit paragraph (c) and the "and" immediately before it.

(7) After section 53 insert—

"**53A Lapse of initial notice**

(1) This section applies where—

(a) on any day ("the relevant day") an initial notice is given in respect of any work, and

(b) the initial notice is accepted.

(2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—

(a) the initial notice ceases to be in force, and

(b) if a plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).

(3) Where the work relates to more than one building, and the work in relation to one or more of the buildings ("the relevant work") is not commenced within 3 years from the end of the relevant day—

(a) the initial notice ceases to be in force so far as it relates to the relevant work, and

(b) if a plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).

(4) For the purposes of subsection (3)(b) it does not matter whether the plans certificate also relates to work other than the relevant work.

(5) In this section "the relevant provisions" has the meaning given by section 32.

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(6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section."

(8) In section 54(4)—

(a) omit the "and" at the end of paragraph (a);

(b) after paragraph (b) insert ", and

(c) with the substitution, in subsection (2)(d), of a reference to paragraph 4A of Schedule 4 for the reference to section 53A."

(9) Schedule 4 is amended as follows.

(10) In paragraph 1(1) for "below" substitute "(final certificates) and paragraph 4A (lapse of public body's notice)".

(11) In paragraph 2 omit sub-paragraph (6).

(12) In paragraph 4(2) omit paragraph (c) and the "and" before it.

(13) After paragraph 4 insert—

"Lapse of public body's notice

4A (1) This paragraph applies where—

(a) on any day ("the relevant day") a public body's notice is given in respect of any work, and

(b) the public body's notice is accepted.

(2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—

(a) the public body's notice ceases to be in force, and

(b) if a public body's plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).

(3) Where the work relates to more than one building, and the work in relation to one or more of the buildings ("the relevant work") is not commenced within 3 years from the end of the relevant day—

(a) the public body's notice ceases to be in force so far as it relates to the relevant work, and

(b) if a public body's plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).

(4) For the purposes of sub-paragraph (3)(b) it does not matter whether the public body's plans certificate also relates to work other than the relevant work.

(5) In this paragraph "the relevant provisions" has the meaning given by section 32.

(6) Building regulations may make provision about when work (or work relating to a building) is to be regarded as commenced for the purposes of this paragraph."

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Commencement Information

I78 S. 36 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I79 S. 36 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(o)**

I80 S. 36 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(iii)**

I81 S. 36 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(g)** (with regs. 3, 5)

37 Determination of certain applications by Secretary of State or Welsh Ministers

After section 30 of the Building Act 1984 insert—

"Determination by appropriate national authority

30A Determination of certain applications by appropriate national authority

(1) This section applies where the building control authority fails to determine a prescribed application relating to higher-risk building work ("the original application") within the relevant period.

(2) The applicant may apply to the appropriate national authority for the original application to be determined by that authority.

(3) An application under this section may be made only—
- (a) before the end of the prescribed period, and
- (b) if the building control authority has not determined the original application.

(4) The building control authority may not determine the original application at any time after the making of an application under this section.

(5) Building regulations may make provision about applications under this section, including in particular provision—
- (a) about the making of such applications;
- (b) requiring an applicant to notify the building control authority of the making of an application;
- (c) imposing duties on the building control authority in cases where an application is made;
- (d) for and in connection with the appropriate national authority appointing a person to determine the original application (including provision conferring functions on that person and providing that their decision is treated as the decision of the appropriate national authority);
- (e) about the procedure to be adopted in connection with the determination of the original application.

(6) The provision that may be made by virtue of subsection (5)(a) includes provision about—
- (a) the form and content of applications;
- (b) the information and documents that are to accompany an application;

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(c) the way in which an application, and anything that is to accompany it, is to be given.

(7) For the purposes of determining the original application by virtue of this section, this Act and building regulations apply in relation to the appropriate national authority (and any person appointed by virtue of subsection (5)(d)) as they apply in relation to the building control authority.

(8) The applicant may appeal to—

(a) the tribunal, against a decision of the Secretary of State made under this section;

(b) a magistrates' court, against a decision of the Welsh Ministers made under this section.

(9) In this section "the relevant period" means—

(a) the period provided by building regulations as the period within which the building control authority is to make the decision, or

(b) if the regulations provide that that period may be extended by agreement between the applicant and the building control authority and such an agreement is made, the agreed period."

Commencement Information

I82 S. 37 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I83 S. 37 in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(p)**

I84 S. 37 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(iv)**

38 Compliance and stop notices

(1) In the Building Act 1984 before section 36 insert—

"Notices in respect of contraventions

35B Compliance notices

(1) The building control authority may give a compliance notice to a person who appears to the authority to have contravened, be contravening or be likely to contravene—

(a) a relevant provision of building regulations, or

(b) a requirement imposed by virtue of such a provision.

(2) A "compliance notice" is—

(a) a notice requiring the recipient to take specified steps within a specified period, or

(b) a notice requiring the recipient to remedy the contravention or the matters giving rise to it within a specified period.

(3) A notice of a kind mentioned in subsection (2)(a) may specify any steps relating to—

(a) the remedying of the contravention, or

(b) avoiding the contravention occurring.

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(4) A person who, without reasonable excuse, contravenes a compliance notice commits an offence.

(5) A person guilty of an offence under this section is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(6) A compliance notice may not be given in respect of a contravention which occurred more than 12 months before the day on which the notice is given.

(7) In this section—
  (a) "relevant provision" means any provision of building regulations except one that is prescribed for the purposes of this paragraph;
  (b) "specified" means specified in the notice.

35C Stop notices

(1) The building control authority may give a stop notice to a person appearing to the authority to be in control of any work if it appears to the authority that—
  (a) the carrying out of the work would contravene a provision of building regulations prescribed for the purposes of this paragraph,
  (b) a compliance notice relating to the work has been contravened, or
  (c) the work contravenes a provision of building regulations or a requirement imposed by virtue of such a provision, and the risk of serious harm condition is met.

(2) For the purposes of subsection (1)(c) the "risk of serious harm condition" is that use of the building in question without the contravention having been remedied would be likely to present a risk of serious harm to people in or about the building.

(3) A "stop notice" is a notice prohibiting, either immediately or from a specified time, the carrying out of specified work until the occurrence of such of the following as may be specified—
  (a) the taking of specified steps;
  (b) the occurrence of specified circumstances;
  (c) the remedying of a specified contravention or the matters giving rise to it.

(4) Where a stop notice is contravened, the person to whom the notice was given commits an offence.

(5) A person guilty of an offence under this section is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

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and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(6) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable precautions and exercised all due diligence to avoid the contravention of the stop notice.

(7) In this section "specified" means specified in the notice.

35D Compliance and stop notices: supplementary

(1) Building regulations may make provision about compliance notices or stop notices.

(2) The regulations may in particular make provision about—
- (a) the form and content of notices;
- (b) the giving of notices;
- (c) the amendment or withdrawal of notices;
- (d) the extension of any period specified in a compliance notice for the doing of a thing.

(3) The regulations may require a building control authority which gives a notice to a person to take reasonable steps to notify other prescribed persons.

(4) A compliance notice, or a stop notice under section 35C(1)(a), may not be given in respect of a contravention (including a future contravention) where—
- (a) an application for building control approval was made to a building control authority in respect of any work that is not higher-risk building work,
- (b) the application was granted, and
- (c) the contravention consists (or would consist) of the carrying out of work or the doing of anything else in accordance with—
  - (i) the plans, or any other document, approved by the grant of building control approval, and
  - (ii) any requirement imposed by the building control authority in connection with the work or other thing."

(2) After section 39 of that Act insert—

"**39A Appeals against compliance notices and stop notices etc**

(1) A person to whom a compliance notice has been given may appeal to the appropriate court or tribunal.

(2) Where an appeal under subsection (1) is made—
- (a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and
- (b) the specified period mentioned in section 35B(2) is treated as extended by the period—
  - (i) beginning with the day on which the appeal is made, and

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(ii) ending with the day on which the appeal is finally determined or withdrawn.

(3) A person to whom a compliance notice has been given may apply to the appropriate court or tribunal for an extension of the period for the doing of the thing specified in the notice.

(4) Subsection (2) applies in relation to such an application as it applies in relation to an appeal under subsection (1).

(5) A person to whom a stop notice has been given may appeal to the appropriate court or tribunal.

(6) Where an appeal under subsection (5) is made—

(a) the appellant may apply to the appropriate court or tribunal for a direction that the stop notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until any such direction is given, the stop notice continues to have effect despite the making of the appeal."

Commencement Information

I85 S. 38 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I86 S. 38 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(q)**

I87 S. 38 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(v)**

I88 S. 38 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(h)**

39 Breach of building regulations

(1) The Building Act 1984 is amended as follows.

(2) For section 35 substitute—

"**35 Offence of contravening building regulations etc**

(1) A person who contravenes a provision of building regulations, or a requirement imposed by virtue of any such provision, commits an offence.

(2) Building regulations may provide that subsection (1) does not apply in relation to a prescribed provision of the regulations.

(3) Building regulations may provide that, in relation to a prescribed provision of the regulations, it is a defence for a person charged with an offence under this section to prove such matters relating to the contravention as may be prescribed.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

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and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction."

(3) In section 36(4) (time limit for notices requiring removal or alteration of non-compliant work) for "12 months" substitute "10 years".

Commencement Information

I89 S. 39 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I90 S. 39 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(r)**

I91 S. 39 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(vi)**

I92 S. 39 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(i)** (with reg. 7)

40 Liability of officers of body corporate etc

In the Building Act 1984 before section 113 insert—

"**112A Liability of officers of body corporate etc**

(1) Where an offence under this Act committed by a body corporate—

(a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or

(b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1) "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Subsection (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

(a) in the case of a partnership, to a partner;

(b) in the case of an unincorporated body other than a partnership—

(i) where the body's affairs are managed by its members, to a member of the body;

(ii) in any other case, to a member of the governing body."

Commencement Information

I93 S. 40 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I94 S. 40 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(j)**

I95 S. 40 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(i)** (with regs. 3, 4, 8-12)

41 Revocation etc of certain provision made under section 2(2) of ECA 1972

(1) In this section "combined instrument" means an instrument containing (whether alone or with other provision)—

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(a) provision made under section 1(1) of the Building Act 1984 (building regulations), and

(b) provision made under section 2(2) of the European Communities Act 1972 (provision implementing EU obligations etc).

(2) Regulations under section 1(1) of the Building Act 1984 may revoke a combined instrument so far as it is made under section 2(2) of the European Communities Act 1972.

(3) Nothing in paragraph 13 or 14 of Schedule 8 to the European Union (Withdrawal) Act 2018 (procedure etc for SIs amending or revoking regulations etc made under section 2(2) of the 1972 Act) is to be read as applying to a statutory instrument that amends a combined instrument so far as the combined instrument is made under section 2(2) of the European Communities Act 1972.

Commencement Information

I96 S. 41 not in force at Royal Assent, see **s. 170(4)(b)**(iii)(c)

I97 S. 41 in force at 28.6.2022 for E. by S.I. 2022/561, **regs. 1(2)**, 3(e)

I98 S. 41 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(vii)**

Building control approvers and building inspectors

42 Regulation of building control profession

In the Building Act 1984, after Part 2 insert—

"PART 2A

REGULATION OF BUILDING CONTROL PROFESSION

Interpretation

58A "Regulatory authority"

In this Act the "regulatory authority" means—

(a) in relation to England, the regulator;

(b) in relation to Wales, the Welsh Ministers.

Registered building inspectors

58B "Registered building inspector"

In this Act "registered building inspector" means an individual registered as a building inspector in accordance with this Part.

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58C Register of building inspectors

(1) The regulatory authority must establish and maintain a register of building inspectors.

(2) The register may provide for different classes of building inspectors (for example, according to qualifications or experience).

(3) The regulatory authority must register an individual as a building inspector, or a building inspector of a particular class, if—
- (a) the individual makes an application for registration in accordance with section 58D, and
- (b) the authority is satisfied that the individual meets such criteria as the authority may from time to time determine.

(4) Registration may—
- (a) have effect in relation to all work or in relation to work of a particular description;
- (b) be subject to conditions.

(5) Registration must be for a prescribed period.

(6) The register must record, in relation to each registered building inspector—
- (a) the individual's name and business address;
- (b) if the individual is employed by a building control authority or a registered building control approver, the name and business address of that person;
- (c) whether the individual's registration has effect in relation to all work or work of a particular description;
- (d) if the individual's registration has effect in relation to work of a particular description, that description of work;
- (e) any conditions to which the individual's registration is subject;
- (f) the period for which the individual is registered;
- (g) if the individual's registration has been varied by an order under section 58I(2)(b), that fact and the effect of the variation;
- (h) if the individual's registration has been suspended by an order under section 58I(2)(c) or 58J(2), that fact and the period of the suspension;
- (i) any matters that are prescribed.

(7) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

58D Application for registration as building inspector

(1) An application for registration as a building inspector must—
- (a) be made in such form and manner, and
- (b) be accompanied by such information and supporting evidence,

as the regulatory authority may from time to time determine.

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(2) The regulatory authority may make different provision about those matters for different cases.

(3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.

(4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

58E Variation or cancellation of registration as building inspector

(1) A registered building inspector may apply for the variation or cancellation of their registration.

(2) Section 58D applies to such an application as it applies to an application for registration.

58F Code of conduct

(1) The regulatory authority must prepare and publish a code of conduct for registered building inspectors.

(2) The code must set out standards of professional conduct and practice expected of registered building inspectors.

(3) The code may make different provision for different cases (for example, for different descriptions of work).

(4) The regulatory authority may revise the code of conduct at any time (and must publish any revised code).

58G Registered building inspectors: information notices

(1) The regulatory authority may by notice in writing require a registered building inspector to provide the authority with any documents or information the authority reasonably requires for the purposes its functions under sections 58B to 58M.

(2) The notice must specify—
   (a) the documents or information required,
   (b) the date by which they must be provided, and
   (c) the form in which they must be provided.

58H Professional misconduct investigations

(1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building inspector may be guilty of professional misconduct, the authority may investigate the matter.

(2) In this Part "professional misconduct", in relation to a registered building inspector, means conduct that—

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(a) falls short of the standards of conduct and practice expected of registered building inspectors, or

(b) is likely to bring the profession of registered building inspectors into disrepute.

(3) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building inspector under this section (which must include an opportunity for the inspector to make representations).

(4) The regulatory authority may revise the statement at any time (and must publish any revised statement).

58I Sanctions for professional misconduct

(1) If following an investigation under section 58H the regulatory authority determines that an individual who is a registered building inspector is guilty of professional misconduct, the authority may make one or more disciplinary orders.

(2) A disciplinary order is an order—

(a) requiring the individual to pay a financial penalty of an amount specified in the order,

(b) varying the individual's registration in a way specified in the order,

(c) suspending the individual's registration for a period specified in the order, or

(d) cancelling the individual's registration from a date specified in the order.

(3) Varying the individual's registration means varying any of the matters listed in section 58C(4) (limitations and conditions).

(4) Where the regulatory authority makes a disciplinary order it must give a copy of the order to the individual concerned as soon as reasonably practicable.

(5) The individual may appeal to the appropriate court or tribunal against a disciplinary order under this section.

(6) A disciplinary order under subsection (2)(a) or (b) has no effect until—

(a) the end of the period within which an appeal may be brought, or

(b) if an appeal is brought before the end of that period, the determination of the appeal.

(7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under subsection (2)(a).

58J Interim suspension for suspected serious professional misconduct

(1) This section applies where the regulatory authority considers that—

(a) an individual who is a registered building inspector may be guilty of professional misconduct, and

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(b) the suspected misconduct is so serious that, if the authority determines that the individual is guilty, it is likely to make an order under section 58I(2)(d) cancelling the individual's registration.

(2) The regulatory authority may by order suspend the individual's registration for a period specified in the order (which must not exceed 3 months).

(3) The regulatory authority may revoke the order before the end of that period.

(4) Where the regulatory authority makes (or revokes) an order under this section it must give a copy of the order (or notice of the revocation) to the individual concerned as soon as reasonably practicable.

(5) The individual may appeal to the appropriate court or tribunal against an order under this section.

58K Suspension orders: further provision

An individual whose registration is suspended under section 58I(2)(c) or 58J(2) is not a registered building inspector for the purposes of section 46A or 54B (restricted activities and functions) (but is a registered building inspector for the purposes of this Part).

58L Offences relating to registration

(1) A registered building inspector commits an offence if, without reasonable excuse, they carry out a restricted activity on behalf of a building control authority or a registered building control approver—

(a) in relation to work which is outside the scope of their registration, or

(b) while their registration is suspended.

(2) "Restricted activity"—

(a) in relation to a building control authority, has the meaning given by section 46A;

(b) in relation to a registered building control approver, has the meaning given by section 54B.

(3) A registered building inspector commits an offence if, without reasonable excuse—

(a) they give advice to a building control authority or registered building control approver—

(i) in relation to work which is outside the scope of their registration, or

(ii) while their registration is suspended, and

(b) they know, or ought to know, that the authority or approver is obtaining that advice for the purposes of section 46A or 54B (restricted functions).

(4) A registered building inspector commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.

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(5) A registered building inspector whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.

(6) For the purposes of this section, work is outside the scope of a registered building inspector's registration if the inspector's registration does not have effect in relation to work of that description.

(7) An offence under this section is punishable on summary conviction by a fine.

58M Offence of acting as, or pretending to be, a registered building inspector

(1) A person who is not a registered building inspector commits an offence if, with intent to deceive, the person—
  (a) impersonates a registered building inspector, or
  (b) does anything (including using any name, title or description) which implies that the person is a registered building inspector.

(2) An offence under this section is punishable on summary conviction by a fine.

Registered building control approvers

58N "Registered building control approver"

In this Act "registered building control approver" means a person registered as a building control approver in accordance with this Part.

58O Register of building control approvers

(1) The regulatory authority must establish and maintain a register of building control approvers.

(2) The regulatory authority must register a person as a building control approver if—
  (a) the person makes an application for registration in accordance with section 58P, and
  (b) the authority is satisfied that the person meets such criteria as the authority may from time to time determine.

(3) Registration may—
  (a) have effect in relation to all work or in relation to work of a particular description;
  (b) be subject to conditions.

(4) Registration must be for a prescribed period.

(5) The register must record, in relation to each registered building control approver—
  (a) the person's name and business address;
  (b) whether the person's registration has effect in relation to all work or work of a particular description;

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(c) if the person's registration has effect in relation to work of a particular description, that description of work;

(d) any conditions to which the person's registration is subject;

(e) the period for which the person is registered;

(f) if the person's registration has been varied by an order under section 58U(2)(b), that fact and the effect of the variation;

(g) if the person's registration has been suspended by an order under section 58U(2)(c) or 58V(2), that fact and the period of the suspension;

(h) any matters that are prescribed.

(6) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

58P Application for registration as building control approver

(1) An application for registration as a building control approver must—

(a) be made in such form and manner, and

(b) be accompanied by such information and supporting evidence,

as the regulatory authority may from time to time determine.

(2) The regulatory authority may make different provision about those matters for different cases.

(3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.

(4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

58Q Variation or cancellation of registration as building control approver

(1) A registered building control approver may apply for the variation or cancellation of their registration.

(2) Section 58P applies to such an application as it applies to an application for registration.

58R Professional conduct rules

(1) The regulatory authority must prepare and publish professional conduct rules applying to registered building control approvers (in addition to operational standards rules applying to them under section 58Z).

(2) Professional conduct rules may in particular make provision about insurance and financial propriety.

(3) The rules may make different provision for different cases (for example, for different descriptions of work).

(4) The regulatory authority may revise the professional conduct rules at any time (and must publish any revised rules).

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58S Registered building control approvers: information notices

(1) The regulatory authority may by notice in writing require a registered building control approver to provide the authority with any documents or information the authority reasonably requires for the purposes of its functions under sections 58N to 58X.

(2) The notice must specify—
- (a) the documents or information required,
- (b) the date by which they must be provided, and
- (c) the form in which they must be provided.

58T Investigations into contraventions of professional conduct rules

(1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building control approver may have contravened the professional conduct rules, the authority may investigate the matter.

(2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building control approver under this section (which must include an opportunity for the person to make representations).

(3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

58U Sanctions for contravention of professional conduct rules

(1) If following an investigation under section 58T the regulatory authority determines that a person who is a registered building control approver has contravened the professional conduct rules, the authority may make one or more disciplinary orders.

(2) A disciplinary order is an order—
- (a) requiring the person to pay a financial penalty of an amount specified in the order,
- (b) varying the person's registration in a way specified in the order,
- (c) suspending the person's registration for a period specified in the order, or
- (d) cancelling the person's registration from a date specified in the order.

(3) Varying the person's registration means varying any of the matters listed in section 58O(3) (limitations and conditions).

(4) Where the regulatory authority makes a disciplinary order it must as soon as reasonably practicable—
- (a) give a copy of the order to the person concerned, and
- (b) in prescribed cases, give a copy of the order—
  - (i) to each local authority in England, where the regulatory authority is the regulator, or

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(ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.

(5) The person may appeal to the appropriate court or tribunal against a disciplinary order under this section.

(6) A disciplinary order under subsection (2)(a) or (b) has no effect until—
- (a) the end of the period within which an appeal may be brought, or
- (b) if an appeal is brought before the end of that period, the determination of the appeal.

(7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under subsection (2)(a).

(8) A person whose registration is suspended by an order under subsection (2)(c) is a registered building control approver for the purposes of this Part.

(9) See section 58Z6(2) for further provision about cancellation of a person's registration as a building control approver.

58V Interim suspension for suspected serious contravention

(1) This section applies where the regulatory authority considers that—
- (a) a person who is a registered building control approver may have contravened the professional conduct rules, and
- (b) the suspected contravention is so serious that, if the authority determines that the contravention has occurred, it is likely to make an order under section 58U(2)(d) cancelling the person's registration.

(2) The regulatory authority may by order suspend the person's registration for a period specified in the order (which must not exceed 3 months).

(3) The regulatory authority may revoke the order before the end of that period.

(4) Where the regulatory authority makes (or revokes) an order under this section it must as soon as reasonably practicable—
- (a) give a copy of the order (or notice of the revocation) to the person concerned, and
- (b) in prescribed cases, give a copy of the order (or notice of the revocation)—
  - (i) to each local authority in England, where the regulatory authority is the regulator, or
  - (ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.

(5) The person may appeal to the appropriate court or tribunal against an order under this section.

(6) A person whose registration is suspended by an order under this section is a registered building control approver for the purposes of this Part.

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58W Offence of registered building control approver acting outside scope of registration

(1) A registered building control approver commits an offence if, without reasonable excuse, they exercise a function under this Act, or regulations made under this Act—
  (a) in relation to work outside the scope of their registration, or
  (b) while their registration is suspended.

(2) A registered building control approver commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.

(3) A registered building control approver whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.

(4) For the purposes of this section, work is outside the scope of a registered building control approver's registration if their registration does not have effect in relation to work of that description.

(5) An offence under this section is punishable on summary conviction by a fine.

58X Offence of pretending to be a registered building control approver

(1) A person who is not a registered building control approver commits an offence if, with intent to deceive, the person—
  (a) impersonates a registered building control approver, or
  (b) does anything (including using any name, title or description) which implies that the person is a registered building control approver.

(2) An offence under this section is punishable on summary conviction by a fine.

Delegation of registration functions

58Y Delegation of registration functions

(1) The regulatory authority may delegate its registration functions to another person, to such extent and subject to such conditions as it considers appropriate.

(2) The regulatory authority's registration functions are its functions under sections 58B to 58X (and include the charging of any registration fees or recovery of any registration charges).

(3) "Registration fees" and "registration charges" mean fees and charges in connection with the regulatory authority's functions under sections 58B to 58X that are—
  (a) prescribed by regulations under section 105B, or
  (b) determined by the regulatory authority in accordance with regulations under that section.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The regulatory authority may vary or revoke a delegation.

(5) Where the regulatory authority is the regulator, it—
  (a) may make, vary or revoke a delegation only with the consent of the Secretary of State;
  (b) must vary or revoke a delegation if directed to do so by the Secretary of State.

(6) Section 58Z9 of this Act (sharing of information between regulatory authorities) and Schedule 3 to the Building Safety Act 2022 (information sharing between regulator and other authorities) apply as if references to the regulator included references to a person to whom the regulator has delegated functions under this section.

(7) The following provisions of this Act apply as if references to the Welsh Ministers included references to a person to whom the Welsh Ministers have delegated functions under this section—
  (a) section 58Z9 (sharing of information between regulatory authorities);
  (b) section 91B (cooperation and sharing of information between Welsh Ministers and other authorities);
  (c) section 131A (application to the Crown).

Operational standards rules

58Z Operational standards rules

(1) The regulatory authority may make rules ("operational standards rules") applying to local authorities and registered building control approvers in relation to their exercise of building control functions.

(2) Operational standards rules may in particular make provision about standards to be met, and practices, procedures or methods to be adopted, in exercising building control functions.

(3) In this Part "building control functions", in relation to a local authority or registered building control approver, means the functions of the authority or approver under this Act and regulations made under it.

(4) The operational standards rules may make different provision for different cases (for example, for different descriptions of work).

(5) The regulatory authority may revise the operational standards rules at any time.

(6) The regulatory authority must publish the operational standards rules (and any revised rules).

58Z1 Reporting requirements

(1) The regulatory authority may direct local authorities and registered building control approvers to provide it, at specified times or intervals, with specified reports, returns and other information relating to the exercise of their building control functions.

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(2) "Specified" means specified in the direction.

(3) A direction under this section—
- (a) must be in writing;
- (b) may be general or specific;
- (c) may be varied or revoked.

(4) A registered building control approver who, without reasonable excuse, fails to comply with a direction under this section commits an offence.

(5) An offence under subsection (4) is punishable on summary conviction by a fine.

58Z2 Information: Wales

(1) This section applies where the Welsh Ministers are the regulatory authority.

(2) The Welsh Ministers may by notice in writing require a local authority or registered building control approver to provide the Welsh Ministers with any documents or information relating to the exercise of their building control functions that the Welsh Ministers reasonably require.

(3) The notice must specify—
- (a) the documents or information required,
- (b) the date by which they must be provided, and
- (c) the form in which they must be provided.

(4) A registered building control approver who, without reasonable excuse, fails to comply with a notice under this section commits an offence.

(5) An offence under subsection (4) is punishable on summary conviction by a fine.

58Z3 Investigations

(1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a local authority or registered building control approver may have contravened the operational standards rules, the regulatory authority may investigate the matter.

(2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating an authority or approver under this section (which must include an opportunity for the authority or approver to make representations).

(3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

58Z4 Improvement notice

(1) The regulatory authority may give an improvement notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the local

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authority or registered building control approver has contravened operational standards rules.

(2) An improvement notice is a notice requiring the local authority or registered building control approver to remedy the contravention by doing, or by refraining from doing, anything specified in the order.

(3) An improvement notice may have effect—
  (a) until it is revoked, or
  (b) for a period specified in the notice.

(4) Where the regulatory authority gives an improvement notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.

(5) Where the regulatory authority gives an improvement notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
  (a) to each local authority in England, where the regulatory authority is the regulator, or
  (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.

(6) Where the regulatory authority giving an improvement notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.

(7) The local authority or registered building control approver to whom the improvement notice is given may appeal to the appropriate court or tribunal against the notice.

58Z5 Serious contravention notices

(1) The regulatory authority may give a serious contravention notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the condition in subsection (2) or (3) is met.

(2) The condition in this subsection is that—
  (a) the local authority or registered building control approver has contravened operational standards rules, and
  (b) as a result of the contravention the safety of persons in or about buildings has been, or may have been, put at risk.

(3) This condition in this subsection is that the local authority or registered building control approver—
  (a) has been given an improvement notice under section 58Z4, and
  (b) has failed to remedy the contravention of operational standards rules in respect of which the notice was given.

(4) A serious contravention notice is a notice requiring the local authority or registered building control approver to remedy the contravention in question by doing, or by refraining from doing, anything specified in the order.

(5) A serious contravention notice may have effect—

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(a) until it is revoked, or
(b) for a period specified in the notice.

(6) Where the regulatory authority gives a serious contravention notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.

(7) Where the regulatory authority gives a serious contravention notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
(a) to each local authority in England, where the regulatory authority is the regulator, or
(b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.

(8) Where the regulatory authority giving a serious contravention notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.

(9) The local authority or registered building control approver to whom the serious contravention notice is given may appeal to the appropriate court or tribunal against the notice.

(10) A person who, without reasonable excuse, contravenes a serious contravention notice commits an offence and is liable on summary conviction to a fine.

58Z6 Continuing failure to meet standards: registered building control approvers

(1) This section applies where—
(a) the regulatory authority has given a registered building control approver one or more serious contravention notices under section 58Z5, and
(b) it appears to the regulatory authority that the way in which the approver exercises their building control functions—
(i) falls short of the standards expected, and
(ii) puts, or may put, the safety of persons in or about buildings at risk,
and is likely to continue to do so.

(2) The regulatory authority may cancel the approver's registration.

(3) But before cancelling a registered building control approver's registration under subsection (2) the regulatory authority must—
(a) give the approver notice that it is considering its registration under that subsection, and explain its reasons, and
(b) invite the approver to make representations within a period specified in the notice (which must not be less than 14 days).

(4) Where the regulatory authority cancels a registered building control approver's registration under subsection (2) it must as soon as reasonably practicable—
(a) notify the approver that it has done so,
(b) give the approver a statement of its reasons, and

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(c) notify—

(i) each local authority in England, where the regulatory authority is the regulator, or

(ii) each local authority in Wales, where the regulatory authority is the Welsh Ministers.

(5) A registered building control approver may appeal to the appropriate court or tribunal against the cancellation of its registration under subsection (2).

58Z7 Continuing failure to meet standards: local authorities in England

(1) This section applies where—

(a) the regulatory authority is the regulator,

(b) the regulatory authority has given a local authority one or more serious contravention notices under section 58Z5, and

(c) it appears to the regulatory authority that the way in which the local authority exercises their building control functions—

(i) falls short of the standards expected, and

(ii) puts, or may put, the safety of persons in or about buildings at risk,

and is likely to continue to do so.

(2) The regulatory authority may recommend to the Secretary of State that the Secretary of State make an order under section 116(4) (transfer of functions to the Secretary of State or another local authority).

(3) But before making a recommendation under subsection (2) the regulatory authority must—

(a) give the local authority notice that it is considering making a recommendation under that subsection, and explain its reasons, and

(b) invite the authority to make representations within a period specified in the notice (which must not be less than 14 days).

(4) Where the regulatory authority makes a recommendation under subsection (2) it must as soon as reasonably practicable—

(a) notify the local authority that it has done so, and

(b) give the local authority a statement of its reasons.

(5) A local authority may appeal to the tribunal against a recommendation under subsection (2).

Inspection of local authorities and registered building control approvers

58Z8 Inspections

(1) The regulatory authority may carry out an inspection of a local authority, or a registered building control approver, in relation to their exercise of building control functions.

(2) The purposes for which an inspection may be carried out include—

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(a) ascertaining the efficiency and effectiveness of the local authority or registered building control approver in exercising their building control functions;

(b) verifying any information provided by the local authority or registered building control approver to the regulatory authority, in connection with their building control functions.

Information sharing

58Z9 Sharing of information between regulatory authorities

(1) The regulator may disclose information held in connection with a function under this Part to the Welsh Ministers for the purposes of—

(a) a function of the regulator under this Part, or

(b) a function of the Welsh Ministers under this Part.

(2) The Welsh Ministers may disclose information held in connection with a function under this Part to the regulator for the purposes of—

(a) a function of the Welsh Ministers under this Part, or

(b) a function of the regulator under this Part.

(3) Except as provided by subsection (4), the disclosure of information under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(4) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).

Appeals

58Z10 Appeal to Crown Court

An appeal lies to the Crown Court against a decision of a magistrates' court under this Part."

Commencement Information

I99 S. 42 not in force at Royal Assent, see **s. 170(4)(a)**(iii)(b)(iv)

I100 S. 42 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(s)**

I101 S. 42 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(viii)** (with reg. 7)

I102 S. 42 in force at 1.10.2023 for specified purposes except in relation to W by S.I. 2023/993, **reg. 2(k)**

I103 S. 42 in force at 1.1.2024 for specified purposes for W. by S.I. 2023/914, **reg. 4(a)**

I104 S. 42 in force at 1.1.2024 for specified purposes by S.I. 2023/914, **reg. 4(b)**

I105 S. 42 in force at 6.4.2024 for specified purposes by S.I. 2024/207, **reg. 2(b)** (with regs. 3, 4, 8-12)

I106 S. 42 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(a)** (with reg. 3)

Status: *This version of this Act contains provisions that are prospective.*
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I107 S. 42 in force at 6.4.2024 for specified purposes for W. by S.I. 2024/207, **reg. 2(d)(ii)** (with regs. 3, 4, 8-12)

43 Transfer of approved inspectors' functions to registered building control approvers

Schedule 4 amends the Building Act 1984 so as to—

(a) transfer the functions of approved inspectors to registered building control approvers, and

(b) make other provision consequential on section 42.

Commencement Information

I108 S. 43 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)

I109 S. 43 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(iii)** (with regs. 3, 4, 8-12)

I110 S. 43 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

44 Functions exercisable only through, or with advice of, registered building inspectors

(1) The Building Act 1984 is amended as follows.

(2) After section 46 insert—

"Building control authorities: restricted activities and functions

46A Building control authorities: restricted activities and functions

(1) A building control authority may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the authority's behalf, whose registration has effect in relation to work of that description.

(2) Before each exercise of a restricted function in relation to any work, a building control authority must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.

(3) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the authority.

(4) In this section—

"restricted activity" means an activity that is prescribed for the purposes of this section;

"restricted function" means a function of a building control authority under—

(a) this Part,

(b) Part 3, or

(c) regulations made under this Part or Part 3,

that is prescribed for the purposes of this section."

Status: *This version of this Act contains provisions that are prospective.*
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(3) After section 54A (inserted by section 47) insert—

"Registered building control approvers: restricted activities and functions

54B Registered building control approvers: restricted activities and functions

(1) This section applies to a registered building control approver who is not a registered building inspector.

(2) The approver may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the approver's behalf, whose registration has effect in relation to work of that description.

(3) Before each exercise of a restricted function in relation to any work, the approver must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.

(4) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the approver.

(5) In this section—

"restricted activity" means an activity that is prescribed for the purposes of this section;

"restricted function" means a function of a registered building control approver under this Part, or regulations made under this Part, that is prescribed for the purposes of this section.

(6) A registered building control approver who contravenes subsection (2) or (3) without reasonable excuse commits an offence.

(7) An offence under this section is punishable on summary conviction by a fine."

Commencement Information

I111 S. 44 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I112 S. 44 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(t)**

I113 S. 44 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(ix)**

I114 S. 44 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(iv)** (with regs. 3, 4, 8-12)

I115 S. 44(1) in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(c)** (with reg. 3)

I116 S. 44(3) in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(c)** (with reg. 3)

45 Default powers of appropriate national authority

(1) The Building Act 1984 is amended as follows.

(2) In section 116 (power to transfer local authority functions to appropriate national authority)—

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(a) in the heading for "Secretary of State" substitute "appropriate national authority";

(b) in subsection (1)—

(i) for "Secretary of State" substitute "appropriate national authority";

(ii) for "he" substitute "it";

(c) in subsection (2)—

(i) for "Secretary of State" substitute "appropriate national authority";

(ii) for the words from "make an order" to the end substitute "make a transfer order in respect of the body in default.";

(d) after subsection (2) insert—

"(3) The Secretary of State must consult the regulator before making an order under subsection (1) or (2).

(4) The Secretary of State may also make a transfer order in respect of a local authority if—

(a) under section 58Z7(2) the regulator recommends that the Secretary of State make a transfer order in respect of the authority, and

(b) the Secretary of State is satisfied that the way in which the authority exercises its functions under this Act—

(i) falls short of the standards expected, and

(ii) puts, or may put, the safety of persons in or about buildings at risk,

and is likely to continue to do so.

(5) The Welsh Ministers may also make a transfer order in respect of a local authority if the Welsh Ministers are satisfied that the way in which the authority exercises its functions under this Act—

(a) falls short of the standards expected, and

(b) puts, or may put, the safety of persons in or about buildings at risk,

and is likely to continue to do so.

(6) A "transfer order", in respect of a local authority or joint board, is an order transferring to the appropriate national authority, or to another local authority, such functions of the authority or board as may be specified in the order."

(3) In section 117 (expenses)—

(a) in the heading for "Secretary of State" substitute "appropriate national authority";

(b) before subsection (1) insert—

"(A1) This section applies where the appropriate national authority has transferred functions to itself by a transfer order under section 116.

(A2) Any expenses incurred by the Secretary of State in discharging the transferred functions are to be paid in the first instance out of money provided by Parliament.";

(c) in subsection (1)—

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(i) for the words before paragraph (a) substitute "The amount of any expenses certified by the appropriate national authority as having been incurred by the authority in discharging the transferred functions";

(ii) in paragraph (a) for "him" substitute "the authority";

(iii) in paragraph (b) for the words from "him" to the end substitute "the authority from the body as a debt due to the authority";

(d) in subsection (2) for "Secretary of State" substitute "appropriate national authority".

(4) In section 118 (variation or revocation of transfer order)—

(a) in subsection (1)—

(i) for "Secretary of State" substitute "appropriate national authority";

(ii) for "an order under section 116(2)" substitute "a transfer order under section 116";

(iii) for "he" substitute "it";

(b) after subsection (1) insert—

"(1A) The Secretary of State must consult the regulator before making an order under subsection (1).";

(c) in subsection (2)—

(i) for "Secretary of State" substitute "appropriate national authority";

(ii) for "him", in the first place it occurs, substitute "it";

(iii) for the words from "by him" to the end substitute ", by the person to whom the revoked order transferred functions, in discharging those functions."

Commencement Information

I117 S. 45 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I118 S. 45 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(d)** (with reg. 3)

46 Higher-risk building work: registered building control approvers

(1) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (1)(a)—

(a) after "prescribed form" insert "relating to work that is not higher-risk building work";

(b) after "carry out" insert "the".

(2) In section 51A of the Building Act 1984 (variation of work to which initial notice relates), for subsection (1) substitute—

"(1) This section applies where—

(a) it is proposed that the work to which an initial notice relates should be varied, and

(b) the work as varied is not higher-risk building work."

(3) After section 52 of the Building Act 1984 insert—

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"52A Cancellation of initial notice when work becomes higher-risk building work

(1) If, at a time when an initial notice is in force, it appears to the registered building control approver that some or all of the work has become higher-risk building work, the registered building control approver must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—
  (a) the local authority concerned, and
  (b) the person carrying out or intending to carry out the work.

(2) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work that some or all of the work has become higher-risk building work, the person must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—
  (a) the local authority concerned, and
  (b) the registered building control approver.

(3) Where a person is required to give a notice under subsection (1) or (2) in relation to higher-risk building work in England, the person must, as soon as is reasonably practicable, give a copy of that notice to the regulator.

(4) If, at a time when an initial notice is in force, it appears to the local authority concerned that some or all of the work has become higher-risk building work, the authority must cancel the relevant part of the initial notice by notice in the prescribed form given to—
  (a) the registered building control approver, and
  (b) the person shown in the initial notice as the person intending to carry out the work.

(5) Where a local authority is required to give a notice under subsection (4) in relation to higher-risk building work in England, the local authority must give a copy of that notice to the regulator.

(6) A person commits an offence if they fail without reasonable excuse to—
  (a) give to a local authority a notice that the person is required to give by subsection (1) or (2);
  (b) give to the regulator a copy of a notice that the person is required to give by subsection (3).

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.

(8) Where a notice is given under any of subsections (1), (2) and (4) (a "cancellation notice")—
  (a) the part of the initial notice to which the cancellation notice relates is cancelled with effect from the day on which the cancellation notice is given, and
  (b) a new initial notice may not be given in relation to any of the work to which the cancelled part of the initial notice related.

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(9) In this section "the relevant part of the initial notice" means so much of the initial notice as relates to work that has become higher-risk building work.

52B Effect of initial notice ceasing to be in force where work becomes higher-risk building work

(1) This section applies where an initial notice ceases to be in force, whether in whole or in part, by virtue of section 47(4)(b)(ia) (higher-risk building work).

(2) If, before the day on which the relevant part of the initial notice ceased to be in force, a final certificate—
  (a) was given in respect of part of the work to which the relevant part of the initial notice relates, and
  (b) was accepted by the local authority,

the fact that the relevant part of the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) in relation to that part of the work.

(3) The building control authority in relation to any of the uncertified work is—
  (a) in England, the regulator, and
  (b) in Wales, the relevant local authority (within the meaning of section 121A(2)).

(4) In subsection (3), the "uncertified work" means any of the work—
  (a) to which the relevant part of the initial notice relates, and
  (b) in respect of which no final certificate has been accepted by the local authority as mentioned in subsection (2).

(5) Sections 91(3) (duties of the regulator) and 121A(1) (meaning of "building control authority") apply as if, in each case, the reference to section 91ZA or 91ZB were a reference to section 52B, 91ZA or 91ZB.

(6) In any case where this section applies, the reference in subsection (4) of section 36 to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the relevant part of the initial notice ceased to be in force.

(7) In this section "the relevant part of the initial notice" means so much of the initial notice as was cancelled by a notice under section 52A (cancellation of initial notice when work becomes higher-risk building work)."

(4) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (4)(b)—
  (a) omit the "or" after sub-paragraph (i);
  (b) after sub-paragraph (i) insert—

"(ia) it is cancelled, in whole or in part, by a notice under section 52A,".

(5) In section 55 of the Building Act 1984 (appeals), after subsection (2) insert—

"(2A) Where a local authority cancels an initial notice, in whole or in part, by giving a notice (a "cancellation notice") under section 52A(4)—

Status: *This version of this Act contains provisions that are prospective.*
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(a) the person shown in the initial notice as the person intending to carry out the work, or

(b) the registered building control approver,

may appeal to the appropriate court or tribunal.

(2B) On an appeal under subsection (2A), the court or tribunal must determine whether the relevant part of the initial notice was properly cancelled.

(2C) In a case where the court or tribunal determines that the relevant part of the initial notice was not properly cancelled—

(a) the determination does not have the effect of reinstating the relevant part of the initial notice;

(b) section 52B(2) and (6) continue to apply in relation to the relevant part of the initial notice;

(c) a new initial notice relating to any of the work to which the relevant part of the original initial notice related (the "original work") may be given only if the new initial notice—

(i) is given before the end of the period of seven days beginning with the day on which the appeal is determined or such other period as may be prescribed, and

(ii) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority;

(d) the court or tribunal may give such directions as it considers appropriate in consequence of the determination (which may include giving directions to the regulator).

(2D) Where—

(a) a plans certificate has been given in respect of any of the original work,

(b) the conditions in paragraphs (a) and (b) of section 53(2) are fulfilled with respect to that certificate, and

(c) a new initial notice as referred to in subsection (2C)(c) is accepted,

section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

(2E) Where—

(a) a new initial notice is given in accordance with subsection (2C)(c), and

(b) the registered building control approver shown in the new initial notice is different to the registered building control approver shown in the original initial notice,

sections 53B to 53E apply as if any reference in those sections to a new initial notice given in accordance with section 53(7)(a) were a reference to a new initial notice given in accordance with section 55(2C)(c).

(2F) In this section the "relevant part of the initial notice" means so much of the initial notice as was subject to the cancellation notice."

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Commencement Information

I119 S. 46 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)
I120 S. 46 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(u)**
I121 S. 46 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(x)**
I122 S. 46 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(l)** (with regs. 4, 8)
I123 S. 46 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(v)** (with regs. 3-5, 8-12)

47 Higher-risk building work: public bodies

After section 54 of the Building Act 1984 insert—

"54A Public bodies and higher-risk building work

(1) The appropriate national authority may by regulations make such amendments of the provisions listed in subsection (2) as the authority considers appropriate in connection with higher-risk building work.

(2) The provisions are—
(a) section 5;
(b) section 54;
(c) Schedule 4."

Commencement Information

I124 S. 47 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)
I125 S. 47 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(1)(e)**
I126 S. 47 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(xi)**

48 Insurance: removal of requirements

(1) The Building Act 1984 is amended as follows.

(2) In section 47 (giving and acceptance of initial notice)—
(a) in subsection (1) omit paragraph (c) (but not the "and" at the end of it);
(b) omit subsections (6) and (7).

(3) In section 51A(2) (variation of work to which initial notice relates) omit paragraph (c) (but not the "and" at the end of it).

(4) In section 56 (recording and furnishing of information) omit subsection (2).

Commencement Information

I127 S. 48 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)
I128 S. 48 in force at 28.7.2022 for W. by S.I. 2022/774, **reg. 2**
I129 S. 48 in force at 28.7.2022 for E. by S.I. 2022/561, **regs. 1(2)**, 4

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49 Plans certificates

(1) The Building Act 1984 is amended as follows.

(2) In section 50 (plans certificates)—

(a) for subsection (1) substitute—

"(1) In this Part a "plans certificate" means a certificate by a registered building control approver that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the approver has given an initial notice).

(1A) The relevant conditions are that the registered building control approver—

(a) has inspected—

(i) full plans of the work, or

(ii) plans of the work that the approver is satisfied are sufficient for the purposes of giving a plans certificate in relation to the work,

(b) is satisfied that the plans are not defective,

(c) is satisfied that work carried out in accordance with the plans would not contravene any provision of building regulations, and

(d) has complied with any prescribed requirements as to consultation or otherwise.

(1B) Subsection (1C) applies if the person intending to carry out work to which an initial notice relates asks the registered building control approver who gave the initial notice to give a plans certificate in respect of the work.

(1C) If the relevant conditions are met, the approver must give a plans certificate to the local authority and the person intending to carry out the work.

(1D) A plans certificate must be in the prescribed form.";

(b) in subsection (4) for "certificate under subsection (1) above" substitute "plans certificate";

(c) after subsection (7) insert—

"(7A) Building regulations may make further provision in connection with plans certificates, including in particular provision—

(a) requiring a plans certificate to be given to the local authority in prescribed cases;

(b) about the consequences of failing to comply with such a requirement (for example, for an initial notice to cease to have effect in whole or in part);

(c) requiring a plans certificate stating that the condition in subsection (1A)(a)(ii) is met to include prescribed information about the further plans that the registered building control approver considers need to be provided."

(3) In paragraph 2 of Schedule 4 (public body's plans certificates)—

(a) for sub-paragraph (1) substitute—

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"(1) In this Part a "public body's plans certificate" means a certificate by a public body that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the public body has given a public body's notice).

(1A) The relevant conditions are that the public body—

(a) is satisfied that—

(i) a competent person has inspected full plans of the work, or

(ii) a competent person has inspected plans of the work which the public body is satisfied, in the light of that inspection, are sufficient for the purposes of giving a public body's plans certificate in relation to the work,

(b) is satisfied in the light of that inspection that the plans are not defective,

(c) is satisfied in the light of that inspection that work carried out in accordance with the plans would not contravene any provision of building regulations, and

(d) has complied with any prescribed requirements as to consultation or otherwise.

(1B) "Competent person" means a servant or agent of the public body who is competent to assess the plans.

(1C) If the relevant conditions are met, the public body may give a public body's plans certificate to the local authority.

(1D) A public body's plans certificate must be in the prescribed form.";

(b) after sub-paragraph (6) insert—

"(7) Building regulations may make further provision about public body's plans certificates, including in particular provision—

(a) requiring a public body's plans certificate to be given to the local authority in prescribed cases;

(b) about the consequences of failing to comply with such a requirement (for example, for a public body's notice to cease to have effect in whole or in part);

(c) requiring a public body's plans certificate stating that the condition in sub-paragraph (1A)(a)(ii) is met to include prescribed information about the further plans that the public body considers need to be provided."

Commencement Information

I130 S. 49 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I131 S. 49 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**

I132 S. 49 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xii)**

I133 S. 49 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(e)** (with reg. 3)

I134 S. 49(1)(2) in force at 25.4.2024 for W. in so far as not already in force by S.I. 2024/447, **reg. 2**

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50 Cancellation of initial notice

(1) Section 52 of the Building Act 1984 (cancellation of initial notice) is amended in accordance with this section.

(2) In subsection (1)—

(a) omit the "or" after paragraph (b);

(b) after paragraph (c), insert—

"(d) the registered building control approver is given a disciplinary order under section 58U(2)(b) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver's functions with respect to the work to which the initial notice relates,

(e) the registered building control approver is given a disciplinary order under section 58U(2)(c) (suspension of registration) or an order under section 58V (interim suspension for suspected serious contravention), or

(f) it appears to the registered building control approver that a prescribed circumstance exists,";

(c) for "approved inspector shall" substitute "registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control approver, must".

(3) For subsection (3) substitute—

"(3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work to which the notice relates that—

(a) the registered building control approver is no longer willing or able to carry out the registered building control approver's functions with respect to any of that work, or

(b) a prescribed circumstance exists,

the person must cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the registered building control approver."

(4) In subsection (4), after "subsection" insert "(1) or".

(5) After subsection (5) insert—

"(5A) If, at a time when an initial notice is in force, it appears to the local authority concerned that a condition in subsection (5B) is satisfied, the authority must cancel the initial notice by notice in the prescribed form given to—

(a) the person shown in the initial notice as the registered building control approver, and

(b) the person shown in the initial notice as the person intending to carry out the work.

(5B) The conditions are—

(a) the registered building control approver is given a disciplinary order under section 58U(2)(b) (variation of registration) such that the registered building control approver is no longer able to carry out the

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registered building control approver's functions with respect to the work to which the initial notice relates;

(b) the registered building control approver is given a disciplinary order under section 58U(2)(c) (suspension of registration) or an order under section 58V (interim suspension for suspected serious contravention);

(c) the registered building control approver is given a disciplinary order under section 58U(2)(d) (cancellation of registration);

(d) the registered building control approver has their registration cancelled under section 58Z6(2) (serious contravention notices);

(e) a prescribed circumstance exists."

(6) After subsection (6) insert—

"(7) Before cancelling an initial notice under subsection (5A) based on a condition in subsection (5B)(a), (b) or (e), the local authority must—

(a) give the person shown in the initial notice as the registered building control approver a notice in the prescribed form at least seven days before the day on which the initial notice is to be cancelled, and

(b) have regard to any representations made to the local authority during that period."

Commencement Information

I135 S. 50 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I136 S. 50 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**

I137 S. 50 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xii)**

I138 S. 50 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(f)** (with reg. 3)

I139 S. 50 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(vi)** (with regs. 3, 4, 8-12)

51 New initial notices

(1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), for subsection (7) substitute—

"(7) A new initial notice relating to any of the work to which the original initial notice related (the "original work") may be given only if—

(a) in the case of an initial notice that ceases to be in force by virtue of—

(i) being cancelled under section 52(1)(d) or (e),

(ii) being cancelled under section 52(5A) based on a condition in section 52(5B)(a) to (d), or

(iii) such other provision as may be prescribed,

the conditions in subsection (8) are met, or

(b) in any other case, the conditions in subsection (9) are met.

(8) The conditions referred to in subsection (7)(a) are that the new initial notice—

(a) is given before the end of the period of seven days beginning with the day on which the original initial notice ceased to be in force or such other period as may be prescribed,

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(b) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority, and

(c) is not a combined initial notice and plans certificate given in accordance with section 50(4).

(9) The conditions referred to in subsection (7)(b) are that—

(a) before the original initial notice ceases to be in force, the original registered building control approver has given a final certificate under section 51 in respect of any part of the work which they are satisfied has been completed, and

(b) the new initial notice relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority.

(10) Where—

(a) a plans certificate has been given in respect of any of the original work,

(b) the conditions in paragraphs (a) and (b) of subsection (2) are fulfilled with respect to that certificate, and

(c) a new initial notice as referred to in subsection (7) is accepted,

section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

(11) Section 53B applies in relation to a new initial notice given in accordance with subsection (7)(a).

(12) The appropriate national authority may issue guidance about the process for—

(a) the giving of a new initial notice under subsection (7);

(b) the giving of a transfer certificate and a transfer report under section 53B;

(c) the consideration of a transfer certificate and a transfer report under section 53C.

(13) The appropriate national authority may revise or withdraw any issued guidance.

(14) The following must have regard to guidance issued under subsection (12)—

(a) a local authority;

(b) a registered building control approver;

(c) a person carrying out or intending to carry out work to which a new initial notice given under subsection (7) relates."

(2) After section 53A of the Building Act 1984 (inserted by section 36) insert—

"**53B New initial notice: change of registered building control approver**

(1) This section applies where a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases).

(2) Where the new initial notice is accepted by the local authority the registered building control approver must take all reasonable steps to determine whether the unfinished work contravenes any provision of building regulations

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(including where necessary by carrying out inspections and laying open any work).

(3) If the registered building control approver determines that the unfinished work does not contravene any provision of building regulations, the approver must give a transfer certificate and a transfer report to the local authority before the end of the relevant period.

(4) If the registered building control approver is unable to make the determination referred to in subsection (3), the approver must—
  (a) give the person carrying out or intending to carry out the work a notice setting out why they were unable to make the determination, and
  (b) give a copy of that notice to the local authority.

(5) A transfer certificate must—
  (a) confirm that the registered building control approver has determined that the unfinished work up to the date of the certificate does not contravene any provision of building regulations, and
  (b) contain the prescribed information.

(6) A transfer report must contain any plans, documents or other information related to the confirmation in subsection (5)(a).

(7) In this section the "relevant period" means—
  (a) the period of 21 days beginning with the day on which the new initial notice is accepted or such other period as may be prescribed, or
  (b) such longer period as may be agreed by the local authority following a request from the registered building control approver.

(8) A transfer certificate given by a registered building control approver—
  (a) does not impose any liability, whether civil or criminal, on the registered building control approver for any work carried out by the previous registered building control approver, and
  (b) does not affect any liability, whether civil or criminal, of the previous registered building control approver for work carried out by that approver.

(9) In this section "unfinished work" means all of the work to which the original initial notice related, except for any work in respect of which a final certificate was accepted by the local authority.

53C Consideration of transfer certificate and report

(1) This section applies where a registered building control approver gives a transfer certificate and a transfer report to a local authority in accordance with section 53B(3).

(2) The local authority must, by notice, accept or reject the certificate and report before the end of the relevant period.

(3) The local authority may reject the certificate and report only if—
  (a) any of the prescribed grounds exist, or

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(b) the registered building control approver fails to comply with a requirement in subsection (4) to give information to the local authority.

(4) During the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, the local authority may, by notice, require the registered building control approver to give to the local authority such information as may be specified in the notice.

(5) The registered building control approver must give the information specified in the notice to the local authority before the end of the period of seven days beginning with the day on which the notice is given or such other period as may be prescribed.

(6) In this section the "relevant period" means—

(a) the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, or

(b) such longer period as is determined in accordance with subsection (7).

(7) Where—

(a) a local authority requires a registered building control approver to give information to the local authority under subsection (4), and

(b) the day by which the information is required to be given would (but for this subsection) fall within the final seven days of the relevant period or would fall outside the relevant period,

the relevant period is to be extended to the end of the period of seven days beginning with the day after the day by which the information is required to be given.

(8) Where a local authority requires a registered building control approver to give information to the local authority under subsection (4), the local authority must give a copy of the notice to the person shown in the initial notice as the person intending to carry out the work.

53D Cancellation of initial notice: change of registered building control approver

(1) This section applies where—

(a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and

(b) the notice is accepted by the local authority.

(2) If, at a time when the initial notice is in force—

(a) the registered building control approver does not give the local authority a transfer certificate and transfer report in accordance with section 53B(3), or

(b) the local authority rejects the transfer certificate and transfer report in accordance with section 53C,

the local authority must cancel the initial notice by notice in the prescribed form given to the registered building control approver and the person shown in the initial notice as the person intending to carry out the work.

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(3) The person carrying out or intending to carry out the work to which the initial notice relates may, at a time—
  (a) when the initial notice is in force, and
  (b) before the local authority accepts or rejects the transfer certificate and report in accordance with section 53C,

cancel the initial notice by notice in the prescribed form given to the local authority and, if it is practicable to do so, to the registered building control approver.

(4) A notice under subsection (2) or (3) has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.

(5) Where an initial notice ceases to be in force by virtue of subsection (2) or (3), a new initial notice may not, except in prescribed circumstances, be given in relation to any of the work to which the cancelled notice related.

(6) Where an initial notice ceases to be in force by virtue of subsection (2) or (3)—
  (a) for the purpose of enabling the local authority to perform the functions referred to in section 48(1) in relation to any part of the work, building regulations may require the local authority to be provided with plans that relate to that part of the work, and
  (b) section 53(5) applies in relation to the notice as it applies in relation to an initial notice that ceases to be in force as referred to in section 53(1).

(7) This section is without prejudice to any other provisions of this Part relating to when an initial notice ceases to be in force.

53E Restriction on functions of registered building control approvers

(1) This section applies where—
  (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  (b) the notice is accepted by the local authority.

(2) During the period in respect of which—
  (a) the notice is in force, but
  (b) a transfer certificate and a transfer report have not been accepted by the local authority,

the registered building control approver may not exercise the relevant functions.

(3) In this section the "relevant functions" are the functions of a registered building control approver under, or under regulations made under—
  (a) section 50 (plans certificates);
  (b) section 51 (final certificates);
  (c) section 51A (amendment notices)."

(3) In section 47 of the Building Act 1984 (giving and acceptance of initial notice)—
  (a) in subsection (4)(b), after sub-paragraph (ia) (inserted by section 46) insert—
    "(ib) it is cancelled by a notice under section 53D, or";

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(b) after subsection (7) insert—

"(8) This section is subject to sections 53 and 53B (new initial notices)."

(4) In section 55 of the Building Act 1984 (appeals)—

(a) in subsection (1)—

(i) omit the "or" after paragraph (a);

(ii) after paragraph (b) insert "or

(c) a transfer certificate and a transfer report,";

(b) in subsection (2)(a), after "notice" insert ", report";

(c) in subsection (2)(b), after "notice" insert ", report".

Commencement Information

I140 S. 51 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I141 S. 51 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**

I142 S. 51 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xii)**

I143 S. 51 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(vii)** (with regs. 3, 4, 8-12)

I144 S. 51 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(g)** (with regs. 3, 5)

52 Information gathering

(1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), after subsection (4) insert—

"(4A) For the purpose of enabling the local authority to perform the functions referred to in section 48(1), the local authority may by notice require the person shown in the initial notice as the registered building control approver to give the local authority—

(a) any information the authority would have obtained if the authority had performed the function of enforcing building regulations in relation to the work to which the initial notice relates during the period in which the initial notice was in force, and

(b) any other information the local authority may reasonably require.

(4B) Where a person is required to give information under subsection (4A), the information must be given before the end of the prescribed period.

(4C) The person shown in the initial notice as the registered building control approver (the "outgoing approver") must, before the end of the prescribed period, give the person carrying out or intending to carry out the work to which the initial notice relates—

(a) any information given to a local authority under subsection (4A),

(b) any other information that the outgoing approver obtained or created in relation to the work during the period in which the initial notice was in force, and

(c) any other information that the person carrying out or intending to carry out the work may by notice reasonably require for the purpose

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of enabling a person other than the outgoing approver to perform the functions referred to in section 48(1) in relation to the work.

(4D) A notice under subsection (4C)(c)—

(a) may only require information to be given in relation to work carried out during the period in which the initial notice was in force;

(b) may require information to be provided in a specified format."

(2) In section 57 of the Building Act 1984 (offences), in subsection (1)—

(a) omit the "or" after paragraph (a);

(b) after paragraph (a) insert—

"(aa) fails without reasonable excuse to comply with a requirement under section 53(4A) to give information, or".

Commencement Information

I145 S. 52 not in force at Royal Assent, see **s. 170(4)(b)**(vi)(c)

I146 S. 52 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**

I147 S. 52 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xii)**

I148 S. 52 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(viii)** (with regs. 3, 4, 8-12)

I149 S. 52 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(h)** (with reg. 3)

53 Information

(1) After section 56 of the Building Act 1984 insert—

"56A Giving information by electronic means: England

(1) The regulator must establish and maintain a facility (the "facility") to enable a specified person to give specified relevant information to another person by electronic communication.

(2) The Secretary of State may by regulations require or authorise a specified person to use the facility when giving specified relevant information to another person.

(3) Any information given to a person in accordance with regulations made under subsection (2) is to be treated for the purposes of section 56B (requirement to keep register) as also having been given to the regulator.

(4) Regulations under this section may require a person who is given specified relevant information otherwise than through the facility to give that information to the regulator using the facility.

(5) Regulations under this section may make provision treating specified relevant information that is given using the facility as having been given in the prescribed form for the purposes of this Part.

(6) In this section—

"relevant information" means information that is required or authorised to be given by this Part or regulations made under it;

Status: *This version of this Act contains provisions that are prospective.*
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"specified" means specified in regulations made by the Secretary of State under this section.

(7) In this section and section 56B—

"information" includes documents;

"documents" includes notices, certificates, orders, consents, demands and plans.

(8) The Secretary of State may make regulations under this section only in relation to England.

56B Requirement to keep register: England

(1) The regulator must keep a register of specified relevant information.

(2) The information that may be specified for the purposes of subsection (1) includes in particular information given, or treated as having been given, to the regulator using the facility established under section 56A(1).

(3) The regulator—

(a) must maintain the register in electronic form;

(b) must ensure that any specified parts of the register are available for inspection by members of the public;

(c) must, in specified circumstances, provide to members of the public, on request, copies of information kept in the register.

(4) In this section—

"relevant information" means information that is required or authorised to be given by this Part or regulations made under it;

"specified" means specified in regulations made by the Secretary of State under this section.

(5) The Secretary of State may make regulations under this section only in relation to England.

56C Delegation of functions

(1) The regulator may by written notice delegate to a person, to such extent and subject to such conditions as the regulator considers appropriate, the functions conferred on the regulator by—

(a) section 56A(1);

(b) section 56B(1) and (3) (including the ability to charge fees in connection with the exercise of those functions).

(2) In subsection (1) "fees" means fees that are prescribed by, or determined by the regulator in accordance with, regulations under section 105B.

(3) The regulator may delegate different functions to different persons under subsection (1).

(4) The regulator may delegate functions under subsection (1) only with the consent of the Secretary of State.

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(5) The regulator may revoke a delegation of functions to a person by giving a written notice to the person.

(6) The regulator may revoke a delegation under subsection (5) only with the consent of the Secretary of State.

(7) Schedule 3 to the Building Safety Act 2022 (information sharing) applies as if references to the regulator included references to a person to whom the regulator has delegated functions under subsection (1)(b).”

(2) In section 55 of the Building Act 1984 (appeals), after subsection (3) insert—

“(4) On an appeal under subsection (1), the local authority must give the specified information to the regulator.

(5) In this section “specified” means specified in regulations made by the Secretary of State under this section.

(6) The Secretary of State may make regulations under this section only in relation to England.”

(3) In section 56 of the Building Act 1984 (recording and furnishing of information)—

(a) in subsection (1)—

(i) after “authority” insert “in Wales”;

(ii) after “public body’s notices” insert “, transfer reports”;

(iii) after “such notices” insert “, reports”;

(b) in subsection (3), after “plans certificates, final certificates” insert “, transfer certificates”;

(c) in subsection (4), after “section” insert “by a local authority in Wales”.

Commencement Information

I150 S. 53 not in force at Royal Assent, see **s. 170(4)(b)**(vii)(c)

I151 S. 53 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**

I152 S. 53(2)(3)(a)(ii)(iii)(b) in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(ix)** (with regs. 3, 4, 8-12)

I153 S. 53(2)(3)(a)(ii)(iii)(b) in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(i)** (with reg. 3)

Miscellaneous and general

54 Functions under Part 3 of Building Act 1984

In the Building Act 1984 after section 90 insert—

“**90A Functions under this Part: the regulator etc**

(1) The Secretary of State may by regulations provide that in specified cases, a specified function under this Part of local authorities in England is to be a function of the regulator instead of, or in addition to, the local authority in question.

Status: *This version of this Act contains provisions that are prospective.*
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(2) The Secretary of State may by regulations provide that in specified cases, a relevant authority proposing to exercise a specified function under this Part must notify a specified relevant authority of specified matters.

(3) The notification must be made in the specified way and by the specified time.

(4) In this section—

"relevant authority" means the regulator or a local authority for an area in England;

"specified" means specified by regulations under this section."

Commencement Information

I154 S. 54 not in force at Royal Assent, see **s. 170(4)(c)**

I155 S. 54 in force at 1.10.2023 by S.I. 2023/993, **reg. 2(m)**

55 Minor and consequential amendments

Schedule 5 contains—

(a) minor amendments of the Building Act 1984, and

(b) amendments consequential on provision made by this Part.

Commencement Information

I156 S. 55 not in force at Royal Assent, see **s. 170(4)(a)**(iv)(v)(b)(viii)(c)

I157 S. 55 in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, **regs. 1(2)**, 3(f)

I158 S. 55 in force at 9.12.2022 for specified purposes for W. by S.I. 2022/1287, **reg. 2(b)**

I159 S. 55 in force at 1.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 2(1)(f)**

I160 S. 55 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)**

I161 S. 55 in force at 1.10.2023 for specified purposes except in relation to W by S.I. 2023/993, **reg. 2(n)**

I162 S. 55 in force at 6.4.2024 for specified purposes except in relation to W. by S.I. 2024/104, **reg. 2(j)** (with reg. 3)

56 Appeals

Schedule 6 makes provision about appeals under the Building Act 1984, including provision providing for—

(a) certain appeals to be made to the regulator instead of the Secretary of State,

(b) certain appeals relating to buildings in England to be made to the tribunal instead of a magistrates' court, and

(c) a right of appeal against a decision of a local authority not to consider certain applications or notices on the ground that they are in respect of higher-risk building work.

Commencement Information

I163 S. 56 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I164 S. 56 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(x)**

I165 S. 56 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(xiv)**

Status: *This version of this Act contains provisions that are prospective.*
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I166 S. 56 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(o)**

57 Fees and charges

In the Building Act 1984 after section 105A (inserted by paragraph 29 of Schedule 6) insert—

"Fees, charges and levies

105B Fees and charges

(1) The appropriate national authority may by regulations make provision authorising a relevant authority—
  (a) to charge fees, and
  (b) to recover charges,
for or in connection with the performance of any of its functions under, or under an instrument made under, this Act.

(2) The regulations may—
  (a) prescribe a fee or charge, or
  (b) provide for the amount of any fee or charge to be determined by the relevant authority in accordance with the regulations;
and may make provision about the effect of failing to pay a fee or charge in accordance with the regulations.

(3) The regulations may in particular—
  (a) provide that the amount of any charge is to be determined by the relevant authority in accordance with a scheme made and published by it, and
  (b) make provision about such schemes, including the principles to be embodied in such schemes.

(4) In this section "relevant authority" means—
  (a) in relation to England, the regulator or a local authority for an area in England;
  (b) in relation to Wales, the Welsh Ministers or a local authority for an area in Wales."

Commencement Information

I167 S. 57 not in force at Royal Assent, see **s. 170(4)(b)**(x)(c)
I168 S. 57 in force at 28.6.2022 for E. by S.I. 2022/561, **regs. 1(2)**, 3(g)
I169 S. 57 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(xvi)**

58 Levy on applications for building control approval etc

In the Building Act 1984 after section 105B (inserted by section 57) insert—

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"105C Levy on certain applications for building control approval etc

(1) The Secretary of State may by regulations make provision for and in connection with the imposition, in respect of relevant applications or notices or specified descriptions of relevant applications or notices, of a levy for the purpose of meeting any building safety expenditure.

(2) The levy is payable to the Secretary of State or a person designated by the Secretary of State.

(3) The regulations may in particular make provision about—
- (a) the amount of the levy;
- (b) the person by whom it must be paid;
- (c) when the levy must be paid;
- (d) the provision of information or documents to, or by, the Secretary of State or designated person;
- (e) the consequences of a failure to pay the levy in accordance with the regulations;
- (f) the determination of disputes (including provision conferring a right to appeal to the tribunal and provision about appeals).

(4) The different provision that may be made by the regulations by virtue of section 120A(2)(b) includes in particular different provision in relation to—
- (a) persons who are eligible to be members of a building industry scheme and are not members of that scheme, and
- (b) other persons.

(5) The regulations may contain exemptions, for specified descriptions of person.

(6) The regulations may provide that, unless the building control authority is given a notification under subsection (7) in relation to a relevant application or notice (or a relevant application or notice of a specified description), the authority—
- (a) may not take a specified step in relation to the application or notice (for example, may not grant an application, accept a notice or give a specified certificate in relation to works connected with the application or notice), or
- (b) must take a specified step in relation to the application or notice (for example, must reject a notice).

(7) A notification under this section is a notification given by the Secretary of State or designated person—
- (a) that the levy payable in respect of the application or notice has been paid, or
- (b) that no levy is payable in respect of the application or notice.

(8) The regulations must provide for any amount received by a designated person by way of a levy to be paid to the Secretary of State, subject to retention of an amount, determined by or in accordance with the regulations, in respect of the costs of administering the levy.

(9) A designation under this section must be published in such way as the Secretary of State considers appropriate.

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(10) In this section "relevant application or notice" means—

(a) an application for building control approval,

(b) an initial notice,

(c) an amendment notice, or

(d) a public body's notice,

relating to a relevant building or proposed relevant building (including any such application or notice relating to work that causes a building to become a relevant building or causes a relevant building to cease to be such a building).

(11) In this section—

"amendment notice, "initial notice" and "public body's notice" have the same meaning as in Part 2 (see section 58);

"building industry scheme" means a scheme established under section 126 of the Building Safety Act 2022;

"building safety expenditure" means expenditure incurred by the Secretary of State (whether before or after the passing of this Act) in providing financial assistance to persons (whether by way of grant, loan or otherwise) for the purposes of enabling them to improve the safety of persons in or about buildings in England;

"relevant building" means a building in England consisting of or containing—

(a) one or more dwellings, or

(b) other accommodation,

(and "accommodation" here includes temporary accommodation, for example in a hotel or hospital);

"specified" means specified in the regulations."

Commencement Information

I170 S. 58 not in force at Royal Assent, see **s. 170(4)(c)**

I171 S. 58 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(k)** (with reg. 3)

PROSPECTIVE

59 Crown application

In Part 5 of the Building Act 1984 before section 132 insert—

"**131A Crown application**

(1) The following provisions bind the Crown—

(a) Part 1 except sections 35B to 37, 39A and 40;

(b) Part 2;

(c) Part 2A except sections 58I to 58K, 58U, 58V and 58Z4 to 58Z6;

(d) Part 4 so far as it relates to a provision within any of the preceding paragraphs.

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(2) No contravention by the Crown of a provision within subsection (1)(a) to (d) makes the Crown criminally liable.

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

(4) Subsection (5) applies where—

(a) a contravention of a provision within subsection (1)(a) or (b), or of Part 4 so far as it relates to such a provision, occurs in relation to a building or proposed building for which a local authority is the building control authority, or

(b) a contravention of a provision within subsection (1)(c), or of Part 4 so far as it relates to such a provision, occurs in relation to Wales,

and the Crown would, but for subsection (2), be criminally liable under this Act in respect of the contravention.

(5) The High Court may, on the application of—

(a) the local authority (in a case within subsection (4)(a)), or

(b) the Welsh Ministers (in a case within subsection (4)(b)),

declare unlawful the act or omission constituting the contravention.

(6) In this section a reference to a provision includes any instrument made under it.

(7) For the application to the Crown of Part 3, and Part 4 so far as it relates to that Part, see section 87."

Commencement Information

I172 S. 59 not in force at Royal Assent, see **s. 170(4)(c)**

PROSPECTIVE

60 Application to Parliament

(1) The Building Act 1984 is amended as follows.

(2) In section 95 (power to enter premises) after subsection (4) insert—

"(5) This section does not apply in relation to the Parliamentary Estate (as defined by section 131B)."

(3) After section 131A (inserted by section 59) insert—

"**131B Parts 1 and 2 etc: application to Parliament**

(1) In their application in relation to the Parliamentary Estate, Parts 1 and 2, and Part 4 so far as it relates to those Parts, have effect with the following modifications—

(a) sections 35B to 37, 39A and 40 (enforcement etc) do not apply;

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(b) any reference to the owner or occupier of a building or of any premises is be read as a reference to—

(i) the Corporate Officer of the House of Lords,

(ii) the Corporate Officer of the House of Commons, or (as the case may be)

(iii) the Corporate Officers acting jointly.

(2) In the following provisions—

"Corporate Officer" means—

(a) the Corporate Officer of the House of Lords,

(b) the Corporate Officer of the House of Commons, or

(c) the Corporate Officers acting jointly;

"relevant provision" means—

(a) any provision of, or of an instrument made under, Part 1 or 2, or

(b) any provision of Part 4 or of an instrument made under Part 4, so far as the provision relates to Part 1 or 2.

(3) No contravention by a Corporate Officer of a relevant provision makes the Corporate Officer criminally liable.

(4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).

(5) Where a contravention of a relevant provision occurs which, but for subsection (3), would result in a Corporate Officer being criminally liable, the High Court may, on the application of the local authority, declare unlawful the act or omission constituting the contravention.

(6) In this section "the Parliamentary Estate" means any building or other premises occupied for the purposes of either House of Parliament."

Commencement Information

I173 S. 60 not in force at Royal Assent, see **s. 170(4)(c)**

PART 4

HIGHER-RISK BUILDINGS

Introduction

61 Overview of Part

(1) This Part contains provisions about the management of building safety risks as regards occupied higher-risk buildings.

(2) In this Part—

(a) sections 62 to 64 define "building safety risk" and make related provision;

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(b) sections 65 to 70 define "higher-risk building", make related provision, and confer power to modify this Part as it applies in relation to any description of higher-risk building;

(c) sections 71 to 75 contain other key definitions, including—

(i) when a building is "occupied";

(ii) the definition of "accountable person" and "principal accountable person";

and provide that the First-tier Tribunal may determine who is an accountable person or the principal accountable person for a higher-risk building;

(d) sections 76 to 82 make provision about the registration of higher-risk buildings and about building assessment certificates;

(e) sections 83 to 86 make provision about the assessment and management of building safety risks, including provision requiring a safety case report to be prepared and revised;

(f) sections 87 to 90 contain provisions about the keeping and giving of information and documents to the regulator, other accountable persons, residents and others;

(g) sections 91 to 94 contain provisions about engagement with residents etc, including—

(i) provision requiring a residents' engagement strategy to be prepared and revised;

(ii) provision requiring complaints systems to be established and operated;

(h) sections 95 to 97 impose duties on residents and make provision for the enforcement of those duties;

(i) section 98 to 101 contain provisions about the enforcement of this Part;

(j) section 102 and Schedule 7 provide for the appointment of a special measures manager, to undertake duties under this Part in place of an accountable person, and make further provision in connection with that appointment;

(k) sections 103 to 107 contain provisions about appeals;

(l) sections 108 to 111 contain miscellaneous provisions, including provision about cooperation and coordination;

(m) sections 112 to 114 provide for certain terms to be implied into leases, and contain other provisions affecting the relationship between landlord and tenant or affecting commonholds;

(n) section 115 contains definitions applying for the purposes of this Part.

Commencement Information

I174 S. 61 in force at Royal Assent, see **s. 170(1)(f)**

Meaning of "building safety risk"

62 Meaning of "building safety risk"

(1) In this Part "building safety risk" means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—

(a) the spread of fire;

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(b) structural failure;

(c) any other prescribed matter.

(2) Before making regulations under subsection (1)(c), the Secretary of State must consult—

(a) the regulator, and

(b) such other persons as the Secretary of State considers appropriate.

(3) But the regulator need not be consulted if—

(a) the regulations give effect to a recommendation made by the regulator under section 63, or

(b) the Secretary of State has under section 64 asked the regulator for its advice in relation to a proposal to make the regulations.

Commencement Information

I175 S. 62 in force at Royal Assent, see **s. 170(1)(f)**

63 Recommendations about regulations under section 62

(1) The regulator may recommend that the Secretary of State makes regulations under section 62.

(2) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for any higher-risk building only if it considers that if the matter occurred as regards a higher-risk building it would have the potential to cause a major incident.

(3) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of higher-risk building only if it considers that if the matter occurred as regards a higher-risk building of that description it would have the potential to cause a major incident.

(4) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of building that is not a higher-risk building only if—

(a) it considers that—

(i) if the matter occurred as regards a building of that description it would have the potential to cause a major incident,

(ii) the risk of the matter occurring is greater for that description of buildings than it is for buildings that are not of that description, and

(iii) this Part should apply (with or without modifications) in relation to buildings of that description, and

(b) it also recommends that buildings of that description should be higher-risk buildings for the purposes of this Part (and, if section 69(2)(b) applies, makes a recommendation of the kind mentioned there).

(5) The regulator may make a recommendation to make regulations that would result in a matter ceasing to be prescribed under section 62(1)(c) only if—

(a) where the matter is prescribed for any higher-risk building, it considers that if the matter occurred as regards a higher-risk building it would not have the potential to cause a major incident;

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(b) where the matter is prescribed for a description of higher-risk building, it considers that if the matter occurred as regards a higher-risk building of that description it would not have the potential to cause a major incident.

(6) When making a recommendation, the regulator must give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.

(7) If following a recommendation the Secretary of State decides not to make the regulations, the Secretary of State must publish a document setting out—
(a) the regulator's recommendation,
(b) the Secretary of State's decision not to make the regulations, and
(c) the reasons for that decision.

(8) In this Part "major incident" means an incident resulting in—
(a) a significant number of deaths, or
(b) serious injury to a significant number of people.

Commencement Information
I176 S. 63 in force at Royal Assent, see **s. 170(1)(f)**

64 Advice about regulations under section 62

Where the Secretary of State asks the regulator to provide advice about a proposal to make regulations under section 62, it must provide that advice.

Commencement Information
I177 S. 64 in force at Royal Assent, see **s. 170(1)(f)**

Meaning of "higher-risk building"

65 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.

(2) The Secretary of State may by regulations make provision supplementing this section.

(3) The regulations may in particular—
(a) define "building" or "storey" for the purposes of this section;
(b) make provision about how the height of a building is to be determined for those purposes;
(c) provide that "higher-risk building" does not include a building of a prescribed description.

(4) Regulations made by virtue of subsection (3)(a) may in particular define "building" so as to provide that it includes—

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(a) any other structure or erection of any kind (whether temporary or permanent);
(b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be prescribed.

(5) The Secretary of State may by regulations amend this section (other than subsection (2) or this subsection).

(6) For the meaning of "residential unit" see section 115.

Commencement Information
I178 S. 65 in force at Royal Assent, see **s. 170(1)(f)**

66 Regulations under section 65: procedure

(1) Before making regulations under section 65, the Secretary of State must consult—
(a) the regulator, and
(b) such other persons as the Secretary of State considers appropriate.

(2) But the regulator need not be consulted if—
(a) the regulations give effect to a recommendation made by the regulator under section 63(4) or 69, or
(b) the Secretary of State has under section 70 asked the regulator for advice about the description of building in question.

Commencement Information
I179 S. 66 in force at Royal Assent, see **s. 170(1)(f)**

67 Regulations under section 65: additional procedure in certain cases

(1) This section applies if the Secretary of State proposes to make regulations under section 65 that would result in a description of building (including anything within subsection (4) of that section) becoming a higher-risk building for the purposes of this Part.

(2) The Secretary of State must ask the regulator under section 70(1) for advice about the description of building, except where the regulations would give effect to a recommendation under section 69(2).

(3) The Secretary of State must carry out a cost-benefit analysis and publish it.

(4) In this section "cost-benefit analysis" means—
(a) an analysis of the costs together with an analysis of the benefits that will arise if the regulations are made, and
(b) an estimate of those costs and of those benefits (subject to subsection (5)).

(5) If, in the opinion of the Secretary of State—
(a) the costs or benefits cannot reasonably be estimated, or
(b) it is not reasonably practicable to produce an estimate,

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the cost-benefit analysis need not estimate them, but must include a statement of the Secretary of State's opinion and an explanation of it.

Commencement Information
I180 S. 67 in force at Royal Assent, see **s. 170(1)(f)**

68 Modification of Part in relation to certain kinds of higher-risk building

(1) The Secretary of State may make regulations modifying this Part as it applies in relation to a prescribed description of higher-risk building.

(2) Before making the regulations, the Secretary of State must consult—
  (a) the regulator, and
  (b) such other persons as the Secretary of State considers appropriate.

(3) But the regulator need not be consulted if the regulations give effect to a recommendation under section 63(4), 69 or 70.

Commencement Information
I181 S. 68 in force at Royal Assent, see **s. 170(1)(f)**

69 Recommendations about definition of "higher-risk building" etc

(1) Subsection (2) applies if, in respect of any description of building that is not a higher-risk building, the regulator considers—
  (a) that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description,
  (b) that if the risk materialised as regards a building of that description it would have the potential to cause a major incident, and
  (c) that this Part should apply (with or without modifications) in relation to buildings of that description.

(2) The regulator must—
  (a) recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Part,
  (b) if it considers that regulations under section 68 should be made modifying this Part as it applies in relation to that description of building, make a recommendation to the Secretary of State to that effect, and
  (c) give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation under paragraph (a) and any recommendation under paragraph (b).

(3) Subsection (4) applies if—
  (a) following a recommendation under subsection (2)(a) the Secretary of State decides not to make regulations under section 65 giving effect to the recommendation, or

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(b) following a recommendation under subsection (2)(b) the Secretary of State decides not to make regulations under section 68 giving effect to the recommendation.

(4) The Secretary of State must publish a document setting out—

(a) the regulator's recommendation,

(b) the Secretary of State's decision not to make the regulations, and

(c) the reasons for that decision.

(5) If the regulator considers that this Part should not apply in relation to a particular description of higher-risk building, it must recommend to the Secretary of State that buildings of that description should cease to be higher-risk buildings for the purposes of this Part.

(6) For the meaning of "major incident" see section 63.

Commencement Information

I182 S. 69 in force at Royal Assent, see **s. 170(1)(f)**

70 Advice about definition of "higher-risk building" etc

(1) Subsections (2) to (6) apply if the Secretary of State asks the regulator for advice as to whether a specified description of building should be a higher-risk building for the purposes of this Part.

(2) The regulator must consider whether the following conditions are met—

(a) the first condition is that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description;

(b) the second condition is that, if the risk materialised as regards a building of that description, it would have the potential to cause a major incident;

(c) the third condition is that buildings of that description should be higher-risk buildings for the purposes of this Part.

(3) The regulator must—

(a) if the conditions mentioned in subsection (2) are met, recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Part;

(b) otherwise, recommend to the Secretary of State that buildings of that description should not be higher-risk buildings for those purposes.

(4) Where the regulator—

(a) makes a recommendation under subsection (3)(a), and

(b) considers that regulations under section 68 should be made modifying this Part as it applies in relation to buildings of the specified description,

it must make a recommendation to the Secretary of State to that effect.

(5) The regulator must give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation under subsection (3) and any recommendation under subsection (4).

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(6) If, following a recommendation under subsection (3)(a), the Secretary of State decides not to make regulations under section 65 giving effect to the recommendation, the Secretary of State must publish a document setting out—
  (a) the regulator's recommendation,
  (b) the Secretary of State's decision not to make the regulations, and
  (c) the reasons for that decision.

(7) If requested, the regulator must provide advice to the Secretary of State as to whether higher-risk buildings of a specified description should cease to be higher-risk buildings for the purposes of this Part.

(8) In this section "specified" means specified by the Secretary of State in the request.

Commencement Information
I183 S. 70 in force at Royal Assent, see **s. 170(1)(f)**

Meaning of "accountable person" and other key definitions

71 Meaning of "occupied" higher-risk building etc

(1) The following provisions apply for the purposes of this Part.

(2) A higher-risk building is "occupied" if there are residents of more than one residential unit in the building.

(3) A reference to a resident of a higher-risk building is to a resident of a residential unit in such a building.

(4) The Secretary of State may by regulations—
  (a) amend the definition of a higher-risk building being "occupied";
  (b) amend the definition of a "resident" of a higher-risk building;
  (c) define, for the purposes of this Part, the meaning of being a "resident" of a residential unit.

(5) See—
  (a) section 65 for the meaning of "higher-risk building";
  (b) section 115 for the meaning of "residential unit".

Commencement Information
I184 S. 71 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I185 S. 71 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(y)**

72 Meaning of "accountable person"

(1) In this Part an "accountable person" for a higher-risk building is—
  (a) a person who holds a legal estate in possession in any part of the common parts (subject to subsection (2)), or

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(b) a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to any part of the common parts.

This subsection is subject to subsection (5) (special rule for commonhold land).

(2) A person ("the estate owner") who holds a legal estate in possession in the common parts of a higher-risk building or any part of them ("the relevant common parts") is not an accountable person for the building by virtue of subsection (1)(a) if—

(a) each long lease of which the estate owner is lessor provides that a particular person, who does not hold a legal estate in any part of the building, is under a relevant repairing obligation in relation to all of the relevant common parts, or

(b) all repairing obligations relating to the relevant common parts which would otherwise be obligations of the estate owner are functions of an RTM company.

(3) Subsection (4) applies where—

(a) under a lease, a person ("the estate owner") holds a legal estate in possession in the common parts of a higher-risk building or any part of them ("the relevant common parts"), and

(b) a landlord under the lease is under a relevant repairing obligation in relation to any of the relevant common parts.

(4) For the purposes of this section and section 73—

(a) the legal estate in possession in so much of the relevant common parts as are within subsection (3)(b) is treated as held by the landlord (instead of the estate owner), and

(b) if (and so far as) the landlord's actual legal estate in those common parts is held under a lease, the legal estate in possession mentioned in paragraph (a) is treated as held under that lease (and, accordingly, subsection (3) and this subsection may apply in relation to it).

(5) Where a higher-risk building is on commonhold land, the commonhold association is the accountable person for the building for the purposes of this Part.

(6) For the purposes of this section—

"common parts", in relation to a building, means—

(a) the structure and exterior of the building, except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business, or

(b) any part of the building provided for the use, benefit and enjoyment of the residents of more than one residential unit (whether alone or with other persons);

"commonhold association" and "commonhold land" have the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002 (see sections 34 and 1 respectively);

"long lease": for the meaning of "long lease" see section 115;

"possession": a reference to "possession" does not include the receipt of rents and profits or the right to receive the same;

"relevant repairing obligation": a person is under a relevant repairing obligation in relation to anything if the person is required, under a lease or by virtue of an enactment, to repair or maintain that thing;

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"RTM company" has the same meaning as in Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage).

(7) The Secretary of State may by regulations amend this section (other than this subsection).

Commencement Information

I186 S. 72 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I187 S. 72 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z)**

73 Meaning of "principal accountable person"

(1) In this Part the "principal accountable person" for a higher-risk building is—

(a) in relation to a building with one accountable person, that person;

(b) in relation to a building with more than one accountable person, the accountable person who—

(i) holds a legal estate in possession in the relevant parts of the structure and exterior of the building, or

(ii) is within section 72(1)(b) because of a relevant repairing obligation (within the meaning of that section) in relation to the relevant parts of the structure and exterior of the building.

(2) For the purposes of this section—

(a) the reference to "the relevant parts of the structure and exterior" of a building is to its structure and exterior except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business;

(b) the reference to "possession" does not include the receipt of rents and profits or the right to receive the same.

(3) Subsection (1)(b) is subject to section 75(2) (powers of tribunal where more than one accountable person is within subsection (1)(b)).

Commencement Information

I188 S. 73 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I189 S. 73 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z1)**

74 Part of building for which an accountable person is responsible

In this Part, any reference to the part of a higher-risk building for which an accountable person is responsible is to such part of the building (including all of it) as is determined by or in accordance with regulations.

Commencement Information

I190 S. 74 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I191 S. 74 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z2)**

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75 Determinations by the tribunal

(1) An interested person may apply to the tribunal for a determination, as regards a higher-risk building, of any of the following—

(a) the person or persons who are accountable persons for the building;

(b) the person who is the principal accountable person for the building;

(c) the part of the building for which any accountable person for the building is responsible.

(2) Where, on an application under subsection (1)(b), it appears to the tribunal that there is more than one accountable person within section 73(1)(b), the principal accountable person is such one of those accountable persons as the tribunal considers appropriate.

(3) In this section "interested person" means—

(a) the regulator,

(b) a person who holds a legal estate in any part of the common parts (or who claims to hold such an estate), or

(c) a person who is under a relevant repairing obligation in relation to any part of the common parts (or who claims to be under such an obligation).

(4) In subsection (3) "relevant repairing obligation" and "common parts" have the same meaning as in section 72.

Commencement Information

I192 S. 75 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I193 S. 75 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z3)**

Registration and certificates

76 Requirement for completion certificate before occupation

(1) This section applies if any of the following works are carried out—

(a) the construction of a higher-risk building;

(b) the creation of additional residential units in such a building;

(c) works to a building that cause it to become a higher-risk building.

(2) If a relevant residential unit is occupied before a completion certificate relating to a relevant part of the building is issued, the relevant accountable person commits an offence.

(3) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the residential unit being occupied before such a completion certificate was issued.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

(5) In this section—

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"completion certificate" means a certificate of a prescribed description that is issued under regulations made under section 1(1) of the Building Act 1984 (building regulations);

"occupied": a residential unit is occupied if there is a resident of it;

"relevant accountable person", in relation to a residential unit, means the accountable person who is responsible for a relevant part of the building;

"relevant part" of a building, in relation to a residential unit, means a part of the building containing the residential unit;

"relevant residential unit" means—

(a) in the case of works within subsection (1)(a), any residential unit in the building;

(b) in the case of works within subsection (1)(b), any additional residential unit;

(c) in the case of works within subsection (1)(c), any residential unit in the building except one that existed before the works began.

Commencement Information

I194 S. 76 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I195 S. 76 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(p)**

77 Occupation: registration requirement

(1) The principal accountable person for a higher-risk building commits an offence if the building is occupied but not registered.

(2) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the building being occupied but not registered.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(4) In this section "registered" means registered under section 78.

Commencement Information

I196 S. 77 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I197 S. 77 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(q)**

78 Registration of higher-risk buildings

(1) On an application by the principal accountable person for a higher-risk building the regulator may register the building.

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(2) The regulator must publish the register in such way as it considers appropriate.

(3) The regulator may remove a building from the register if it appears to the regulator that—
  (a) the building is not occupied, or
  (b) the building is not a higher-risk building.

(4) The Secretary of State may by regulations make provision about the register, including in particular provision about—
  (a) the information to be contained in the register;
  (b) the updating or other revision of information in the register;
  (c) the procedure for removing buildings from the register.

(5) The Secretary of State may by regulations make provision in relation to applications under this section, including in particular provision about—
  (a) the form and content of an application;
  (b) the information and documents that must accompany an application;
  (c) the way in which an application, and anything that is to accompany it, is to be given;
  (d) the circumstances in which an application may be withdrawn or treated as withdrawn;
  (e) the way in which an application may be withdrawn.

Commencement Information

I198 S. 78 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I199 S. 78(1)(3)(4)(5) in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z4)**

I200 S. 78(2) in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(r)**

79 Occupied building: duty to apply for building assessment certificate

(1) This section applies where the regulator directs the principal accountable person for an occupied higher-risk building to apply to the regulator for a building assessment certificate in relation to the building.

(2) The principal accountable person for the building must make the application within the period of 28 days beginning with the day on which the direction is given.

(3) A person who, without reasonable excuse, contravenes subsection (2) commits an offence.

(4) A person guilty of an offence under this section is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

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(5) In this section "building assessment certificate" means a certificate issued under section 81.

Commencement Information

I201 S. 79 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I202 S. 79 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(a)**

80 Applications for building assessment certificates

(1) An application under section 79 must be accompanied by—

(a) a copy of the most recent safety case report for the building unless a copy of that report has been provided under section 86(2);

(b) prescribed information about the mandatory occurrence reporting system operated by the principal accountable person;

(c) prescribed information demonstrating compliance by each accountable person for the building with their duties under section 89;

(d) a copy of any residents' engagement strategy.

(2) The Secretary of State may by regulations make further provision about applications under section 79, including in particular provision about—

(a) the form and content of an application;

(b) the way in which an application, and anything which is to accompany it, is to be given;

(c) the circumstances in which an application may be withdrawn or treated as withdrawn;

(d) the way in which an application may be withdrawn.

(3) In this section—

"mandatory occurrence reporting system" has the same meaning as in section 87;

"residents' engagement strategy" has the same meaning as in section 91;

"safety case report" has the same meaning as in section 85.

Commencement Information

I203 S. 80 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I204 S. 80 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(b)**

81 Building assessment certificates

(1) This section applies where—

(a) the principal accountable person for an occupied higher-risk building applies under section 79 for a certificate in relation to the building (a "building assessment certificate"),

(b) the application is made pursuant to a direction of the regulator under that section, and

(c) the building is registered under section 78.

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(2) The regulator must assess whether the relevant duties are being complied with (and may inspect the building in connection with that assessment).

(3) The regulator—

(a) must give a building assessment certificate if satisfied that all relevant duties are being complied with;

(b) if not so satisfied, must (subject to subsection (4)) refuse the application and notify the principal accountable person of the refusal.

(4) If the regulator considers that a contravention of a relevant duty can be remedied promptly—

(a) the regulator may give a notice under this subsection to the principal accountable person containing a brief description of the contravention and specifying a period for remedying the contravention, and

(b) if it does so, and the contravention is remedied within that period, it may give a building assessment certificate (instead of refusing the application).

(5) In this section "relevant duty" means a duty of an accountable person for the building under, or under prescribed regulations made under, any of the following—

(a) section 83 (duty to assess building safety risks);

(b) section 84 (management of building safety risks);

(c) section 85 (duties relating to safety case report);

(d) section 87(5) (duties relating to mandatory occurrence reporting system);

(e) section 89 (provision of information to regulator, residents etc);

(f) section 91 (duty to produce a residents' engagement strategy).

(6) The Secretary of State may by regulations make further provision about building assessment certificates and notices under this section, including in particular provision about—

(a) the period in relation to which a certificate may be given;

(b) the form and content of a certificate or notice;

(c) the way in which a certificate or notice is to be given.

Commencement Information

I205 S. 81 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I206 S. 81 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(c)**

82 Duty to display building assessment certificate etc

(1) The principal accountable person for an occupied higher-risk building must ensure that the following are displayed together, in a conspicuous position in the building—

(a) a notice in the prescribed form containing prescribed information about accountable persons for the building;

(b) the most recent building assessment certificate relating to the building;

(c) any relevant compliance notice (see subsection (5)).

(2) Where a special measures order is in force in relation to an occupied higher-risk building—

(a) subsection (1) has effect as if paragraph (b) were omitted, and

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(b) the principal accountable person for the building must ensure that no building assessment certificate relating to the building is displayed in the building.

(3) A person who, without reasonable excuse, contravenes subsection (1) or (2)(b) commits an offence.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(5) In this section—

"building assessment certificate" has the same meaning as in section 81;

"relevant compliance notice": a compliance notice is "relevant" if—

(a) it has been given to an accountable person for the building,

(b) if it was not given to the principal accountable person for the building, the regulator has given a copy of it to the principal accountable person, and

(c) the regulator has not notified the principal accountable person that the notice has been withdrawn.

Commencement Information

I207 S. 82 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I208 S. 82 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(d)**

Duties relating to building safety risks

83 Assessment of building safety risks

(1) An accountable person for an occupied higher-risk building must as soon as reasonably practicable after the relevant time assess the building safety risks as regards the part of the building for which they are responsible.

(2) Further such assessments must be made—

(a) at regular intervals,

(b) at any time that the accountable person has reason to suspect that the current assessment is no longer valid, and

(c) at the direction of the regulator, within a period specified in the direction.

(3) An assessment under subsection (1) or (2) must be suitable and sufficient for the purposes of enabling the accountable person to comply with their duties under section 84.

(4) In this section "the relevant time" means—

(a) the time when the building becomes occupied, or

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(b) if later, the time when the person becomes an accountable person for the building.

Commencement Information

I209 S. 83 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I210 S. 83 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(e)**

84 Management of building safety risks

(1) An accountable person for an occupied higher-risk building must take all reasonable steps for the following purposes—

(a) preventing a building safety risk materialising as regards the part of the building for which they are responsible;

(b) reducing the severity of any incident resulting from such a risk materialising.

(2) Those steps may in particular involve the accountable person carrying out works to the part of the building for which they are responsible.

(3) When taking the steps the accountable person must act in accordance with prescribed principles.

(4) The steps must be taken promptly.

(5) The accountable person must make and give effect to arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review of steps taken under this section.

Commencement Information

I211 S. 84 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I212 S. 84 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(f)**

85 Safety case report

(1) The principal accountable person for an occupied higher-risk building must as soon as reasonably practicable after the relevant time prepare a report (a "safety case report") containing—

(a) any assessment of the building safety risks made under section 83 by an accountable person for the building, and

(b) a brief description of any steps taken under section 84 by an accountable person for the building.

(2) The principal accountable person must revise a safety case report if they consider it necessary or appropriate to do so following—

(a) any further assessment under section 83 made by an accountable person for the building, or

(b) the taking of further steps under section 84 by an accountable person for the building.

(3) The Secretary of State may by regulations make further provision about the content and form of safety case reports.

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(4) In this section "the relevant time" means—
  (a) the time when the building becomes occupied, or
  (b) if later, the time when the person becomes the principal accountable person for the building.

Commencement Information
I213 S. 85 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I214 S. 85 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(g)**

86 Notification and provision of report to the regulator

(1) The principal accountable person for an occupied higher-risk building must notify the regulator as soon as reasonably practicable after preparing or revising a safety case report.

(2) Where the regulator asks the principal accountable person to provide it with a copy of the safety case report, the principal accountable person must give a copy of it to the regulator as soon as reasonably practicable.

(3) The Secretary of State may by regulations make provision about—
  (a) the content and form of notifications under this section;
  (b) the way in which a notification or copy of a report must be given.

(4) In this section "safety case report" has the same meaning as in section 85.

Commencement Information
I215 S. 86 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I216 S. 86 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(h)**

Duties relating to information and documents

87 Mandatory reporting requirements

(1) An accountable person for an occupied higher-risk building must, in prescribed circumstances, give prescribed information to the regulator by the prescribed time and in the specified way.

(2) The information that may be prescribed is information that relates to a building safety risk as regards the part of the building for which an accountable person is responsible.

(3) In subsection (1) "specified" means specified in a direction given and published by the regulator.

(4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine.

(5) The principal accountable person for an occupied higher-risk building must establish and operate an effective mandatory occurrence reporting system which complies with prescribed requirements.

Status: *This version of this Act contains provisions that are prospective.*
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(6) A "mandatory occurrence reporting system" is a system for the giving of information to accountable persons for the building for the purpose of enabling them to comply with subsection (1).

(7) Information provided by a person under subsection (1) is not admissible in evidence against that person in criminal proceedings except—

(a) in proceedings for an offence under section 24 or this section,

(b) in proceedings for an offence of perverting the course of justice, or

(c) if in the proceedings—

(i) in giving evidence the person makes a statement inconsistent with the information, and

(ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

Commencement Information

I217 S. 87 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I218 S. 87 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(i)**

88 Keeping information about higher-risk buildings

(1) An accountable person for a higher-risk building must—

(a) keep prescribed information in accordance with prescribed standards, and

(b) so far as possible keep such information up to date.

(2) An accountable person for a higher-risk building must keep copies of prescribed documents in accordance with prescribed standards.

(3) Where an accountable person does not hold prescribed information or a copy of a prescribed document, they must obtain it except where it is not practicable to do so.

(4) The Secretary of State may by regulations make provision as to when the duties in subsections (1) to (3) apply.

Commencement Information

I219 S. 88 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I220 S. 88 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(j)**

89 Provision of information etc to the regulator, residents and other persons

(1) The Secretary of State may by regulations make provision requiring an accountable person for a higher-risk building to give prescribed information or a copy of a prescribed document to—

(a) the regulator,

(b) another accountable person for the building,

(c) residents of the building,

(d) owners of residential units in the building, or

(e) any other prescribed person.

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(2) The regulations may in particular make provision about—
- (a) when information or a copy of a document must be given;
- (b) the way in which information or copy of a document must be given;
- (c) the form in which information must be given (and may in particular require that the information is given in an accessible form);
- (d) the standards in accordance with which information or a copy of a document must be given.

(3) The regulations may make exceptions to any duty imposed under the regulations.

(4) Subject to subsection (5), the regulations may provide that the disclosure of information under this section does not breach—
- (a) any obligation of confidence owed by the accountable person in relation to that information;
- (b) any other restriction on the disclosure of information (however imposed).

(5) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).

(6) Where the regulations provide that any information or document must be given to the regulator, they may make provision about the admissibility in any criminal proceedings of the information or document.

Commencement Information

I221 S. 89 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I222 S. 89 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z5)**

90 Provision of information etc on change in accountable person

(1) This section applies where at any time ("the relevant time") an accountable person for a higher-risk building (the "outgoing person") ceases to be responsible for all or any part of the building.

(2) The outgoing person must give prescribed information and a copy of any prescribed document to any person who, immediately after the relevant time—
- (a) is an accountable person for the building, and
- (b) is responsible for a part of the building for which the outgoing person ceased to be responsible at the relevant time.

(3) The information and documents must be given—
- (a) by the prescribed time,
- (b) in the prescribed way, and
- (c) in accordance with prescribed standards.

(4) The outgoing person must give prescribed information to the regulator in the prescribed way, as soon as reasonably practicable after the relevant time.

(5) Subject to subsection (6), regulations made by the Secretary of State under this section may provide that the disclosure of information under this section does not breach—

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(a) any obligation of confidence owed by the outgoing person in relation to that information;

(b) any other restriction on the disclosure of information (however imposed).

(6) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).

(7) A person who, without reasonable excuse, contravenes subsection (2) or (4) commits an offence and is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

Commencement Information

I223 S. 90 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I224 S. 90 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(k)**

Engagement with residents etc

91 Residents' engagement strategy

(1) The principal accountable person for an occupied higher-risk building must—

(a) as soon as reasonably practicable after the relevant time prepare a strategy (a "residents' engagement strategy") for promoting the participation of relevant persons in the making of building safety decisions;

(b) review the strategy at prescribed times, and revise it if they consider it necessary or appropriate to do so;

(c) in prescribed circumstances, consult relevant persons and prescribed persons on the strategy and take any representations made on the consultation into account when next reviewing the strategy;

(d) act in accordance with the strategy.

(2) "Building safety decision" means a decision by an accountable person for the building that—

(a) is about the management of the building, and

(b) is made in connection with the performance of a duty of the accountable person under, or under regulations made under, this Part.

(3) The strategy must include information about—

(a) the information that will be provided to relevant persons about decisions relating to the management of the building,

(b) the aspects of those decisions that relevant persons will be consulted about,

(c) the arrangements for obtaining and taking account of the views of relevant persons, and

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(d) how the appropriateness of methods for promoting participation will be measured and kept under review.

(4) As soon as reasonably practicable after the strategy is prepared or revised, each accountable person for the building must give a copy of the strategy to—

(a) each resident of the building who—

(i) is aged 16 or over, and

(ii) resides in a residential unit in the part of the building for which the accountable person is responsible;

(b) each owner of a residential unit in that part of the building;

(c) any prescribed person.

(5) The duty under subsection (4)(a) does not apply in relation to a resident if the accountable person—

(a) is not aware of the resident, and

(b) has taken all reasonable steps to make themselves aware of persons who reside in residential units in the part of the building for which the accountable person is responsible.

(6) The Secretary of State may by regulations—

(a) make further provision about the content of a residents' engagement strategy;

(b) make provision about the preparation, review or revision of a residents' engagement strategy, in cases where there is more than one accountable person for the building;

(c) make provision about the way in which a copy of the strategy is to be given;

(d) make provision about consultations under this section.

(7) In this section—

"relevant persons" are—

(a) residents of the higher-risk building who are aged 16 or over, and

(b) owners of residential units in the building;

"the relevant time" has the meaning given by section 85.

Commencement Information

I225 S. 91 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I226 S. 91 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(l)**

92 Requests for further information

(1) This section applies where—

(a) a resident of an occupied higher-risk building who is aged 16 or over, or

(b) an owner of a residential unit in the building,

makes a request to an accountable person for the building to give them prescribed information or a copy of a prescribed document.

(2) The accountable person must as soon as reasonably practicable give the resident or owner the information or document requested.

(3) The Secretary of State may by regulations make provision about—

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(a) the way in which information or a copy of a document must be given under this section;

(b) the form in which information must be given under this section (and may in particular require that the information is given in an accessible form).

(4) The Secretary of State may by regulations provide that in prescribed circumstances an accountable person is not required by subsection (2) to provide a copy of a document or some or all of the information requested.

(5) Subject to subsection (6), the regulations may provide that the disclosure of information under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(6) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).

Modifications etc. (not altering text)

C2 S. 92(2) excluded (16.1.2024) by The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024 (S.I. 2024/41), regs. 1(1), **16**; S.I. 2024/40, reg. 2(e)

Commencement Information

I227 S. 92 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I228 S. 92 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(m)**

93 Complaints procedure operated by principal accountable person

(1) The principal accountable person for an occupied higher-risk building must as soon as reasonably practicable after the relevant time establish and operate a system for the investigation of relevant complaints.

(2) The Secretary of State may by regulations make provision about the establishment and operation of complaints systems under this section.

(3) The regulations may in particular make provision—

(a) about the way in which complaints may be made;

(b) about the period within which a complaint must be considered and dealt with;

(c) requiring the principal accountable person to refer a complaint to the regulator.

(4) In this section—

"relevant complaint" means a complaint relating to—

(a) a building safety risk as regards the building, or

(b) the performance by an accountable person for the building of any duty under, or under regulations made under, this Part;

"the relevant time" has the meaning given by section 85.

Commencement Information

I229 S. 93 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

Status: *This version of this Act contains provisions that are prospective.*
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I230 S. 93 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(n)**

94 Complaints procedure operated by the regulator

(1) The regulator must establish and operate a system for the investigation of relevant complaints that are made, or referred under section 93, to the regulator.

(2) The regulator must consult the committee mentioned in section 11 (residents' panel)—
- (a) before the complaints system is established or, if the committee has not been established at the time the complaints system is established, as soon as reasonably practicable after the committee is established, and
- (b) before making any significant change to the complaints system.

(3) The Secretary of State may by regulations make provision about the establishment and operation of the complaints system under this section.

(4) The regulations may in particular make provision about—
- (a) the period within which a complaint must be considered and dealt with;
- (b) action that the regulator must consider taking in response to a complaint.

(5) In this section "relevant complaint" means a complaint relating to—
- (a) a building safety risk as regards an occupied higher-risk building,
- (b) the performance by an accountable person for an occupied higher-risk building of any duty under, or under regulations made under, this Part, or
- (c) the performance by a special measures manager of any function conferred on the manager by a special measures order.

Commencement Information

I231 S. 94 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I232 S. 94 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(o)**

Residents' etc duties

95 Duties on residents and owners

(1) This section applies to—
- (a) a resident of a residential unit in an occupied higher-risk building who is aged 16 or over;
- (b) an owner of a residential unit in such a building.

(2) A person to whom this section applies—
- (a) must not act in a way that creates a significant risk of a building safety risk materialising;
- (b) must not interfere with a relevant safety item;
- (c) must comply with a request, made by the appropriate accountable person, for information reasonably required for the purposes of a duty under section 83 or 84.

(3) For the purposes of subsection (2)(b) a person "interferes" with a relevant safety item if they, without reasonable excuse—

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(a) damage it,
(b) remove it, or
(c) do anything to, or in relation to, it that interferes with its intended function.

(4) In this section—

"appropriate accountable person" means the accountable person for the building who is responsible for the part of the building comprising the residential unit;

"relevant safety item" means—

(a) anything that—
(i) is in, or forms part of, the common parts (as defined by section 72), and
(ii) is intended to improve the safety of people in or about the building in relation to a building safety risk, or
(b) any other prescribed thing.

Commencement Information

I233 S. 95 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I234 S. 95 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(p)**

96 Contravention notices

(1) This section applies where it appears to the appropriate accountable person that a relevant person has contravened or is contravening a duty under section 95(2).

(2) The appropriate accountable person may give a contravention notice to the relevant person.

(3) A "contravention notice" is a notice that—
(a) specifies the alleged contravention;
(b) specifies any steps that the appropriate accountable person considers the relevant person should take in order to remedy the contravention, and a reasonable time for the taking of those steps;
(c) specifies anything that the appropriate accountable person considers the relevant person should refrain from doing, to avoid further contraventions of the duty;
(d) contains an explanation of the steps that the appropriate accountable person may take under this section if the notice is not complied with.

(4) Where it appears to the appropriate accountable person that the relevant person has contravened or is contravening the duty under section 95(2)(b), the contravention notice may require the relevant person to pay to the appropriate accountable person a sum specified in the notice.

(5) A sum may be specified in a contravention notice under subsection (4) only if—
(a) it is necessary to repair or replace the relevant safety item as a result of the contravention, and
(b) the sum specified does not exceed the reasonable cost of repairing or replacing (as the case may be) that item.

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(6) The Secretary of State may by regulations make provision about contravention notices, including—
  (a) provision about the form of a notice and the way a notice is to be given, and
  (b) further provision about the content of a notice.

(7) The county court may, on an application made by the appropriate accountable person, make an order under this section if satisfied that—
  (a) a contravention notice has been given,
  (b) the contravention alleged in the notice occurred, and
  (c) it is necessary to make the order.

(8) An order under this section may—
  (a) require a relevant person to provide specified information or do a specified thing, by a specified time;
  (b) prohibit a relevant person from doing a specified thing;
  (c) where a contravention notice requires a sum to be paid under subsection (4), require a relevant person to pay to the appropriate accountable person a specified sum.

"Specified" here means specified in the order.

(9) A sum specified in an order under subsection (8)(c) may not exceed the sum specified in the contravention notice.

(10) In this section—

"appropriate accountable person" has the same meaning as in section 95;

"relevant person" means a person who is subject to the duties under section 95 (see subsection (1) of that section).

Commencement Information

I235 S. 96 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I236 S. 96 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(q)**

97 Access to premises

(1) This section applies where —
  (a) an accountable person for an occupied higher-risk building makes a request to a relevant person to enter relevant premises,
  (b) the request is made for the purpose of—
    (i) facilitating the performance of a duty under section 83 or 84 (assessment of building safety risk etc), or
    (ii) determining whether a duty under section 95 (duties on residents and owners) has been contravened,
  (c) the request is within subsection (2), and
  (d) entry to the premises is not given.

(2) A request is within this subsection if it—
  (a) is in writing,
  (b) sets out the purpose for which it is made,

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(c) contains an explanation of why it is necessary to enter the premises for that purpose,

(d) requests access to the premises at a reasonable time, and

(e) is made at least 48 hours before the time mentioned in paragraph (d).

(3) The accountable person may apply to the county court for an order—

(a) requiring the relevant person to allow the accountable person, or a person authorised by the accountable person, to enter the relevant premises at a reasonable time for the purpose mentioned in the request, and

(b) if necessary for that purpose, authorising the taking of measurements, photographs, recordings or samples by the accountable person or authorised person.

(4) The county court—

(a) may make an order under subsection (3)(a) or (b) if satisfied that it is necessary to do so for the purpose mentioned in the request;

(b) must, if it does so, specify a date on which, or in a period within which, the accountable person or authorised person may enter the relevant premises for that purpose.

(5) In this section—

"relevant person" in relation to relevant premises means—

(a) a resident of those premises who is aged 16 or over;

(b) where those premises are controlled but not occupied, a person controlling those premises;

(c) in any other case, an owner of those premises;

"relevant premises" means any premises in the part of the building for which the accountable person is responsible that are occupied or controlled by—

(a) a resident of a residential unit in the building, or

(b) an owner of a residential unit in the building.

Commencement Information

I237 S. 97 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I238 S. 97 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(r)**

Enforcement

98 Duty on regulator to enforce Part

The regulator must enforce the provisions of this Part and regulations made under it.

Commencement Information

I239 S. 98 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I240 S. 98 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(s)**

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99 Compliance notices

(1) The regulator may give a compliance notice to an accountable person for a higher-risk building who appears to the regulator to have contravened, be contravening or be likely to contravene a relevant requirement.

(2) A "compliance notice" is—

(a) a notice requiring the accountable person to take specified steps within a specified period, or

(b) a notice requiring the accountable person to remedy the contravention or the matters giving rise to it within a specified period.

(3) A notice of a kind mentioned in subsection (2)(a) may specify any steps relating to—

(a) the remedying of the contravention, or

(b) avoiding the contravention occurring.

(4) Where it appears to the regulator that the contravention has placed or will place people in or about the building in imminent danger, the regulator may specify that the compliance notice is a notice to which this subsection applies (an "urgent action notice").

(5) A person who, without reasonable excuse, contravenes a compliance notice commits an offence.

(6) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(7) In this section—

"relevant requirement" means any requirement on an accountable person under, or under regulations made under, this Part except one that is prescribed for the purposes of this section;

"specified" means specified in the notice.

Commencement Information

I241 S. 99 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I242 S. 99 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(s)**

100 Compliance notices: supplementary

(1) The Secretary of State may by regulations make further provision about compliance notices.

(2) The regulations may in particular make provision about—

(a) the form and content of notices;

(b) the giving of notices;

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(c) the amendment or withdrawal of notices;

(d) the extension of any period specified in a compliance notice for the doing of a thing.

(3) Subsection (4) applies where the regulator has given a compliance notice to an accountable person for a higher-risk building.

(4) The regulator must take reasonable steps to notify—

(a) the local authority for the area in which the building is situated;

(b) the fire and rescue authority for the area in which the building is situated;

(c) where the accountable person for the building is a registered provider of social housing, the Regulator of Social Housing;

(d) any other prescribed person.

Commencement Information

I243 S. 100 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I244 S. 100 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(t)**

101 Offence: contravention giving rise to risk of death and serious injury

(1) An accountable person for a higher-risk building commits an offence if—

(a) without reasonable excuse, the accountable person contravenes a relevant requirement, and

(b) the contravention places one or more people in or about the building at critical risk.

(2) In subsection (1)—

"critical risk" means a significant risk of death or serious injury arising from a building safety risk;

"relevant requirement" means any requirement on an accountable person under, or under regulations made under, this Part except one that is prescribed for the purposes of this section.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

Commencement Information

I245 S. 101 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I246 S. 101 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(t)**

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Special measures

102 Special measures

Schedule 7 provides for the appointment of a special measures manager, to undertake duties under this Part in place of an accountable person, and makes further provision in connection with that appointment.

Commencement Information

I247 S. 102 in force at Royal Assent for specified purposes, see **s. 170**

I248 S. 102 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Appeals etc

103 Appeals against compliance notice etc

(1) A person to whom a compliance notice has been given may appeal to the tribunal.

(2) An appeal may be on the grounds—

(a) that the person has not contravened, is not contravening, or is not likely to contravene, a relevant requirement;

(b) that it is unreasonable to require the person to do any thing specified to be done in the notice.

(3) Where an appeal under subsection (1) is made and the compliance notice is not an urgent action notice—

(a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) the specified period mentioned in section 99(2)(a) is treated as extended by the period—

(i) beginning with the day on which the appeal is made, and

(ii) ending with the day on which the appeal is finally determined or withdrawn.

(4) Where an appeal under subsection (1) is made and the compliance notice is an urgent action notice—

(a) the appellant may apply to the tribunal for a direction that the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until any such direction is given, the compliance notice continues to have effect despite the making of the appeal.

(5) A person to whom a compliance notice has been given may apply to the tribunal for an extension of the period for the doing of any thing specified to be done in the notice.

(6) Subsections (3) and (4) apply to such an application as they apply to an appeal under subsection (1).

(7) In this section "urgent action notice" has the meaning given by section 99(4).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I249 S. 103 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I250 S. 103 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(u)**

104 Appeals against decisions of the regulator made under this Part

(1) This section applies in relation to a decision of the regulator—

(a) not to register a building on an application under section 78(1);

(b) to remove a building from the register under section 78(3);

(c) to refuse an application for a building assessment certificate under section 81(3);

(d) to give a direction under section 83(2).

(2) An affected person may appeal the decision.

(3) An appeal may be on the grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the decision was unreasonable.

(4) In this section "an affected person" means—

(a) in relation to a decision of the regulator mentioned in paragraph (a) or (b) of subsection (1), an accountable person for the higher-risk building (or a person who would be an accountable person for the building if the building were a higher-risk building);

(b) in relation to a decision of the regulator mentioned in paragraph (c) of subsection (1), an accountable person for the higher-risk building;

(c) in relation to a decision of the regulator mentioned in paragraph (d) of subsection (1), the accountable person subject to the direction.

Commencement Information

I251 S. 104 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I252 S. 104 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(v)**

105 Appeals against decisions of the regulator made under regulations

(1) This section applies in relation to a prescribed decision of the regulator made under regulations made under this Part.

(2) A prescribed person may appeal to the tribunal against the decision.

(3) An appeal may be made only on prescribed grounds.

Commencement Information

I253 S. 105 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I254 S. 105 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(w)**

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106 Appeals: supplementary

(1) This section applies in relation to an appeal to the tribunal under section 103(1), 104 or 105.

(2) The tribunal—
- (a) must consider afresh the decision appealed against, and
- (b) may take into account evidence that was not available to the regulator.

(3) The tribunal may confirm, vary or quash the decision of the regulator.

(4) The Secretary of State may, by regulations—
- (a) provide for the suspension during the appeal period of the effect of a notice (other than a compliance notice) given or other thing done by the regulator;
- (b) make other provision about the effect during the appeal period of an appeal (including provision conferring powers on the tribunal).

(5) In subsection (4) "the appeal period" means the period beginning with the making of the appeal and ending with the final determination or withdrawal of the appeal.

Commencement Information

I255 S. 106 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I256 S. 106 in force at 1.10.2023 in so far as not already in force by S.I. 2023/993, **reg. 2(x)**

107 Enforcement of decisions of the First-tier and Upper Tribunal

(1) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with this Part is enforceable with the permission of the county court in the same way as an order of that court.

(2) Subsection (1) does not apply to a decision of the First-tier Tribunal or Upper Tribunal ordering the payment of a sum (as to which see section 28 of the Tribunals, Courts and Enforcement Act 2007 (enforcement)).

Commencement Information

I257 S. 107 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I258 S. 107 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z6)**

Miscellaneous and general

108 Guidance

(1) The regulator may issue guidance about any of the following matters—
- (a) the performance of any duties under section 87 (mandatory reporting requirements);
- (b) the performance of any duties under section 88 or 89 (duty to keep or give information);
- (c) the performance of any duties under section 92 (duty to give further information to residents);

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) the performance of any duties under section 93 (complaints procedure).

(2) The regulator may revise or withdraw any issued guidance.

(3) Where in any proceedings it is alleged that a person has contravened a provision mentioned in subsection (1)—

(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a contravention, and

(b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such contravention.

(4) In any proceedings, a document purporting to be guidance under this section is to be taken to be such guidance unless the contrary is proved.

(5) Guidance under this section may be issued, revised or withdrawn only with the consent of the Secretary of State.

(6) In this section any reference to a provision includes regulations made under the provision.

Commencement Information

I259 S. 108 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I260 S. 108 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z7)**

109 Cooperation and coordination

(1) Subsection (2) applies if there is more than one accountable person for an occupied higher-risk building.

(2) When carrying out their duties under, or under regulations made under, this Part, each accountable person must so far as possible—

(a) cooperate with every other accountable person for the building, and

(b) coordinate with every other accountable person for the building.

(3) Subsection (4) applies to an accountable person for an occupied higher-risk building if there are one or more other persons who are responsible persons within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005 in relation to the building.

(4) The accountable person must cooperate with each responsible person for the purpose of each responsible person carrying out their duties under the Order.

Commencement Information

I261 S. 109 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I262 S. 109 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z8)**

110 Managers appointed under Part 2 of the Landlord and Tenant Act 1987

(1) Section 24 of the Landlord and Tenant Act 1987 (appointment of a manager by a tribunal) is amended as follows.

(2) After subsection (2ZA) insert—

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"(2ZB) Subsection (2)(a) does not apply in respect of a breach of a building safety obligation by an accountable person for a higher-risk building.

(2ZC) In this section—

"accountable person" has the meaning given in section 72 of the Building Safety Act 2022;

"building safety obligation" means an obligation of an accountable person under Part 4 of the Building Safety Act 2022 or regulations made under that Part;

"higher-risk building" has the meaning given in section 65 of the Building Safety Act 2022."

(3) After subsection (2D) (inserted by paragraph 8(3) of Schedule 7) insert—

"(2E) An order under this section may not provide for a manager to carry out a function in relation to a higher-risk building where Part 4 of the Building Safety Act 2022 or regulations made under that Part provide for that function to be carried out by an accountable person for that building."

Commencement Information

I263 S. 110 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I264 S. 110 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z9)**

111 Building safety directors of resident management companies

(1) This section applies in relation to a resident management company that is an accountable person for a higher-risk building.

(2) The articles of association of the resident management company have effect as if they included such provision as may be prescribed relating to—

(a) eligibility for appointment as a director of the company, for a building safety purpose;

(b) the appointment of a director for such a purpose;

(c) the entitlement to remuneration of a director appointed for such a purpose;

(d) the removal of a director so appointed.

(3) Subsection (2) has effect—

(a) whether or not the provision is adopted by the company;

(b) whether the company was formed before or after the coming into force of this section;

(c) notwithstanding anything in the company's articles of association.

(4) In this section—

"building safety purpose" means the purpose of supporting the resident management company in complying with its duties under this Part or under regulations made under this Part;

"resident management company" has the meaning given by regulations made by the Secretary of State.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I265 S. 111 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I266 S. 111 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(v)**

Landlord and tenant etc

112 Implied terms in leases and recovery of safety related costs

(1) The Landlord and Tenant Act 1985 is amended in accordance with subsections (2) to (6).

(2) After section 30B insert—

"Higher-risk buildings in England

30C Implied terms relating to building safety

(1) This section applies to a lease of premises which consist of or include a dwelling in a higher-risk building.

(2) In the lease there is implied a covenant by the landlord—

(a) where the landlord is an accountable person for the higher-risk building, to comply with their building safety duties;

(b) to cooperate with any person in connection with a relevant person complying with their building safety duties;

(c) where a special measures order in relation to the higher-risk building is in force, to comply with that order so far as it relates to the landlord.

(3) In the lease there is implied a covenant by the tenant—

(a) to allow the landlord, a relevant person or a person authorised in writing by the landlord or a relevant person to enter the premises for a relevant building safety purpose;

(b) where the tenant is a resident of the higher-risk building, to comply with their duties under sections 95 and 97 of the Building Safety Act 2022;

(c) where a special measures order in relation to the higher-risk building is in force, to comply with that order so far as it relates to the tenant.

(4) In the covenant implied by subsection (2)(b), "cooperate", in relation to a person, includes—

(a) taking any steps which are reasonably required by the person to facilitate compliance by a relevant person with their building safety duties;

(b) where the person is a relevant person (or a person authorised in writing by a relevant person), providing any information (including names and contact details of residents and tenants of the premises) to the person which is reasonably required in connection with the relevant person complying with their building safety duties.

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(5) In the covenant implied by subsection (3)(a), a relevant building safety purpose means—

(a) inspecting the premises in connection with a relevant person complying with their building safety duties;

(b) carrying out works to the premises, where such works are required to be carried out in connection with a relevant person complying with their building safety duties;

(c) accessing a part of the higher-risk building that is not let to the tenant in order to—

(i) inspect that part of the building in connection with a relevant person complying with their building safety duties;

(ii) carry out works to that part of the building, where such works are required to be carried out in connection with a relevant person complying with their building safety duties.

(6) The covenant implied by subsection (3)(a) requires entry to the premises to be allowed—

(a) only at reasonable times, and

(b) only if the tenant has been given at least 48 hours' notice in writing.

(7) Except as provided by subsection (8), the disclosure of information in accordance with subsections (2)(b) and (4)(b) does not breach—

(a) any obligation of confidence owed by the landlord in relation to that information;

(b) any other restriction on the disclosure of information (however imposed).

(8) Subsections (2)(b) and (4)(b) do not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty imposed by subsections (2)(b) and (4)(b)).

(9) In this section—

"building safety duties"—

(a) in relation to an accountable person, means any duties of the accountable person under Part 4 of the Building Safety Act 2022, or regulations made under that Part of that Act;

(b) in relation to a special measures manager, means any duties of the manager included in the special measures order appointing the manager;

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"relevant person" means—

(a) an accountable person for the higher-risk building;

(b) a special measures manager for the higher-risk building;

"resident" and "resident of a higher-risk building" have the same meaning as in Part 4 of the Building Safety Act 2022 (see section 71(3) and (4)(c) of that Act);

"works" includes alterations, improvements and installations.

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30D Liability for building safety costs

(1) This section applies to a relevant lease of premises which consist of or include a dwelling in a higher-risk building.

(2) In this section "relevant lease"—

(a) means a lease—

(i) that is granted for a term certain of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and

(ii) under which the tenant is liable to pay a service charge (within the meaning of section 18), but

(b) does not include a relevant social housing tenancy.

(3) The relevant lease has effect—

(a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and

(b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.

(4) "Building safety measure" means any of the following—

(a) applying for registration of a higher-risk building in accordance with section 78 of the Building Safety Act 2022;

(b) applying for a building assessment certificate in accordance with section 79 of that Act;

(c) displaying a building assessment certificate in accordance with section 82 of that Act;

(d) assessing building safety risks in accordance with section 83 of that Act;

(e) taking reasonable steps in accordance with section 84 of that Act (management of building safety risks), other than steps involving the carrying out of works as referred to in section 84(2);

(f) preparing and revising a safety case report in accordance with section 85 of that Act;

(g) notifying the regulator of a safety case report, and giving a copy of a safety case report to the regulator, in accordance with section 86 of that Act;

(h) establishing and operating a mandatory occurrence reporting system, and giving information to the regulator, in accordance with section 87 of that Act;

(i) keeping information and documents in accordance with section 88 of that Act;

(j) giving information and documents to any person in accordance with section 89, 90 or 92 of that Act;

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(k) complying with any duty under section 91 of that Act (residents' engagement strategy);

(l) establishing and operating a system for the investigation of complaints in accordance with section 93 of that Act;

(m) giving a contravention notice to a resident, and making an application to the county court, in accordance with section 96 of that Act;

(n) making a request to enter premises, or making an application to the county court, in accordance with section 97 of that Act (access to premises).

(5) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—

(a) legal and other professional fees;

(b) fees payable to the regulator;

(c) management costs.

(6) In this section—

"landlord" includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);

"relevant person" means—

(a) if the landlord is an accountable person for the building, the landlord or a special measures manager for the building;

(b) otherwise, any superior landlord who is an accountable person for the building or a special measures manager for the building;

"relevant social housing tenancy" has the meaning given in section 132 of the Land Registration Act 2002;

"tenant" includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).

(7) The Secretary of State may by regulations made by statutory instrument amend subsection (4) so as to add, remove or modify a building safety measure.

(8) The regulations may make incidental, transitional or saving provision.

(9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

30E Liability for remuneration of building safety director of resident management company etc

(1) This section applies to a lease of premises which consist of or include a dwelling in a higher-risk building if—

(a) the landlord is an accountable person for the building,

(b) the landlord is—

(i) a resident management company within the meaning of section 111 of the Building Safety Act 2022, or

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(ii) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), and

(c) the tenant is liable to pay a service charge.

(2) The lease has effect—

(a) as if it contained provision authorising the appointment of a person (whether or not a leaseholder or a resident of the building) as a director of the landlord for a building safety purpose,

(b) as if the matters for which the service charge is payable under the lease included remunerating any director of the landlord appointed for a building safety purpose (insofar as this would not otherwise be the case), and

(c) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided that any costs for which the tenant is liable by virtue only of paragraph (b) to be apportioned in the same way as costs incurred in connection with insuring the building.

(3) In this section—

"building safety purpose" means the purpose of supporting the landlord in complying with its duties under Part 4 of the Building Safety Act 2022 or under regulations made under that Part;

"landlord" includes any person who has a right under the lease to enforce payment of a service charge;

"service charge" has the meaning given by section 18;

"tenant" includes any person who has an obligation under the lease to pay a service charge.

30F Restrictions on contracting out of sections 30C to 30E

(1) A covenant or agreement, whether contained in a lease to which section 30C (implied terms) applies or in an agreement collateral to such a lease, is void in so far as it purports—

(a) to exclude or limit the obligations of the landlord or the tenant under section 30C, or

(b) to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant enforcing or relying upon the obligations of the landlord.

(2) A covenant or agreement, whether contained in a lease to which section 30D or 30E applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30D(3) or 30E(2).

30G Jurisdiction of county court

The county court has jurisdiction to deal with any claim or other proceedings arising under or in connection with any of sections 30C to 30E (implied terms etc) notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this section, be within the jurisdiction of the county court.

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30H Specific performance of implied terms

In proceedings relating to a breach of a covenant in section 30C(2) or (3) (implied building safety terms), the court may order specific performance of the covenant—

(a) notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise, and

(b) in the case of a breach of a covenant in section 30C(2) or (3)(b) or (c), whether or not the breach relates to a part of the higher-risk building let to the tenant.

30I Interpretation of building safety provisions

In sections 30C to 30H—

"accountable person" has the meaning given in section 115 of the Building Safety Act 2022;

"higher-risk building" has the meaning given in section 115 of that Act;

"lease" does not include a mortgage term;

"special measures manager" has the meaning given in paragraph 1 of Schedule 7 to the Building Safety Act 2022;

"special measures order" has the meaning given in paragraph 1 of Schedule 7 to that Act."

(3) After section 20E (inserted by section 133) insert—

"**20F Limitation of service charges: excluded costs for higher-risk buildings**

(1) This section applies in relation to a lease to which section 30D (higher-risk buildings: building safety costs) applies.

(2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of service charge payable by a tenant under the lease.

(3) In this section "excluded costs" means any of the following incurred in connection with Part 4 of the Building Safety Act 2022 or regulations made under that Part—

(a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by the regulator;

(b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with special measures order proceedings;

(c) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf;

(d) costs of a description prescribed by regulations made by the Secretary of State that are incurred or to be incurred by or on behalf of an

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accountable person or special measures manager for the building in connection with the taking of building safety measures.

(4) In this section—

"building safety measures" has the meaning given by section 30D;

"enforcement action" means action taken with a view to, or in connection with—

(a) securing compliance with Part 4 of the Building Safety Act 2022 or regulations made under that Part, or

(b) the imposition of a sanction in respect of a contravention of that Part or those regulations;

"the regulator" has the meaning given by section 115 of the Building Safety Act 2022;

"relevant person" means—

(a) where the landlord under the lease is an accountable person for the higher-risk building, the landlord or a special measures manager for the higher-risk building;

(b) where the landlord is not such an accountable person, any superior landlord who is an accountable person for the higher-risk building or a special measures manager for the higher-risk building;

"special measures order proceedings" means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a special measures order under Schedule 7 to the Building Safety Act 2022 (including any appeals in relation to such proceedings).

(5) Regulations under this section are to be made by statutory instrument.

(6) A power to make regulations includes power to make—

(a) incidental, transitional or saving provision;

(b) different provision for different purposes.

(7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

(4) In section 21 (service charge information) after subsection (6) insert—

"(6A) In particular, regulations which make provision about higher-risk buildings (within the meaning of Part 4 of the Building Safety Act 2022) need not contain provision of a kind mentioned in subsection (2) or (3)."

(5) In section 30 (meaning of "landlord" and "tenant")—

(a) after the definition of "landlord" insert—

""services" includes, in relation to a dwelling in a higher-risk building (as defined by section 30I), building safety measures within the meaning of section 30D;";

(b) in the heading for ""flat", "landlord" and "tenant"" substitute ""landlord", "tenant" etc".

(6) In section 32(1) (business tenancies), after the entry relating to section 17 insert—

"section 30C (implied terms relation to building safety),

section 30D (building safety costs),

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section 30E (liability for remuneration of building safety director of resident management company etc)."

(7) In section 172(1)(a) of the Commonhold and Leasehold Reform Act 2002 (application to Crown)—

(a) for "30B" substitute "30I";

(b) after "agents" insert "and building safety".

Commencement Information

I267 S. 112 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I268 S. 112(1) in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z10)(i)**

I269 S. 112(2) in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z10)(ii)**

I270 S. 112(3) in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z10)(iii)**

I271 S. 112(4)(5) in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z10)(iv)**

I272 S. 112(6) in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z10)(v)**

113 Provision of building safety information

(1) The Landlord and Tenant Act 1987 is amended in accordance with subsections (2) to (4).

(2) After section 47 insert—

"**47A Building safety information to be contained in demands for rent etc: England**

(1) Where premises to which this Part applies are premises in England which consist of or include a dwelling in a higher-risk building, any written demand given to a tenant of the premises must contain the relevant building safety information.

(2) Where—

(a) a tenant of such premises is given such a demand, but

(b) the demand does not contain the relevant building safety information,

any part of the amount demanded which consists of a service charge or an administration charge ("the relevant amount") is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the relevant building safety information to the tenant.

(3) But the relevant amount is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of service charges or administration charges from the tenant, or

(b) a special measures order (within the meaning of Schedule 7 to the Building Safety Act 2022) is in force.

(4) In this section—

"demand" has the meaning given in section 47;

"higher-risk building" has the meaning given in section 115 of the Building Safety Act 2022;

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"relevant building safety information" has the meaning given in section 49A."

(3) After section 49 insert—

"**49A Notification by landlord of building safety information: England**

(1) Where premises to which this Part applies are premises in England which consist of or include a dwelling in a higher-risk building, the landlord must give the tenant a notice containing the relevant building safety information.

(2) Where a landlord fails to give a notice to a tenant in accordance with subsection (1), any rent, service charge or administration charge otherwise due from the tenant to the landlord is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the notice to the tenant.

(3) But any such rent, service charge or administration charge is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of rent, service charges or administration charges from the tenant, or

(b) a special measures order (within the meaning of Schedule 7 to the Building Safety Act 2022) is in force.

(4) The requirement to give a notice to a tenant under subsection (1) may be satisfied by giving the notice to them at a time when they are a prospective tenant.

(5) In this section "relevant building safety information" means—

(a) the fact that the premises consist of or include a dwelling in a higher-risk building;

(b) the name of each person listed in subsection (6);

(c) an email address and telephone number through which each person listed in subsection (6) may be contacted;

(d) a postal address in England and Wales at which notices (including notices in proceedings) may be served by the tenant on the principal accountable person for the higher-risk building;

(e) a postal address for the regulator;

(f) such other information as may be prescribed in regulations made by the Secretary of State.

(6) The persons are—

(a) the principal accountable person for the higher-risk building;

(b) any special measures manager for the higher-risk building;

(c) the regulator.

(7) In this section—

"higher-risk building" has the meaning given in section 115 of the Building Safety Act 2022;

"principal accountable person" has the meaning given in section 115 of that Act;

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"the regulator" has the meaning given in section 115 of that Act;

"special measures manager" has the meaning given in paragraph 1 of Schedule 7 to that Act."

(4) In section 53(2)(b) (regulations and orders), after "42A" insert "or 49A".

(5) In section 172(1)(d) of the Commonhold and Leasehold Reform Act 2002 (application to Crown), for "49" substitute "49A".

Commencement Information

I273 S. 113 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

114 Commonholds

(1) The Commonhold and Leasehold Reform Act 2002 is amended as follows.

(2) In section 13(3) (joint unit-holders), after paragraph (fa) insert—

"(faa) section 38A(1),".

(3) In section 14 (use and maintenance)—

(a) in the heading, for "and maintenance" substitute ", maintenance and building safety";

(b) after subsection (3) insert—

"(4) A commonhold community statement for a higher-risk commonhold must make provision requiring the commonhold association to comply with its duties under Part 4 of the Building Safety Act 2022, or regulations made under that Part of the Act, in relation to each commonhold unit."

(4) In section 26 (use and maintenance)—

(a) in the heading, for "and maintenance" substitute ", maintenance and building safety";

(b) the existing subsection becomes subsection (1);

(c) after that subsection insert—

"(2) A commonhold community statement for a higher-risk commonhold must make provision requiring the commonhold association to comply with its duties under Part 4 of the Building Safety Act 2022, or regulations made under that Part of that Act, in relation to the common parts."

(5) In section 31(5) (form and content of commonhold community statement), after paragraph (d) insert—

"(da) to give information;

(db) to apply for grants or other funding;".

(6) In section 32(5)(a) (regulations), after "38," insert "38A,".

(7) In section 38 (commonhold assessment), after subsection (2) insert—

"(3) In subsection (1)(a) "expenses of the association" does not include building safety expenses of the association (within the meaning of section 38A)."

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(8) After section 38 insert—

"**38A Building safety assessment**

(1) A commonhold community statement for a higher-risk commonhold must make provision—

(a) requiring the directors of the commonhold association to make an annual estimate of the income required to be raised from unit-holders to meet the building safety expenses of the association,

(b) enabling the directors of the commonhold association to make estimates from time to time of income required to be raised from unit-holders in addition to the annual estimate,

(c) specifying the percentage of any estimate made under paragraph (a) or (b) which is to be allocated to each unit,

(d) requiring each unit-holder to make payments in respect of the percentage of any estimate which is allocated to their unit, and

(e) requiring the directors of the commonhold association to serve notices on unit-holders specifying payments required to be made by them and the date on which each payment is due.

(2) For the purpose of subsection (1)(c)—

(a) the percentages allocated by a commonhold community statement to the commonhold units must amount in aggregate to 100;

(b) a commonhold community statement may specify 0 per cent in relation to a unit.

(3) In this section—

"building safety expenses of the association" means the expenses incurred by the commonhold association or special measures manager for the higher-risk building in connection with taking measures that the association or manager is required or permitted to take under Part 4 of the Building Safety Act 2022, or regulations made under that Part of that Act;

"special measures manager" means a person appointed under paragraph 4 of Schedule 7 to the Building Safety Act 2022."

(9) In section 69(1) (interpretation), before the definition of "instrument" insert—

""higher-risk building" has the meaning given by section 115 of the Building Safety Act 2022,

"higher-risk commonhold" means a commonhold in England that includes all or any part of a higher-risk building,".

Commencement Information

I274 S. 114 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I275 S. 114 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z11)**

Status: *This version of this Act contains provisions that are prospective.*
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Interpretation

115 Interpretation of Part 4

In this Part—

"accountable person" has the meaning given by section 72;

"building safety risk" has the meaning given by section 62;

"compliance notice" has the same meaning as in section 99;

"contravention" includes a failure to comply;

"the data protection legislation" has the meaning given by section 30;

"fire and rescue authority" has the meaning given by section 30;

"higher-risk building" has the meaning given by section 65;

"local authority" has the meaning given by section 30;

"long lease" means—

(a) a lease granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, or

(b) a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease;

"major incident" has the meaning given by section 63;

"maximum summary term for either-way offences" has the meaning given by section 30;

"occupied": any reference to an "occupied" higher-risk building is to be read in accordance with section 71;

"owner" means the person—

(a) for the time being receiving the rackrent of the premises in question, whether on the person's own account or as agent or trustee for another person, or

(b) who would so receive it if those premises were let at a rackrent;

and for this purpose "rackrent" has the meaning given by section 126 of the Building Act 1984;

"prescribed" means prescribed by regulations made by the Secretary of State;

"principal accountable person" has the meaning given by section 73;

"registered provider of social housing" has the meaning given by section 80 of the Housing and Regeneration Act 2008;

"the regulator" has the meaning given by section 2;

"resident" and "resident of a higher-risk building" have the meaning given by section 71;

"residential unit" means—

(a) a dwelling, or

(b) any other unit of living accommodation;

"responsible": any reference to the part of a higher-risk building for which an accountable person is responsible is to be read in accordance with section 74;

"special measures manager" has the meaning given by paragraph 1 of Schedule 7;

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"special measures order" has the meaning given by paragraph 1 of Schedule 7;

"the tribunal" means the First-tier Tribunal.

Commencement Information

I276 S. 115 in force at Royal Assent, see **s. 170(1)(g)**

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Remediation of certain defects

116 Remediation of certain defects

(1) Sections 117 to **[**[F1]124**]** and Schedule 8 make provision in connection with the remediation of relevant defects in relevant buildings.

(2) In those sections—

(a) sections 117 to 121 define "relevant building", "qualifying lease", "the qualifying time", "relevant defect" and "associate";

(b) section 122 and Schedule 8 contain protections for tenants in respect of costs connected with relevant defects, and impose liabilities on certain landlords;

(c) section 123 makes provision about remediation orders, under which a landlord in a relevant building is required to remedy certain relevant defects;

(d) section 124 makes provision about remediation contribution orders, under which an associate of a landlord in a relevant building is required to contribute towards the costs of remedying certain relevant defects;

[F2](e) . . . . . .

Textual Amendments

F1 Word in s. 116(1) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(a)**, 124(2)(c)

F2 S. 116(2)(e) omitted (24.7.2024) by virtue of Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(b)**, 124(2)(c)

Commencement Information

I277 S. 116 in force at 28.6.2022, see **s. 170(3)(a)**

117 Meaning of "relevant building"

(1) This section applies for the purposes of sections 119 to **[**[F3]124**]** and Schedule 8.

(2) "Relevant building" means a self-contained building, or self-contained part of a building, in England that contains at least two dwellings and—

(a) is at least 11 metres high, or

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(b) has at least 5 storeys.

This is subject to subsection (3).

(3) "Relevant building" does not include a self-contained building or self-contained part of a building—

(a) in relation to which a right under Part 1 of the Landlord and Tenant Act 1987 (tenants' right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord's interest) has been exercised,

(b) in relation to which the right to collective enfranchisement (within the meaning of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993) has been exercised,

(c) if the freehold estate in the building or part of the building is leaseholder owned (within the meaning of regulations made by the Secretary of State), or

(d) which is on commonhold land.

(4) For the purposes of this section a building is "self-contained" if it is structurally detached.

(5) For the purposes of this section a part of a building is "self-contained" if—

(a) the part constitutes a vertical division of the building,

(b) the structure of the building is such that the part could be redeveloped independently of the remainder of the building, and

(c) the relevant services provided for occupiers of that part—

(i) are provided independently of the relevant services provided for occupiers of the remainder of the building, or

(ii) could be so provided without involving the carrying out of any works likely to result in a significant interruption in the provision of any such services for occupiers of the remainder of the building.

(6) In subsection (5) "relevant services" means services provided by means of pipes, cables or other fixed installations.

Textual Amendments

F3 Word in s. 117(1) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(c)**, 124(2)(c)

Modifications etc. (not altering text)

C3 S. 117 applied (4.7.2023) by The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 (S.I. 2023/753), regs. 1(1), **3(4)(a)**

Commencement Information

I278 S. 117 in force at 28.6.2022, see **s. 170(3)(a)**

118 Section 117: height of buildings and number of storeys

(1) This section applies for the purpose of section 117.

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

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(3) When determining the number of storeys in a building—
- (a) any storey below ground level is to be disregarded;
- (b) any mezzanine floor is to be regarded as a storey if its internal floor area is at least half of the internal floor area of the largest storey in the building which is not below ground level.

(4) In subsection (2) "ground level", in relation to a building, means—
- (a) 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 immediately adjacent to it.

(5) For the purposes of subsection (3) a storey is "below ground level" if any part of the finished surface of the ceiling of the storey is below the level of the surface of the ground immediately adjacent to that part of the building.

Commencement Information
I279 S. 118 in force at 28.6.2022, see **s. 170(3)(a)**

119 Meaning of "qualifying lease" and "the qualifying time"

(1) This section applies for the purposes of sections 122 to **[**[F4]124**]** and Schedule 8.

(2) A lease is a "qualifying lease" if—
- (a) it is a long lease of a single dwelling in a relevant building,
- (b) the tenant under the lease is liable to pay a service charge,
- (c) the lease was granted before 14 February 2022, and
- (d) at the beginning of 14 February 2022 ("the qualifying time")—
  - (i) the dwelling was a relevant tenant's only or principal home,
  - (ii) a relevant tenant did not own any other dwelling in the United Kingdom, or
  - (iii) a relevant tenant owned no more than two dwellings in the United Kingdom apart from their interest under the lease.

(3) Where a dwelling was at the qualifying time let under two or more leases to which subsection (2)(a) and (b) apply, any of those leases which is superior to any of the other leases is not a "qualifying lease".

[[F5](3A) A connected replacement lease (see section 119A) is also a "qualifying lease".**]**

(4) For the purposes of this section—
- (a) "long lease" means a lease granted for a term of years certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;
- (b) a person "owns" a dwelling in England, Wales or Northern Ireland if the person has a freehold interest in it or is a tenant under a long lease of it;
- (c) "relevant tenant" means a person who, at the qualifying time, was the tenant, or any of the tenants, under the lease mentioned in subsection (2);
- (d) "service charge" has the meaning given by section 18 of the Landlord and Tenant Act 1985.

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Textual Amendments

F4 Word in s. 119(1) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(d)**, 124(2)(c)

F5 S. 119(3A) inserted (retrospectively) by Levelling-Up and Regeneration Act 2023 (c. 55), **s. 243(2)(5)** (with s. 247)

Commencement Information

I280 S. 119 in force at 28.6.2022, see **s. 170(3)(a)**

[F6 119A Meaning of "connected replacement lease"

(1) For the purposes of section 119 (and this section) a lease (the "new lease") is a "connected replacement lease" if—

(a) the new lease is a lease of a single dwelling in a relevant building,

(b) the tenant under the new lease is liable to pay a service charge,

(c) the new lease was granted on or after 14 February 2022,

(d) the new lease replaces—

(i) one other lease, which is a qualifying lease (whether under section 119(2) or (3A)), or

(ii) two or more other leases, at least one of which is a qualifying lease (whether under section 119(2) or (3A)), and

(e) there is continuity in the property let.

(2) For the purposes of subsection (1)(d), the new lease replaces another lease if—

(a) the term of the new lease begins during the term of the other lease, and the new lease is granted in substitution of the other lease, or

(b) the term of the new lease begins at the end of the term of the other lease (regardless of when the lease is granted).

(3) For the purposes of subsection (2)(a), the circumstances in which the new lease is granted in substitution of another lease include circumstances where—

(a) the new lease is granted by way of a surrender and regrant of the other lease (including a deemed surrender and regrant, whether deemed under an enactment or otherwise);

(b) the new lease is granted under—

(i) section 24 of the Landlord and Tenant Act 1954 (renewed business leases),

(ii) section 14 of, or Schedule 1 to, the Leasehold Reform Act 1967 (extension of leases of houses), or

(iii) section 56 of the Leasehold Reform, Housing and Urban Development Act 1993 (extension of leases of flats),

in a case where that provision of that Act applies by virtue of the other lease.

(4) For the purposes of subsection (1)(e) there is continuity in the property let if—

(a) the newly let property is exactly the same as the already let property,

(b) the newly let property consists of some or all of the already let property, together with other property (whether or not that other property was previously let) (a "property combination"), or

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(c) the newly let property consists of some, but not all, of the already let property (but no other property) (a "property reduction").

(5) But there is no continuity in the property let by virtue of a property reduction if, as respects any lease in the relevant chain of qualifying leases, there was continuity in the property let by virtue of a property combination.

(6) For that purpose, the "relevant" chain of qualifying leases is the chain of qualifying leases of which the new lease would be part were it a connected replacement lease.

(7) For the purposes of subsection (1)(e) there is also continuity in the property let if the new lease is granted to rectify any error in the lease, or any lease, which the new lease replaces.

(8) Where a dwelling is at any time on or after 14 February 2022 let under two or more leases to which subsection (1)(a) and (b) apply, any of the leases which is superior to any of the other leases is not a connected replacement lease.

(9) For the purposes of sections 122 to **[**[F7]124**]** and Schedule 8, all of the leases in a chain of qualifying leases are to be treated as a single qualifying lease which has a term that—

(a) began when the term of the initial qualifying lease in that chain began, and

(b) ends when the term of the current connected replacement lease in that chain ends.

(10) The Secretary of State may by regulations make provision about the meaning of "connected replacement lease" (including provision changing the meaning).

(11) The provision that may be made in regulations under this section includes—

(a) provision which amends this section;

(b) provision which has retrospective effect.

(12) Provision in regulations under this section made by virtue of section 168(2)(a) (consequential provision etc) may (in particular) amend this Act.

(13) In this section—

"already let property", in relation to a new lease, means the property let by the lease or leases which the new lease replaces;

"chain of qualifying leases" means—

(a) an initial qualifying lease which is the preceding qualifying lease in relation to a connected replacement lease (the "first replacement lease"),

(b) the first replacement lease, and

(c) any other connected replacement lease if the preceding qualifying lease in relation to it is—

(i) the first replacement lease, or

(ii) any other connected replacement lease which is in the chain of qualifying leases;

and a chain of qualifying leases may accordingly consist of different leases at different times (if further connected replacement leases are granted);

"current connected replacement lease", in relation to a particular time, means a connected replacement lease during the term of which that time falls;

"initial qualifying lease" means a lease which is a qualifying lease under section 119(2);

"new lease" has the meaning given in subsection (1);

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"newly let property" means the property let by the new lease;

"preceding qualifying lease", in relation to the new lease, means—

(a) in a case within subsection (1)(d)(i), the lease which the new lease replaces;

(b) in a case within subsection (1)(d)(ii), a lease which—

(i) the new lease replaces, and

(ii) is a qualifying lease.

(14) The definitions in section 119(4) also apply for the purposes of this section.**]**

Textual Amendments

F6 S. 119A inserted (retrospectively) by Levelling-Up and Regeneration Act 2023 (c. 55), **s. 243(3)(5)** (with s. 247)

F7 Word in s. 119A(9) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(e)**, 124(2)(c)

120 Meaning of "relevant defect" [F8and "relevant steps"]

(1) This section applies for the purposes of sections 122 to **[**F9124**]** and Schedule 8.

(2) "Relevant defect", in relation to a building, means a defect as regards the building that—

(a) arises as a result of anything done (or not done), or anything used (or not used), in connection with relevant works, and

(b) causes a building safety risk.

(3) In subsection (2) "relevant works" means any of the following—

(a) works relating to the construction or conversion of the building, if the construction or conversion was completed in the relevant period;

(b) works undertaken or commissioned by or on behalf of a relevant landlord or management company, if the works were completed in the relevant period;

(c) works undertaken after the end of the relevant period to remedy a relevant defect (including a defect that is a relevant defect by virtue of this paragraph).

"The relevant period" here means the period of 30 years ending with the time this section comes into force.

(4) In subsection (2) the reference to anything done (or not done) in connection with relevant works includes anything done (or not done) in the provision of professional services in connection with such works.

[F10(4A) "Relevant steps", in relation to a relevant defect, means steps which have as their purpose—

(a) preventing or reducing the likelihood of a fire or collapse of the building (or any part of it) occurring as a result of the relevant defect,

(b) reducing the severity of any such incident, or

(c) preventing or reducing harm to people in or about the building that could result from such an incident.**]**

(5) For the purposes of this section—

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"building safety risk", in relation to a building, means a risk to the safety of people in or about the building arising from—

(a) the spread of fire, or

(b) the collapse of the building or any part of it;

"conversion" means the conversion of the building for use (wholly or partly) for residential purposes;

"relevant landlord or management company" means a landlord under a lease of the building or any part of it or any person who is party to such a lease otherwise than as landlord or tenant.

Textual Amendments

F8 Words in s. 120 heading inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 114(2)**, 124(3); S.I. 2024/1018, reg. 2(a)

F9 Word in s. 120(1) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(f)**, 124(2)(c)

F10 S. 120(4A) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 114(3)**, 124(3); S.I. 2024/1018, reg. 2(a)

Commencement Information

I281 S. 120 in force at 28.6.2022, see **s. 170(3)(a)**

121 Associated persons

(1) For the purposes of sections 122 to **[**[F11]124**]** and Schedule 8, a partnership or body corporate is associated with another person in the circumstances mentioned in subsections (2) to (5).

(2) Where a person's interest in a relevant building was held on trust at the qualifying time, any partnership or body corporate which was a beneficiary of the trust at that time is to be regarded, for the purposes of the provisions mentioned in subsection (1) as they apply in relation to the relevant building, as associated with the person.

(3) A partnership is associated with any person who was a partner in the partnership, other than a limited partner, at any time in the period of 5 years ending at the qualifying time ("the relevant period").

(4) A body corporate is associated with any person who was a director of the body corporate at any time in the relevant period.

(5) A body corporate is associated with another body corporate if—

(a) at any time in the relevant period a person was a director of both of them, or

(b) at the qualifying time, one of them controlled the other or a third body corporate controlled both of them.

Subsections (6) to (8) set out the cases in which a body corporate is regarded as controlling another body corporate.

(6) A body corporate (X) controls a company (Y) if X possesses or is entitled to acquire—

(a) at least half of the issued share capital of Y,

(b) such rights as would entitle X to exercise at least half of the votes exercisable in general meetings of Y,

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(c) such part of the issued share capital of Y as would entitle X to at least half of the amount distributed, if the whole of the income of Y were in fact distributed among the shareholders, or

(d) such rights as would, in the event of the winding up of Y or in any other circumstances, entitle it to receive at least half of the assets of Y which would then be available for distribution among the shareholders.

(7) A body corporate (X) controls a limited liability partnership (Y) if X—

(a) holds a majority of the voting rights in Y,

(b) is a member of Y and has a right to appoint or remove a majority of other members, or

(c) is a member of Y and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in Y.

(8) A body corporate (X) controls another body corporate (Y) if X has the power, directly or indirectly, to secure that the affairs of Y are conducted in accordance with X's wishes.

(9) In subsection (7) a reference to "voting rights" is to the rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.

(10) In determining whether one body corporate (X) controls another, X is treated as possessing—

(a) any rights and powers possessed by a person as nominee for it, and

(b) any rights and powers possessed by a body corporate which it controls (including rights and powers which such a body corporate would be taken to possess by virtue of this paragraph).

(11) In this section "partnership" means—

(a) a partnership within the meaning of the Partnership Act 1890, or

(b) a limited partnership registered under the Limited Partnerships Act 1907,

or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom (and the reference to "limited partner" is to be read accordingly).

(12) The Secretary of State may by regulations provide that, in relation to a prescribed reference in a provision mentioned in subsection (1) to anyone associated with another person, subsections (2) to (5) have effect with prescribed modifications.

Textual Amendments

F11 Word in s. 121(1) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(g)**, 124(2)(c)

Modifications etc. (not altering text)

C4 S. 121(2)-(5) modified (20.7.2022) by The Building Safety (Leaseholder Protections) (England) Regulations 2022 (S.I. 2022/711), regs. 1(1), **3** (as amended (9.2.2023) by The Building Safety (Leaseholder Protections) (England) (Amendment) Regulations 2023 (S.I. 2023/126), **reg. 2(2)**)

Commencement Information

I282 S. 121 in force at 28.6.2022, see **s. 170(3)(a)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

122 Remediation costs under qualifying leases etc

Schedule 8—

(a) provides that certain service charge amounts relating to relevant defects in a relevant building are not payable, and

(b) makes provision for the recovery of those amounts from persons who are landlords under leases of the building (or any part of it).

Commencement Information

I283 S. 122 in force at 28.6.2022, see **s. 170(3)(a)**

123 Remediation orders

(1) The Secretary of State may by regulations make provision for and in connection with remediation orders.

(2) A "remediation order" is an order, made by the First-tier Tribunal on the application of an interested person, requiring a relevant landlord to **[**[F12]do one or both of the following by a specified time—

(a) remedy specified relevant defects in a specified relevant building;

(b) take specified relevant steps in relation to a specified relevant defect in a specified relevant building.**]**

(3) In this section "relevant landlord", in relation to a relevant defect in a relevant building, means a landlord under a lease of the building or any part of it who is required, under the lease or by virtue of an enactment, to repair or maintain anything relating to the relevant defect.

(4) In subsection (3) the reference to a landlord under a lease includes any person who is party to the lease otherwise than as landlord or tenant.

(5) In this section "interested person", in relation to a relevant building, means—

(a) the regulator (as defined by section 2),

(b) a local authority (as defined by section 30) for the area in which the relevant building is situated,

(c) a fire and rescue authority (as defined by section 30) for the area in which the relevant building is situated,

(d) a person with a legal or equitable interest in the relevant building or any part of it, or

(e) any other person prescribed by the regulations.

[[F13](6) In this section—

"relevant building": see section 117;

"relevant defect": see section 120;

"relevant steps": see section 120;

"specified" means specified in the order.**]**

(7) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with this section (other than one ordering the payment of a sum) is enforceable with the permission of the county court in the same way as an order of that court.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[[F14](8) In proceedings for a remediation order, a direction given by the First-tier Tribunal requiring a relevant landlord to provide or produce an expert report is to be regarded as a decision for the purposes of subsection (7).

(9) In subsection (8), "expert report" means an expert report or survey relating to—

(a) relevant defects, or potential relevant defects, in a relevant building;

(b) relevant steps taken or that might be taken in relation to a relevant defect in a relevant building.**]**

Textual Amendments

F12 Words in s. 123(2) substituted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 115(2)**, 124(3) (with s. 115(5)); S.I. 2024/1018, reg. 2(b)

F13 S. 123(6) substituted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 115(3)**, 124(3) (with s. 115(5)); S.I. 2024/1018, reg. 2(b)

F14 S. 123(8)(9) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 115(4)**, 124(3) (with s. 115(5)); S.I. 2024/1018, reg. 2(b)

Commencement Information

I284 S. 123 in force at 28.6.2022, see **s. 170(3)(a)**

124 Remediation contribution orders

(1) The First-tier Tribunal may, on the application of an interested person, make a remediation contribution order in relation to a relevant building if it considers it just and equitable to do so.

(2) "Remediation contribution order", in relation to a relevant building, means an order requiring a specified body corporate or partnership to make payments to a specified person, for the purpose of meeting costs incurred or to be incurred in remedying **[**[F15], or otherwise in connection with,**]** relevant defects (or specified relevant defects) relating to the relevant building.

[[F16](2A) The following descriptions of costs, among others, fall within subsection (2)—

(a) costs incurred or to be incurred in taking relevant steps in relation to a relevant defect in the relevant building;

(b) costs incurred or to be incurred in obtaining an expert report relating to the relevant building;

(c) temporary accommodation costs incurred or to be incurred in connection with a decant from the relevant building (or from part of it) that took place or is to take place—

(i) to avoid an imminent threat to life or of personal injury arising from a relevant defect in the building,

(ii) (in the case of a decant from a dwelling) because works relating to the building created or are expected to create circumstances in which those occupying the dwelling cannot reasonably be expected to live, or

(iii) for any other reason connected with relevant defects in the building, or works relating to the building, that is prescribed by regulations made by the Secretary of State.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2B) The Secretary of State may make regulations for the purposes of this section specifying descriptions of costs which are, or are not, to be regarded as falling within subsection (2).**]**

(3) A body corporate or partnership may be specified **[**[F17]as a person required to make payments**]** only if it is—

(a) a landlord under a lease of the relevant building or any part of it,

(b) a person who was such a landlord at the qualifying time,

(c) a developer in relation to the relevant building, or

(d) a person associated with a person within any of paragraphs (a) to (c).

(4) An order may—

(a) require the making of payments of a specified amount, [F18]...;

[[F19](aa) if it does not require the making of payments of a specified amount, determine that a specified body corporate or partnership is liable for the reasonable costs of specified things done or to be done;**]**

(b) require a payment to be made at a specified time, or to be made on demand following the occurrence of a specified event.

(5) In this section—

"associated": see section 121;

"developer", in relation to a relevant building, means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;

[[F20]"expert report" has the meaning given by section 123(9);**]**

"interested person", in relation to a relevant building, means—

(a) the Secretary of State,

(b) the regulator (as defined by section 2),

(c) a local authority (as defined by section 30) for the area in which the relevant building is situated,

(d) a fire and rescue authority (as defined by section 30) for the area in which the relevant building is situated,

(e) a person with a legal or equitable interest in the relevant building or any part of it, or

(f) any other person prescribed by regulations made by the Secretary of State;

"partnership" has the meaning given by section 121;

"relevant building": see section 117;

"relevant defect": see section 120;

[[F21]"relevant steps": see section 120;**]**

"specified" means specified in the order.

[[F22]"temporary accommodation costs", in relation to a decant from a relevant building, means—

(a) the costs of the temporary accommodation, and

(b) other costs resulting from the decant, including removal costs, storage costs and reasonable travel costs;**]**

[[F22]"works" means works—

(a) to remedy a relevant defect in a relevant building, or

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(b) in connection with the taking of relevant steps in relation to such a defect.**]**

(6) The Secretary of State may by regulations provide that this section applies, with or without modifications, in relation to a building that would, but for section 117(3), be a relevant building.

Textual Amendments

F15 Words in s. 124(2) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(2)**, 124(3); S.I. 2024/1018, reg. 2(c)

F16 S. 124(2A)(2B) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(3)**, 124(3); S.I. 2024/1018, reg. 2(c)

F17 Words in s. 124(3) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(4)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

F18 Words in s. 124(4)(a) omitted (31.10.2024) by virtue of Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(5)(a)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

F19 S. 124(4)(aa) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(5)(b)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

F20 Words in s. 124(5) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(6)(a)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

F21 Words in s. 124(5) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(6)(b)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

F22 Words in s. 124(5) inserted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 116(6)(c)**, 124(3) (with s. 116(7)); S.I. 2024/1018, reg. 2(c)

Modifications etc. (not altering text)

C5 S. 124 applied (with modifications) (20.7.2022) by The Building Safety (Leaseholder Protections) (England) Regulations 2022 (S.I. 2022/711), regs. 1(1), **4**

Commencement Information

I285 S. 124 in force at 28.6.2022, see **s. 170(3)(a)**

[F23]125 Meeting remediation costs of insolvent landlord

. . . . . .

Textual Amendments

F23 S. 125 omitted (24.7.2024) by virtue of Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(1)**, 124(2)(c)

[F24*Insolvency of certain persons with an interest in higher-risk and relevant buildings*

Textual Amendments

F24 S. 125A and cross-heading inserted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 119**, 124(2)(d)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

125A Notifications by insolvency practitioners

(1) This section applies if an insolvency practitioner is appointed in relation to a responsible person for a higher-risk building or a relevant building.

(2) For the purposes of this section, a person is "a responsible person" for a building if—
- (a) in the case of a higher-risk building, the person is an accountable person for the building (see section 72 for the meaning of "accountable person" for a higher-risk building);
- (b) in the case of a relevant building that is not a higher-risk building, the person would be an accountable person for the building if section 72 were read as applying to such a building (and as if the reference in that section to a residential unit were a reference to a dwelling).

(3) The insolvency practitioner must give the information in subsection (6) ("the required information") to—
- (a) the local authority for the area in which the building for which the person is a responsible person is situated, or (if applicable) each local authority in whose area a building for which the person is a responsible person is situated, and
- (b) the fire and rescue authority for the area in which the building for which the person is a responsible person is situated, or (if applicable) each fire and rescue authority in whose area a building for which the person is a responsible person is situated.

(4) If the insolvency practitioner is appointed in relation to an accountable person for a higher-risk building, the practitioner must also give the required information to the regulator.

(5) The required information must be provided within the period of 14 days beginning with the day on which the insolvency practitioner is appointed.

(6) The information is as follows—
- (a) the name and address of the person in relation to whom the insolvency practitioner is appointed;
- (b) the address of each higher-risk building or relevant building for which the person is a responsible person (but see subsection (7));
- (c) an official copy of the register of title and title plan relating to each registered estate or interest the person holds in such a building, if any (but see subsection (7));
- (d) the nature of the practitioner's appointment;
- (e) the practitioner's name, address, telephone number and email address (if any);
- (f) so much of the information set out in the table in rule 1.6 of the Insolvency (England and Wales) Rules 2016 (S.I. 2016/1024) as is known to the practitioner.

(7) A local authority or fire and rescue authority need only be notified about buildings, or registered estates or interests in buildings, in their area.

(8) In this section "insolvency practitioner" means—
- (a) an administrator;
- (b) an administrative receiver;
- (c) a receiver appointed by the courts or by a mortgagee;
- (d) a liquidator;

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(e) a trustee in bankruptcy.

(9) In this section—

"fire and rescue authority" has the meaning given by section 30;

"higher-risk building" has the same meaning as in Part 4 (see section 65);

"local authority" has the meaning given by section 30;

"register of title" means the register kept under section 1 of the Land Registration Act 2002;

"the regulator" has the meaning given by section 2;

"relevant building" has the meaning given by section 117;

"title plan" means a plan based on the Ordnance Survey map and referred to in the register of title.**]**

Building industry schemes

126 Building industry schemes

(1) The Secretary of State may by regulations—

(a) establish a scheme to be maintained by the Secretary of State, or a person designated by the Secretary of State and acting on the Secretary of State's behalf, and

(b) make provision about the scheme.

(2) A scheme may be established for any purpose connected with—

(a) securing the safety of people in or about buildings in relation to risks arising from buildings, or

(b) improving the standard of buildings,

including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.

(3) Regulations that establish a scheme must prescribe—

(a) the descriptions of persons in the building industry who may be members of the scheme ("eligible persons"), and

(b) the conditions that an eligible person must meet in order to become, and remain, a member of the scheme ("membership conditions"),

and may provide for different categories of membership.

(4) The membership conditions that may be prescribed include in particular conditions relating to—

(a) the remedying of defects in buildings with which an eligible person has a connection of a prescribed kind;

(b) the making of financial contributions towards meeting costs associated with remedying defects in buildings (including buildings with which an eligible person has no connection);

(c) the use (or use in prescribed cases) of construction products (or construction products of a prescribed description) of prescribed persons carrying out activities in relation to construction products;

(d) the provision of information to the Secretary of State or any other person;

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(e) the competence or conduct of any individual connected with an eligible person (for example, any director or senior manager of an eligible person) or any person with whom an eligible person contracts;

(f) whether persons with whom an eligible person contracts are members of a scheme.

In paragraph (e) "conduct" includes conduct occurring before the coming into force of this section.

(5) The descriptions of persons prescribed by virtue of subsection (4)(c) may in particular be prescribed by reference to—

(a) being eligible to be members of a scheme and not being members of that scheme;

(b) their conduct in relation to remedying defects in buildings or contributing to costs associated with remedying defects in buildings.

(6) The membership conditions that may be prescribed by virtue of subsection (4)(c) include in particular a condition requiring an eligible person to ensure that no prescribed product of prescribed persons carrying out activities in relation to construction products is used in prescribed cases.

(7) The Secretary of State must ensure that a list of members of a scheme is kept and published (and may publish a list of persons who are eligible persons but are not members of a scheme).

(8) Regulations may make provision about the keeping and publication of other lists.

Commencement Information

I286 S. 126 not in force at Royal Assent, see **s. 170(5)**

I287 S. 126 in force at 1.9.2022 by S.I. 2022/927, **reg. 2**

127 Building industry schemes: supplementary

(1) This section supplements section 126.

(2) Regulations may make provision about—

(a) applications for membership of a scheme;

(b) renewal of membership at prescribed intervals;

(c) termination of a person's membership;

(d) the suspension of a person from membership.

(3) Regulations may provide for the charging of fees, in connection with—

(a) an application for membership;

(b) renewal of membership;

(c) a review;

(d) any other prescribed matter.

(4) Regulations may provide for membership conditions to be framed by reference to—

(a) standards, or a document, from time to time published by any person;

(b) the opinion of the Secretary of State, or a designated person, in relation to any matter.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Regulations may make provision about the determination of disputes.

(6) Regulations may make provision about the termination of a scheme.

(7) In section 126 and this section—

"building" means a building in England;

"building industry": a reference to persons in the building industry is to persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, including persons carrying out activities in relation to construction products in England;

"construction product" has the meaning given by regulations;

"persons carrying out activities in relation to construction products" include (without limitation)—

(a) a manufacturer of construction products,

(b) a person who markets or supplies construction products to others, and

(c) a person who imports construction products into the United Kingdom for use, marketing or supply;

"prescribed" means prescribed by the regulations;

"regulations" means regulations under section 126;

"scheme" means a scheme established under section 126;

"standard" (except in subsection (4) of this section) is to be read in accordance with section 30.

Commencement Information

I288 S. 127 not in force at Royal Assent, see **s. 170(5)**

I289 S. 127 in force at 1.9.2022 by S.I. 2022/927, **reg. 2**

Prohibitions on development and building control

128 Prohibition on development for prescribed persons

(1) The Secretary of State may by regulations prohibit a person of a prescribed description from carrying out development of land in England (or a prescribed description of such development).

(2) The descriptions of persons which may be prescribed include in particular persons who—

(a) are eligible to be members of a scheme established under section 126, and

(b) are not members of that scheme.

(3) A prohibition under the regulations may be imposed for any purpose connected with—

(a) securing the safety of people in or about buildings in relation to risks arising from buildings, or

(b) improving the standard of buildings,

including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) A prohibition under the regulations applies despite planning permission (or any prescribed description of planning permission) having been granted.

(5) The regulations may provide that, in prescribed cases, no prescribed certificate under the 1990 Act may be granted (and any purported grant is of no effect).

(6) The regulations may require a person of a prescribed description to give a notification relating to development (and may make provision about the content and form of a notification and the way in which it is to be given).

(7) The regulations may contain exceptions.

(8) The regulations may make provision about enforcement, including in particular provision applying (with or without modifications), in relation to a breach of the regulations, any provision of Part 7 of the 1990 Act (enforcement).

(9) For the purposes of this section—
- (a) "the 1990 Act" means the Town and Country Planning Act 1990;
- (b) "building" means a building in England;
- (c) "development" has the meaning given by section 55 of the 1990 Act;
- (d) "planning permission" has the meaning given by section 336 of the 1990 Act;
- (e) "prescribed" means prescribed by regulations under this section;
- (f) "standard" is to be read in accordance with section 30.

Commencement Information

I290 S. 128 not in force at Royal Assent, see **s. 170(5)**

I291 S. 128 in force at 1.9.2022 by S.I. 2022/927, **reg. 2**

129 Building control prohibitions

(1) The Secretary of State may by regulations impose a building control prohibition, as regards buildings or proposed buildings, in relation to persons of a prescribed description.

(2) The descriptions of persons which may be prescribed include in particular persons who—
- (a) are eligible to be members of a scheme established under section 126, and
- (b) are not members of that scheme.

(3) A building control prohibition may be imposed for any purpose connected with—
- (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
- (b) improving the standard of buildings,

including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.

(4) A "building control prohibition", in relation to a person, prohibits—
- (a) the person from applying for building control approval or from depositing plans,

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Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the person from giving an initial notice (whether or not jointly with anyone else) or a public body's notice, public body's plans certificate or public body's final certificate,

(c) the granting of building control approval to the person,

(d) the passing of plans deposited by the person,

(e) the acceptance of an initial notice given by the person (whether or not jointly with anyone else) or a public body's notice, public body's plans certificate or public body's final certificate given by the person,

(f) the giving of a final certificate in relation to works carried out by the person,

(g) the person from giving a prescribed document,

(h) the giving of a prescribed document to the person or in respect of works carried out by the person, or

(i) the acceptance of any prescribed document given by the person or in respect of works carried out by the person.

(5) A building control prohibition applies despite any provision made by or under the Building Act 1984.

(6) The regulations may contain exceptions.

(7) The regulations may provide that anything done in contravention of the regulations is of no effect.

(8) Any reference in this section to a building or proposed building is to a building or proposed building in England.

(9) In this section—

"building" and "building control approval", and references to the deposit and passing of plans, are to be read in accordance with Part 1 of the Building Act 1984;

"initial notice", "final certificate", "public body's notice", "public body's plans certificate" and "public body's final certificate" have the same meaning as in Part 2 of that Act;

"prescribed" means prescribed by regulations under this section;

"standard" is to be read in accordance with section 30.

Commencement Information

I292 S. 129 not in force at Royal Assent, see **s. 170(5)**

I293 S. 129 in force at 1.9.2022 by S.I. 2022/927, **reg. 2**

Building liability orders

130 Building liability orders

(1) The High Court may make a building liability order if it considers it just and equitable to do so.

(2) A "building liability order" is an order providing that any relevant liability (or any relevant liability of a specified description) of a body corporate ("the original body") relating to a specified building is also—

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(a) a liability of a specified body corporate, or
(b) a joint and several liability of two or more specified bodies corporate.

(3) In this section "relevant liability" means a liability (whether arising before or after commencement) that is incurred—
(a) under the Defective Premises Act 1972 or section 38 of the Building Act 1984, or
(b) as a result of a building safety risk.

(4) A body corporate may be specified only if it is, or has at any time in the relevant period been, associated with the original body.

(5) A building liability order—
(a) may be made in respect of a liability of a body corporate that has been dissolved (including where dissolution occurred before commencement);
(b) continues to have effect even if the body corporate is dissolved after the making of the order.

(6) In this section—

"associate": see section 131;

"building safety risk", in relation to a building, means a risk to the safety of people in or about the building arising from the spread of fire or structural failure;

"commencement" means the time this section comes into force;

"the relevant period" means the period—
(a) beginning with the beginning of the carrying out of the works in relation to which the relevant liability was incurred, and
(b) ending with the making of the order;

"specified" means specified in the building liability order.

Commencement Information
I294 S. 130 not in force at Royal Assent, see **s. 170(5)**
I295 S. 130 in force at 28.6.2022 by S.I. 2022/561, **regs. 1(2)**, 3(h)

131 Building liability orders: associates

(1) For the purposes of section 130, a body corporate (A) is associated with another body corporate (B) if—
(a) one of them controls the other, or
(b) a third body corporate controls both of them.

Subsections (2) to (4) set out the cases in which a body corporate is regarded as controlling another body corporate.

(2) A body corporate (X) controls a company (Y) if X possesses or is entitled to acquire—
(a) at least half of the issued share capital of Y,
(b) such rights as would entitle X to exercise at least half of the votes exercisable in general meetings of Y,

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(c) such part of the issued share capital of Y as would entitle X to at least half of the amount distributed, if the whole of the income of Y were in fact distributed among the shareholders, or

(d) such rights as would, in the event of the winding up of Y or in any other circumstances, entitle it to receive at least half of the assets of Y which would then be available for distribution among the shareholders.

(3) A body corporate (X) controls a limited liability partnership (Y) if X—

(a) holds a majority of the voting rights in Y,

(b) is a member of Y and has a right to appoint or remove a majority of other members, or

(c) is a member of Y and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in Y.

(4) A body corporate (X) controls another body corporate (Y) if X has the power, directly or indirectly, to secure that the affairs of Y are conducted in accordance with X's wishes.

(5) In subsection (3) a reference to "voting rights" is to the rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.

(6) In determining under any of subsections (2) to (4) whether one body corporate (X) controls another, X is treated as possessing—

(a) any rights and powers possessed by a person as nominee for it, and

(b) any rights and powers possessed by a body corporate which it controls (including rights and powers which such a body corporate would be taken to possess by virtue of this paragraph).

(7) For the purposes of section 130 as it applies in relation to a building, where a person's interest in the building is held on trust, a body corporate which is a beneficiary of the trust is to be regarded as associated with the person.

Commencement Information

I296 S. 131 not in force at Royal Assent, see **s. 170(5)**

I297 S. 131 in force at 28.6.2022 by S.I. 2022/561, **regs. 1(2)**, 3(h)

132 Order for information in connection with building liability order

(1) A person of a prescribed description may apply to the High Court for an information order.

(2) An "information order" is an order requiring a specified body corporate to give, by a specified time, specified information or documents relating to persons who are, or have at any time in a specified period been, associated with the body corporate.

(3) An information order may be made only if it appears to the court—

(a) that the body corporate is subject to a relevant liability (within the meaning of section 130), and

(b) that it is appropriate to require the information or documents to be provided for the purpose of enabling the applicant (or the applicant and others) to make, or consider whether to make, an application for a building liability order.

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(4) In this section—

"associate": section 131 applies for the purposes of this section as it applies for the purposes of section 130;

"building liability order": see section 130;

"prescribed" means prescribed by regulations made by the Secretary of State;

"specified" means specified in the information order.

Commencement Information

I298 S. 132 not in force at Royal Assent, see **s. 170(5)**

I299 S. 132 in force at 28.5.2022 for specified purposes by S.I. 2022/561, **regs. 1(2)**, 2

I300 S. 132 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(i)

Remediation and redress: other provisions

133 Service charges in respect of remediation works

(1) The Landlord and Tenant Act 1985 is amended as follows.

(2) In section 20(1)(b) (limitation of service charges: consultation requirements) at the beginning insert "except in the case of works to which section 20D applies,".

(3) In section 20ZA (consultation requirements: supplementary) after subsection (5) insert—

"(5A) And in the case of works to which section 20D applies, regulations under subsection (4) may also include provision requiring the landlord—

(a) to give details of the steps taken or to be taken under section 20D(2),

(b) to give reasons about prescribed matters, and any other prescribed information, relating to the taking of such steps, and

(c) to have regard to observations made by tenants or the recognised tenants' association in relation to the taking of such steps."

(4) After section 20C insert—

"**20D Limitation of service charges: remediation works**

(1) This section applies to works of a prescribed description ("remediation works") on a building in England of a prescribed description.

(2) The landlord must—

(a) take reasonable steps to ascertain whether any grant is payable in respect of the remediation works and, if so, to obtain the grant;

(b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of the remediation works and, if so, to obtain monies from the third party;

(c) take prescribed steps relating to any other prescribed kind of funding.

(3) In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies—

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(a) under a policy of insurance;
(b) under a guarantee or indemnity;
(c) pursuant to a claim made against—
(i) a developer;
(ii) a person involved in the design of the building or of works to the building; or
(iii) a person involved in carrying out works in relation to the building.

(4) Where any funding of a kind mentioned in subsection (2) is obtained, the amount of the funding is to be deducted from the remediation costs (and the amount of any service charge is to be reduced accordingly).

(5) In the case of a failure to comply with subsection (2), a tenant may make an application for an order that all or any of remediation costs are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by—
(a) the tenant, or
(b) anyone else specified in the application.

(6) An application is to be made to the prescribed court or tribunal.

(7) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.

(8) Nothing in this section requires the landlord to do anything mentioned in subsection (2) before carrying out remediation works.

(9) The Secretary of State may issue guidance about the taking of steps under subsection (2), and may revise or withdraw any issued guidance.

(10) Where on an application under this section it is alleged that a person failed to comply with subsection (2)—
(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and
(b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.

(11) In this section—

"developer", in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

"prescribed" means prescribed by regulations made by the Secretary of State;

"remediation costs" means costs incurred or to be incurred in carrying out the remediation works;

"third party" means a person other than a tenant.

20E Regulations under section 20D

(1) In this section "regulations" means regulations under section 20D.

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(2) Regulations are to be made by statutory instrument.

(3) A power to make regulations includes power to make—
  (a) incidental, transitional or saving provision;
  (b) different provision for different purposes.

(4) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information
I301 S. 133 not in force at Royal Assent, see **s. 170(5)**
I302 S. 133 in force at 1.4.2023 for specified purposes by S.I. 2023/362, **reg. 2(1)(g)**

134 Duties relating to work to dwellings etc

(1) In the Defective Premises Act 1972 after section 2 insert—

"**2A Duties relating to work to dwellings etc**

(1) This section applies where a person, in the course of a business, takes on work in relation to any part of a relevant building.

(2) In this section "relevant building" means a building consisting of or containing one or more dwellings.

(3) The person owes a duty to—
  (a) the person for whom the work is done, and
  (b) each person who holds or acquires an interest (whether legal or equitable) in a dwelling in the building,

  to see that the work is done in a workmanlike or (as the case may be) professional manner, with proper materials and so that as regards the work the dwelling is fit for habitation when the work is completed.

(4) The duty under this section does not apply in relation to a dwelling if—
  (a) the work taken on is work for or in connection with the provision of the dwelling (as to which see section 1), or
  (b) it is expected that, on completion of the work, it will have ceased to be a dwelling or will otherwise have ceased to exist.

(5) A person (A) who takes on any work to which this section applies for another (B) on terms that A is to do it in accordance with instructions given by or on behalf of B is, to the extent to which A does it properly in accordance with those instructions, to be treated for the purposes of this section as discharging the duty imposed on A by this section except where A owes a duty to B to warn B of any defects in the instructions and fails to discharge that duty.

(6) A person is not treated for the purposes of subsection (5) as having given instructions for the doing of work merely because the person has agreed to the work being done in a specified manner, with specified materials or to a specified design.

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(7) A person who, in the course of a business which consists of or includes carrying out or arranging for the carrying out of work of a kind mentioned in subsection (1), arranges for another to take on work of that kind is treated for the purposes of this section as included among the persons who have taken on the work.

(8) For the purposes of the Limitation Act 1980, a cause of action in respect of a breach of a duty imposed by this section is treated as accruing at the time the work is completed; but if after that time a person does further work to rectify the work the person has already done, any such cause of action in respect of that further work is treated as accruing at the time when the further work is finished."

(2) The amendment made by this section applies in relation to work completed after the coming into force of this section.

Commencement Information
I303 S. 134 in force at 28.6.2022, see **s. 170(3)(b)**

135 Limitation periods

(1) After section 4A of the Limitation Act 1980 insert—

"**4B Special time limit for certain actions in respect of damage or defects in relation to buildings**

(1) Where by virtue of a relevant provision a person becomes entitled to bring an action against any other person, no action may be brought after the expiration of 15 years from the date on which the right of action accrued.

(2) An action referred to in subsection (1) is one to which—
(a) sections 1, 28, 32, 35, 37 and 38 apply;
(b) the other provisions of this Act do not apply.

(3) In this section "relevant provision" means—
(a) section 1 or 2A of the Defective Premises Act 1972;
(b) section 38 of the Building Act 1984.

(4) Where by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the commencement date, to bring an action against any other person, this section applies in relation to the action as if the reference in subsection (1) to 15 years were a reference to 30 years.

(5) In subsection (4) "the commencement date" means the day on which section 135 of the Building Safety Act 2022 came into force."

(2) In section 1(5) of the Defective Premises Act 1972, for "the Limitation Act 1939, the Law Reform (Limitation of Actions, &c.) Act 1954 and the Limitation Act 1963" substitute "the Limitation Act 1980".

(3) The amendment made by subsection (1) in relation to an action by virtue of section 1 of the Defective Premises Act 1972 is to be treated as always having been in force.

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(4) In a case where—

(a) by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the day on which this section came into force, to bring an action against any other person, and

(b) the period of 30 years from the date on which the right of action accrued expires in the initial period,

section 4B of the Limitation Act 1980 (inserted by subsection (1)) has effect as if it provided that the action may not be brought after the end of the initial period.

(5) Where an action is brought that, but for subsection (3), would have been barred by the Limitation Act 1980, a court hearing the action must dismiss it in relation to any defendant if satisfied that it is necessary to do so to avoid a breach of that defendant's Convention rights.

(6) Nothing in this section applies in relation to a claim which, before this section came into force, was settled by agreement between the parties or finally determined by a court or arbitration (whether on the basis of limitation or otherwise).

(7) In this section—

"Convention rights" has the same meaning as in the Human Rights Act 1998;

"the initial period" means the period of one year beginning with the day on which this section comes into force.

Commencement Information

I304 S. 135 in force at 28.6.2022, see **s. 170(3)(c)**

PROSPECTIVE

New homes ombudsman scheme

136 Establishment of the new homes ombudsman scheme

(1) The Secretary of State must make arrangements for there to be a scheme, to be known as the "new homes ombudsman scheme", which meets the conditions in section 137(1).

(2) Examples of arrangements under subsection (1) are arrangements—

(a) with another person under which that other person agrees to establish and maintain the new homes ombudsman scheme in accordance with the terms of the arrangements,

(b) under which the new homes ombudsman scheme is established and maintained by (or on behalf of) the Secretary of State, or

(c) for the maintenance of the new homes ombudsman scheme, in accordance with the terms of the arrangements, by a person other than the person who established it.

(3) The Secretary of State may—

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(a) give financial assistance (by way of grant, loan, guarantee or in any other form) to a person for the establishment or maintenance of the new homes ombudsman scheme;

(b) make payments to such a person (otherwise than as financial assistance) in accordance with arrangements under subsection (1).

(4) Before making arrangements under subsection (1), the Secretary of State must consult—

(a) the Welsh Ministers,

(b) the Scottish Ministers, and

(c) the relevant Northern Ireland department.

(5) In this section, "the relevant Northern Ireland department" means—

(a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or

(b) failing such a designation, the Executive Office in Northern Ireland.

Commencement Information

I305 S. 136 not in force at Royal Assent, see **s. 170(5)**

137 The new homes ombudsman scheme

(1) The conditions referred to in section 136(1) are that—

(a) membership of the scheme is open to all developers,

(b) the scheme enables qualifying complainants to have complaints against members of the scheme investigated and determined by an independent individual, and

(c) the scheme contains the provisions required by Schedule 9.

(2) A "qualifying complainant" is a person who, at the time the complaint is made, is a relevant owner of a home which, at that time, is a new build home.

(3) The individual who is to investigate and determine complaints under the scheme is to be known as "the new homes ombudsman".

(4) The scheme may also include provision for persons other than qualifying complainants to have complaints against members of the scheme investigated and determined under the scheme.

(5) The scheme may provide that the new homes ombudsman is not required to investigate a complaint if the new homes ombudsman is satisfied that the complaint (or a complaint which is materially the same) is being, or has been, dealt with under another redress scheme or in legal proceedings.

(6) In this section, "redress scheme" means a scheme under which complaints may be made to, and investigated and determined by, an independent person.

(7) Schedule 9 contains further provision about the new homes ombudsman scheme.

(8) Schedule 10 contains amendments connected with the establishment of the new homes ombudsman scheme.

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Commencement Information

I306 S. 137 not in force at Royal Assent, see **s. 170(5)**

138 "Relevant owner", "new build home" and "developer"

(1) This section provides for the meaning of terms used in section 137 (and in this section).

(2) A person is a "relevant owner" of a home if the person—

(a) is an individual,

(b) has a relevant interest in land that includes the home, and

(c) meets the occupation condition.

(3) A person meets the occupation condition if the person—

(a) occupies the home, or

(b) is the landlord under a lease of land that includes the home granted for a term not exceeding 21 years to another individual for that individual's occupation of the home.

(4) In relation to a home in Scotland or Northern Ireland, subsection (3) has effect as if in paragraph (b) the words "for a term not exceeding 21 years" were omitted.

(5) A home is a "new build home" if—

(a) the home is, or is contained in—

(i) a building the construction of which began after the coming into force of this section, or

(ii) a building that has been converted, or to which any other works have been carried out, so that it consists of or contains the home, where the conversion or works began after the coming into force of this section,

(b) there is a person who is, or was, a developer in relation to the home, and

(c) no more than two years have elapsed since the first acquisition, by any person, of a relevant interest in land that includes the home from the person mentioned in paragraph (b).

(6) "Relevant interest" means—

(a) in relation to land in England or Wales, a legal estate which is—

(i) an estate in fee simple absolute in possession, or

(ii) a term of years absolute granted for a term of more than 21 years from the date of the grant;

(b) in relation to land in Scotland, the interest of an owner of land;

(c) in relation to land in Northern Ireland, a legal estate which is—

(i) an estate in fee simple absolute in possession,

(ii) an estate in fee simple in possession subject to a rent payable under a fee farm grant, or

(iii) a term of years absolute granted for a term of more than 21 years from the date of the grant.

(7) A "developer" is a person—

(a) who undertakes or commissions—

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(i) the construction of a new building that is to consist of or contain a home,

(ii) the conversion of, or carrying out of any other works to, an existing building so that it consists of or contains a home, or

(iii) the conversion of, or carrying out of any other works to, an existing building so as to alter the number of homes contained in it,

with a view to granting, or disposing of, a relevant interest in land that includes the home or, in a case falling within sub-paragraph (iii), any of the homes, or

(b) who is of a description specified in regulations made by the relevant national authority.

(8) Regulations under subsection (7)(b) may, among other things, specify a description of persons by reference to a connection with a person mentioned in subsection (7)(a).

(9) In subsection (7)(b), "the relevant national authority" means—

(a) in relation to homes in England, the Secretary of State,

(b) in relation to homes in Wales, the Welsh Ministers,

(c) in relation to homes in Scotland, the Scottish Ministers, and

(d) in relation to homes in Northern Ireland, the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly.

(10) Before making regulations under subsection (7)(b), the relevant national authority must consult each other person who is the relevant national authority in relation to regulations under that subsection.

(11) If no Northern Ireland department has been designated for the purposes of this section then, for the purposes of subsection (10), "the relevant national authority" in relation to homes in Northern Ireland is the Executive Office in Northern Ireland.

(12) "Home" means a private residence.

(13) "Occupies" means occupies as a private residence (and "occupation" is to be construed accordingly).

Commencement Information

I307 S. 138 not in force at Royal Assent, see **s. 170(5)**

139 Regulations under section 138

(1) The power to make regulations under section 138(7)(b) is exercisable—

(a) in the case of regulations made by the Secretary of State or the Welsh Ministers, by statutory instrument, and

(b) in the case of regulations made by a Northern Ireland department, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(For regulations under section 138(7)(b) made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(2) Regulations under section 138(7)(b)—

(a) may make different provision for different purposes;

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(b) may contain consequential, supplementary, incidental, transitional or saving provision.

(3) Regulations under section 138(7)(b)—

(a) if made by the Secretary of State, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;

(b) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;

(c) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));

(d) if made by a Northern Ireland department, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Commencement Information

I308 S. 139 not in force at Royal Assent, see **s. 170(5)**

140 Power to require persons to join scheme and to provide information

(1) The Secretary of State may by regulations—

(a) require persons who are developers, or developers of a specified description, to become members of the new homes ombudsman scheme;

(b) require persons who are required to become members of the scheme under paragraph (a) to remain members of the scheme for a period specified in the regulations (even if they are no longer developers);

(c) require members of the scheme to inform persons of a specified description of the scheme;

(d) make provision for civil sanctions to be imposed in respect of a breach of a requirement imposed by regulations under paragraph (a), (b) or (c);

(e) make provision for the investigation of suspected breaches of such a requirement.

In this subsection, "developer" has the meaning given in section 138 and "specified" means specified in the regulations.

(2) Before making regulations under subsection (1), the Secretary of State must consult—

(a) the Welsh Ministers,

(b) the Scottish Ministers, and

(c) the relevant Northern Ireland department.

(3) Provision made by virtue of subsection (1)(a) may provide for exceptions to the requirement to become a member of the scheme.

(4) Provision made by virtue of subsection (1)(a) or (b) may require persons who are members of the new homes ombudsman scheme to—

(a) obtain a certificate confirming their membership of the scheme;

(b) display or publish the certificate in accordance with the regulations;

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(c) produce a copy of the certificate, on request, in accordance with the regulations.

(5) Provision made for the imposition of a civil sanction by virtue of subsection (1)(d) must include—

(a) provision for appeals to a court or tribunal against the imposition of the sanction, and

(b) such other provision as the Secretary of State considers appropriate for safeguarding the interests of persons on whom the sanction may be imposed.

(6) Provision made by virtue of subsection (1)(d) or (e) may—

(a) confer functions on a person (including functions involving the exercise of a discretion);

(b) require a person on whom functions are so conferred to have regard to any relevant guidance issued by the Secretary of State relating to the exercise of those functions.

(7) The Secretary of State may make payments to a person on whom functions are conferred by virtue of subsection (6).

(8) In this section, "the relevant Northern Ireland department" means—

(a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or

(b) failing such a designation, the Executive Office in Northern Ireland.

Commencement Information

I309 S. 140 not in force at Royal Assent, see **s. 170(5)**

141 Register of members

(1) The person who maintains the new homes ombudsman scheme must keep a register of persons who are members of the scheme.

(2) The register must be made available for inspection by members of the public at all reasonable times.

Commencement Information

I310 S. 141 not in force at Royal Assent, see **s. 170(5)**

142 Developers' code of practice

(1) The Secretary of State may issue or approve a code of practice about the standards of conduct and standards of quality of work expected of members of the new homes ombudsman scheme.

(2) The Secretary of State may from time to time revise or replace the code or approve its revision or replacement.

(3) The Secretary of State must ensure that the current version of the code is published.

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(4) The Secretary of State must consult the Welsh Ministers, the Scottish Ministers and the relevant Northern Ireland department before—

(a) issuing, revising or replacing the code, or

(b) approving the code or a revision or replacement of it.

(5) In this section, "the relevant Northern Ireland department" means—

(a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or

(b) failing such a designation, the Executive Office in Northern Ireland.

Commencement Information

I311 S. 142 not in force at Royal Assent, see **s. 170(5)**

143 Amendment of the Government of Wales Act 2006

In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 10(2), at the end insert—

"(o) the new homes ombudsman."

Commencement Information

I312 S. 143 not in force at Royal Assent, see **s. 170(5)**

New build home warranties

144 New build home warranties

(1) This section applies where a person ("the developer") carries out a development in England that results in the creation of one or more dwellings ("new build homes").

(2) The developer must, at the time of or before granting or disposing of a relevant interest in a new build home—

(a) provide to the purchaser a new build home warranty for the new build home, and

(b) provide to a prescribed person a new build home warranty for any common parts.

(3) A "new build home warranty" for a thing is an arrangement, satisfying any requirements under subsection (4), under which—

(a) the developer agrees, in specified circumstances, to remedy any specified defect (or any defect) in the thing occurring in a specified period, and

(b) a prescribed person obtains the benefit of a policy of insurance relating to specified defects (or any defects) in the thing.

"Specified" here means specified in the arrangement.

(4) The Secretary of State may by regulations impose requirements about new build home warranties, including in particular requirements as to—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the kinds of defect which the developer must agree to remedy;
(b) the circumstances in which the developer must agree to remedy a defect (including the minimum duration of the period mentioned in subsection (3)(a));
(c) the developer agreeing to meet prescribed costs incurred by a person occupying a new build home, where works to remedy a defect are carried out;
(d) the policy of insurance (including risks that must be covered, the minimum amount of cover, the minimum duration of the period of cover, and the maximum amount of any excess);
(e) the solvency of the insurer or underwriter;
(f) the standard of service provided by or on behalf of the insurer in relation to the policy;
(g) the ability of a person who has the benefit of the warranty to transfer that benefit to another person.

(5) The regulations must provide that the period of cover under the policy of insurance must be at least 15 years beginning with the day on which the relevant interest is granted or disposed of.

(6) In this section—

"carries out a development": the reference to a person carrying out a development is to undertaking or commissioning—
(a) the construction of a building, or
(b) the conversion of, or carrying out of any other works to, a building,
with a view to granting, or disposing of, relevant interests in one or more dwellings created as a result of the construction, conversion or carrying out of works;

"common parts", in relation to a new build home, means any part of a building, where—
(a) that part is provided for the use, benefit and enjoyment of the residents of the new build home and the residents of other dwellings (whether alone or with other persons), and
(b) the right to use that part is conferred in connection with the grant or disposal of the relevant interest in the new build home;

"defect": any reference to a defect includes, in relation to land, contamination;

"prescribed" means prescribed by regulations made by the Secretary of State;

"purchaser" means the person to whom the relevant interest is granted or disposed of;

"relevant interest" means a legal estate which is—
(a) an estate in fee simple absolute in possession, or
(b) a term of years absolute granted for a term of more than 21 years from the date of the grant.

Commencement Information
I313 S. 144 not in force at Royal Assent, see **s. 170(5)**
I314 S. 144 in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z12)**

Status: *This version of this Act contains provisions that are prospective.*
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145 New build home warranties: financial penalties

(1) The Secretary of State may by regulations make provision for and in connection with the imposition of a financial penalty in cases where the Secretary of State, or a person designated by the Secretary of State, is satisfied beyond reasonable doubt that a person has, without reasonable excuse, failed to comply with section 144(2).

(2) The regulations may include provision—
- (a) about the procedure to be followed in imposing penalties;
- (b) about the amount of penalties;
- (c) for the imposition of interest or additional penalties for late payment;
- (d) conferring rights of appeal against penalties.

(3) The regulations must provide that the amount of a financial penalty (excluding interest or any additional penalty) may not exceed the greater of—
- (a) 10% of the value of the relevant interest at the time the person granted or disposed of the relevant interest, and
- (b) £10,000.

Commencement Information
I315 S. 145 not in force at Royal Assent, see **s. 170(5)**
I316 S. 145 in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(z12)**

Construction products

146 Construction products

Schedule 11 contains provision for regulations relating to construction products.

Commencement Information
I317 S. 146 in force at 28.6.2022, see **s. 170(3)(d)**

Liability relating to construction products

147 Liability relating to construction products: general definitions

In this section, section 148 and section 149—

"the 1991 Regulations" means the Construction Products Regulations 1991 (S.I. 1991/1620);

"the 2011 Regulation" means Regulation (EU) No. 305/2011 (regulation laying down harmonised conditions for the marketing of construction products);

"the 2019 Regulations" means the Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465);

"construction products regulations" means regulations under paragraph 1 of Schedule 11;

"construction product requirement" means a requirement under—

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(a) construction products regulations,
(b) the 2011 Regulation, or
(c) the 2019 Regulations;

"relevant building" means—
(a) a building which consists of a dwelling, or
(b) a building which contains two or more dwellings;

"relevant interest", in relation to a building in England and Wales, means—
(a) in a case where the building consists of a dwelling, a legal or equitable interest in the building, and
(b) in a case where the building contains one or more dwellings, a legal or equitable interest in—
(i) the building, or
(ii) any dwelling contained in the building;

"relevant interest", in relation to a building in Scotland, means—
(a) in a case where the building consists of a dwelling, any right or interest (including a servitude or heritable security) in or over the building, and
(b) in a case where the building contains one or more dwellings, any right or interest (including a servitude or heritable security) in or over—
(i) the building, or
(ii) any dwelling contained in the building;

"requirement" includes a prohibition or restriction.

Commencement Information
I318 S. 147 in force at 28.6.2022, see **s. 170(3)(e)**

148 Liability relating to construction products

(1) This section applies where Conditions A to D are met.

(2) Condition A is that, at any time after the coming into force of this section—
(a) a person fails to comply with a construction product requirement in relation to a construction product,
(b) a person who markets or supplies a construction product makes a misleading statement in relation to it, or
(c) a person manufactures a construction product that is inherently defective.

(3) Condition B is that, after Condition A is met, the construction product referred to in subsection (2)(a), (b) or (c) is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.

(4) Condition C is that, when those works are completed—
(a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
(b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.

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(5) Condition D is that the facts referred to in subsection (2)(a), (b) or (c) were the cause, or one of the causes, of the building or dwelling being unfit for habitation.

(6) The person referred to in subsection (2)(a), (b) or (c) is liable to pay damages to a person with a relevant interest in relation to the relevant building for personal injury, damage to property or economic loss suffered by that person as a result of the facts referred to in subsection (4)(a) or (b).

(7) A term of an agreement which purports to exclude or restrict, or has the effect of excluding or restricting, any liability arising under this section is void.

(8) For the purposes of section 10B(1) of the Limitation Act 1980 and section 18ZD(1) of the Prescription and Limitation (Scotland) Act 1973, the right of action that a person has by virtue of this section is to be regarded as having accrued—

(a) in a case where the works referred to in subsection (3) are carried out in the construction of the relevant building, when the construction is completed, and

(b) in any other case, when the works are completed.

(9) In subsection (2)(a) "construction product"—

(a) in relation to a construction product requirement under construction products regulations, has the meaning specified in those regulations;

(b) in relation to a construction product requirement under the 2011 Regulation, has the meaning specified in the 2011 Regulation;

(c) in relation to a construction product requirement under the 2019 Regulations, has the meaning specified in the 2011 Regulation as it had effect immediately before IP completion day.

(10) In subsection (2)(b) and (c) "construction product" has the meaning specified in the 2011 Regulation.

Commencement Information

I319 S. 148 in force at 28.6.2022, see **s. 170(3)(e)**

149 Liability for past defaults relating to cladding products

(1) This section applies where Conditions A to D are met.

(2) Condition A is that, at any time before the coming into force of this section—

(a) a person fails to comply with a cladding product requirement in relation to a cladding product,

(b) a person who markets or supplies a cladding product makes a misleading statement in relation to it, or

(c) a person manufactures a cladding product that is inherently defective.

(3) Condition B is that, after Condition A has been met, the cladding product is attached to, or included in, the external wall of a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.

(4) Condition C is that, when those works are completed—

(a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or

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(b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.

(5) Condition D is that the facts referred to in subsection (2)(a), (b) or (c) were the cause, or one of the causes, of the building or dwelling being unfit for habitation.

(6) The person referred to in subsection (2)(a), (b) or (c) is liable to pay damages to a person with a relevant interest in relation to the relevant building for personal injury, damage to property or economic loss suffered by that person as a result of the facts referred to in subsection (4)(a) or (b).

(7) A term of an agreement which purports to exclude or restrict, or has the effect of excluding or restricting, any liability arising under this section is void.

(8) For the purposes of section 10B(2) of the Limitation Act 1980 and section 18ZD(2) of the Prescription and Limitation (Scotland) Act 1973, the right of action that a person has by virtue of this section is to be regarded as having accrued—

(a) in a case where the works referred to in subsection (3) are carried out in the construction of the relevant building, when the construction is completed, and

(b) in any other case, when the works are completed.

(9) Where an action is brought under this section in England and Wales that, but for section 10B(2) of the Limitation Act 1980, would have been barred by that Act, a court hearing the action must dismiss it in relation to any defendant if satisfied that it is necessary to do so to avoid a breach of that defendant's Convention rights.

(10) Where an action is brought under this section in Scotland that, but for section 18ZD(2) of the Prescription and Limitation (Scotland) Act 1973, would have been barred by that Act, a court hearing the action must dismiss it in relation to any defender if satisfied that it is necessary to do so to avoid a breach of that defender's Convention rights.

(11) In this section "cladding product requirement" means—

(a) in relation to a time before IP completion day, a requirement relating to a cladding product under—

(i) the 1991 Regulations, or

(ii) the 2011 Regulation as it had effect in EU law at that time, and

(b) in relation to a time after IP completion day, a requirement relating to a cladding product under—

(i) the 2011 Regulation, or

(ii) the 2019 Regulations.

(12) In this section—

"cladding product" means a cladding system or any component of a cladding system;

"Convention rights" has the same meaning as in the Human Rights Act 1998;

"external wall", in relation to a building, includes any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access otherwise than for the purpose of carrying out repairs or maintenance.

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Commencement Information
I320 S. 149 in force at 28.6.2022, see **s. 170(3)(e)**

150 Liability relating to construction products: limitation in England and Wales

In the Limitation Act 1980, after section 10A insert—

"10B Special time limit for actions relating to construction products

(1) An action under section 148 of the Building Safety Act 2022 shall not be brought after the expiration of 15 years from the date on which the right of action accrued.

(2) An action under section 149 of the Building Safety Act 2022 shall not be brought after—
  (a) if the right of action accrued before the commencement date, the expiration of the period of 30 years from the date on which it accrued, and
  (b) if the right of action accrued on or after the commencement date, the expiration of the period of 15 years beginning with the date on which it accrued.

(3) In a case where—
  (a) a right of action under section 149 of the Building Safety Act 2022 accrued before the commencement date, and
  (b) the expiration of the period of 30 years beginning with the date on which the right of action accrued falls in the year beginning with the commencement date,

  subsection (2)(a) has effect as if it referred to the expiration of that year.

(4) In subsections (2) and (3) "the commencement date" is the day on which section 149 of the Building Safety Act 2022 came into force.

(5) No other period of limitation prescribed by Part 1 of this Act applies in relation to an action referred to in subsections (1) and (2).

(6) Sections 28, 32 and 35 of this Act apply in relation to an action referred to subsections (1) and (2), but otherwise Parts 2 and 3 of this Act (except sections 37 and 38) do not apply for the purposes of this section."

Commencement Information
I321 S. 150 in force at 28.6.2022, see **s. 170(3)(e)**

151 Liability relating to construction products: limitation in Scotland

(1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.

(2) After section 18ZC insert—

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"**18ZD Actions relating to construction products**

(1) An action under section 148 of the Building Safety Act 2022 may not be brought after the expiration of 15 years from the date on which the right of action accrued (see subsection (8) of that section).

(2) An action under section 149 of the Building Safety Act 2022 may not be brought after—
  (a) if the right of action accrued before the commencement date, the expiration of the period of 30 years from the date on which it accrued (see subsection (8) of that section), and
  (b) if the right of action accrued on or after the commencement date, the expiration of the period of 15 years beginning with the date on which it accrued.

(3) In a case where—
  (a) a right of action under section 149 of the Building Safety Act 2022 accrued before the commencement date, and
  (b) the expiration of the period of 30 years beginning with the date on which the right of action accrued falls in the year beginning with the commencement date,

  subsection (2)(a) has effect as if it referred to the expiration of that year.

(4) In subsections (2) and (3) "the commencement date" is the day on which section 149 of the Building Safety Act 2022 came into force.

(5) No other period of limitation specified by this Part of this Act applies in relation to an action referred to in subsection (1) or (2).

(6) In the computation of a period of time specified in subsection (1) or (2), there is to be disregarded any time during which the person seeking to bring the action (P)—
  (a) was under a legal disability by reason of nonage or unsoundness of mind, or
  (b) failed to bring the action by reason of—
    (i) fraud on the part of the person against whom the action is to be brought (D) or the part of any person acting on D's behalf, or
    (ii) error induced by words or conduct of D or any person acting on D's behalf,

    (but not including, for the purposes of paragraph (b), any time occurring after P could with reasonable diligence have discovered the fraud or error mentioned in that paragraph).

(7) For the purposes of subsection (6)(b), it does not matter whether D, or the person acting on D's behalf, intended the fraud or the words or conduct to cause P to fail to bring the action."

(3) In section 7(2) (extinction of obligations by prescriptive periods of twenty years), at the end insert "or any obligation to pay damages arising from liability under section 148 or section 149 of the Building Safety Act 2022 (see section 18ZD of this Act)."

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(4) In section 19CA(1) (interruption of limitation period: arbitration), after "18ZC(2)" insert ", 18ZD(1) or (2)".

(5) In Schedule 1, in paragraph 2 (exceptions from the 5 year prescriptive period under section 6), after paragraph (ga) insert—

"(gb) to any obligation to pay damages arising from liability under section 148 or 149 of the Building Safety Act 2022;"."

Commencement Information

I322 S. 151 in force at 28.6.2022, see **s. 170(3)(e)**

Construction products: costs contribution orders

152 Costs contribution orders: general definitions

In this section and sections 153 to 155—

"the 2011 Regulation" means Regulation (EU) No. 305/2011 (regulation laying down harmonised conditions for the marketing of construction products);

"the 2019 Regulations" means the Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465);

"the 2020 Regulations" means the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1359);

"construction product"—

(a) in relation to a construction product requirement under construction products regulations, has the meaning specified in those regulations;

(b) in relation to a construction product requirement under the 2011 Regulation, has the meaning specified in the 2011 Regulation (or, in Northern Ireland, in the 2011 Regulation as having effect in EU law from time to time);

(c) in relation to a construction product requirement under the 2019 Regulations, has the meaning specified in the 2011 Regulation as it had effect immediately before IP completion day;

(d) in relation to a construction product requirement under the 2020 Regulations, has the meaning given by regulation 2 of those Regulations;

"construction products regulations" means regulations under paragraph 1 of Schedule 11;

"construction product requirement", in England and Wales or Scotland, means a requirement under—

(a) construction products regulations,

(b) the 2011 Regulation, or

(c) the 2019 Regulations;

"construction product requirement", in Northern Ireland, means a requirement under—

(a) construction product regulations,

(b) the 2011 Regulation as having effect from time to time in EU law,

(c) the 2019 Regulations, or

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(d) the 2020 Regulations;

references to an "interest" in a building or dwelling include—

(a) in England and Wales, any legal or equitable interest in the building or dwelling;

(b) in Scotland, any right or interest (including a servitude or heritable security) in or over the building or dwelling;

(c) in Northern Ireland, any estate within the meaning given by section 45(2) of the Interpretation Act (Northern Ireland) 1954 in the building or dwelling;

"relevant building" means—

(a) a building which consists of a dwelling, or

(b) a building which contains two or more dwellings;

"requirement" includes a prohibition or restriction.

Commencement Information

I323 S. 152 in force at 28.6.2022, see **s. 170(3)(e)**

153 Costs contribution orders made by courts

(1) The Secretary of State may by regulations make provision for courts to make costs contribution orders on the application of the Secretary of State.

(2) The regulations may only make provision for the making of costs contribution orders under this section in cases where—

(a) Conditions A to D are met, and

(b) any prescribed conditions are met.

(3) Condition A is that a person ("the defaulter") is convicted of an offence consisting of a failure to comply with a construction product requirement in relation to a construction product.

(4) Condition B is that, after the failure to comply referred to in subsection (3), the construction product is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.

(5) Condition C is that, when those works are completed—

(a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or

(b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.

(6) Condition D is that the failure to comply referred to in subsection (3) was the cause, or one of the causes, of the building or dwelling being unfit for habitation.

(7) A "costs contribution order" under this section is an order requiring the defaulter to pay an amount to a person with a prescribed interest in the building or any dwelling contained in the building.

(8) Regulations under this section must provide for the amount to be paid to a person under a costs contribution order under this section to be such amount as the court making the

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order considers just and equitable in respect of the costs that the person has reasonably incurred, or in the view of the court is likely to reasonably incur, in respect of works to make the building or dwelling fit for habitation.

(9) The regulations may make provision as to the matters which may or must be taken into account by a court in determining—
  (a) whether, against whom and in favour of whom to make a costs contribution order under this section;
  (b) the amount required to be paid by a person under a costs contribution order under this section.

(10) The regulations may make provision in relation to—
  (a) enforcement of a costs contribution order under this section;
  (b) court powers to order the defaulter to pay—
    (i) any costs incurred by the Secretary of State under regulations under section 155 (assessments) in respect of the application, and
    (ii) any costs incurred by the Secretary of State in making the application.

(11) The regulations may make provision about how a costs contribution order under this section relates to other remedies, including in particular—
  (a) provision to secure that, taking a costs contribution order under this section together with other remedies—
    (i) a person does not incur liability more than once in respect of the same costs;
    (ii) a person is not entitled to be reimbursed more than once for the same costs;
  (b) provision preventing a person to whom any amount is payable under a costs contribution order under this section from pursuing any other legal remedy for the recovery of such an amount.

(12) In this section "prescribed" means prescribed by regulations under this section.

Commencement Information
I324 S. 153 in force at 28.6.2022, see **s. 170(3)(e)**

154 Costs contribution orders made by the Secretary of State

(1) The Secretary of State may by regulations make provision for the Secretary of State to make costs contribution orders.

(2) The regulations may only make provision for the making of costs contribution orders in cases where—
  (a) Conditions A to D are met, and
  (b) any prescribed conditions are met.

(3) Condition A is that a person ("the defaulter") is convicted of an offence consisting of a failure to comply with a construction product requirement in relation to a construction product.

(4) Condition B is that, after the failure to comply referred to in subsection (3), the construction product is installed in, or applied or attached to, a relevant building in

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the course of works carried out in the construction of, or otherwise in relation to, the building.

(5) Condition C is that, when those works are completed—
  (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
  (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.

(6) Condition D is that the failure to comply referred to in subsection (3) was the cause, or one of the causes, of the building or dwelling being unfit for habitation.

(7) A "costs contribution order" under this section is an order requiring the defaulter to make a payment to a person with a prescribed interest in the building or any dwelling contained in the building.

(8) Regulations under this section must provide for the amount to be paid to a person under a costs contribution order under this section to be such amount as the Secretary of State considers just and equitable in respect of the costs that the person has reasonably incurred, or in the view of the Secretary of State is likely to reasonably incur, in respect of works to make the building or dwelling fit for habitation.

(9) The regulations may make provision as to the matters which may or must be taken into account by the Secretary of State in determining—
  (a) whether, against whom, and in favour of whom, to make a costs contribution order under this section;
  (b) the amount required to be paid by a person under a costs contribution order under this section.

(10) The regulations may make provision for the Secretary of State to issue a warning notice to a person before determining whether to make a costs contribution order under this section against that person.

(11) The regulations may make provision requiring that a costs contribution order under this section—
  (a) be made in a prescribed form;
  (b) contain prescribed information.

(12) The regulations may make provision about service of a costs contribution order under this section including—
  (a) how an order is to be served;
  (b) when an order is to be taken as having been served;
  (c) the persons on whom an order must be served.

(13) The regulations may make provision in relation to—
  (a) enforcement of a costs contribution order made under this section (including enforcement by the Secretary of State);
  (b) powers of the Secretary of State to order the defaulter to pay any costs incurred by the Secretary of State under section 155 in respect of a costs contribution order under this section.

(14) The regulations may make provision about how a costs contribution order under this section relates to other remedies, including in particular—

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(a) provision to secure that, taking a costs contribution order under this section together with other remedies—
  (i) a person does not incur liability more than once in respect of the same costs;
  (ii) a person is not entitled to be reimbursed more than once for the same costs;
(b) provision preventing a person to whom any amount is payable under a costs contribution order under this section from pursuing any other legal remedy for the recovery of such an amount.

(15) The regulations may make provision for persons to apply to the Secretary of State for a review of a costs contribution order under this section.

(16) The regulations may make provision for appeals to a court or tribunal in relation to—
(a) a decision of the Secretary of State to make or not make a costs contribution order under this section;
(b) a refusal by the Secretary of State to review a costs contribution order under this section;
(c) the outcome of a review by the Secretary of State of a costs contribution order under this section.

(17) The regulations may in particular include provision suspending a requirement to pay an amount due under a costs contribution order under this section pending the determination or withdrawal of an appeal or the determination of a review.

(18) In this section "prescribed" means prescribed by regulations under this section.

Commencement Information
I325 S. 154 in force at 28.6.2022, see **s. 170(3)(e)**

155 Costs contribution orders: assessments

(1) For the purposes of sections 153 and 154, the Secretary of State may by regulations make provision for the Secretary of State to appoint persons to assess—
(a) whether the conditions for the imposition of a costs contribution order under either of those sections are met;
(b) the works required to make a building or dwelling fit for habitation;
(c) what interest a person has in a building or dwelling;
(d) the costs that a person has reasonably incurred or is likely to reasonably incur in respect of works referred to in paragraph (b);
(e) the amount that a person should be required to pay under a costs contribution order.

(2) The regulations may include provision about the criteria to be met by a person before they may be appointed as an assessor.

(3) The regulations may make provision about assessments, including provision—
(a) conferring power on an assessor to require that persons provide such information as the assessor may reasonably require for the purposes of an assessment;

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(b) for the provision of information by an assessor to the Secretary of State (including any information provided under paragraph (a)).

(4) Regulations under subsection (3)(a) may include provision for criminal offences relating to a failure to provide information, or to the provision of false or misleading information.

(5) Regulations under subsection (3)(a) creating a criminal offence must have the effect that—

(a) the offence is—

(i) triable summarily only, or

(ii) triable summarily or on indictment,

(b) the offence is punishable only—

(i) with a fine, or

(ii) with a term of imprisonment or a fine (or both),

(c) where the offence is triable summarily only, any fine with which the offence is punishable in Scotland or Northern Ireland does not exceed level 5 on the standard scale,

(d) where the offence is triable summarily or on indictment, any fine with which the offence is punishable on summary conviction in Scotland or Northern Ireland does not exceed the statutory maximum, and

(e) any term of imprisonment with which the offence is punishable on summary conviction does not exceed—

(i) in England and Wales, the relevant period,

(ii) in Scotland, 12 months, and

(iii) in Northern Ireland, 6 months.

(6) In subsection (5)(e)(i), "the relevant period" means—

(a) in relation to an offence that is triable summarily only—

(i) where the offence is committed before the coming into force of section 281 of the Criminal Justice Act 2003, 6 months, and

(ii) where the offence is committed after that time, 51 weeks;

(b) in relation to an offence that is triable summarily or on indictment—

(i) where the offence is committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, 6 months, and

(ii) where the offence is committed after that time, 12 months.

(7) Regulations under subsection (3)(b) may make provision for the purpose of securing that there is (taking into account any power or duty to provide information under the regulations) no contravention of the data protection legislation.

(8) In subsection (7), "data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

Commencement Information

I326 S. 155 in force at 28.6.2022, see **s. 170(3)(e)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Fire safety

156 Amendment of Regulatory Reform (Fire Safety) Order 2005

(1) The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.

(2) In article 5 (duties under the Order), for "22", in each place it occurs, substitute "22B".

(3) In article 9 (risk assessment)—

(a) in paragraph (6) for the words from "record" to the end substitute "make a record of the assessment or review, which must in particular include the information prescribed by paragraph (7).";

(b) in paragraph (7)(a) omit "significant".

(4) After article 9 insert—

"9A **Risk assessment: assistance**

(1) The responsible person must not appoint a person to assist them with making or reviewing an assessment under article 9 unless that person is competent.

(2) A person is to be regarded as competent for the purposes of this article where the person has sufficient training and experience or knowledge and other qualities to enable the person properly to assist in making or reviewing the assessment.

(3) Where the responsible person appoints more than one person, the responsible person must make arrangements for ensuring adequate co-operation between them."

(5) In article 11(2) (fire safety arrangements) omit the words from "where" to the end.

(6) After article 21 insert—

"21A **Provision of information to residents of domestic premises**

(1) This article applies in relation to a building containing two or more sets of domestic premises.

(2) The responsible person must give residents of the domestic premises comprehensible and relevant information about the relevant fire safety matters.

(3) The relevant fire safety matters are—

(a) the risks to residents of the domestic premises identified by the risk assessment;

(b) the preventive and protective measures;

(c) the name of the responsible person and an address in the United Kingdom at which the responsible person, or someone acting on their behalf, will accept notices and other documents;

(d) the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under article 9;

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Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(e) the identity of any persons nominated by the responsible person under article 13(3)(b);

(f) any risks of which the responsible person has been informed under article 22(1)(c);

(g) any other matters specified in regulations made by the relevant authority.

(4) The information is to be provided at such times, and in such form, as may be specified in regulations made by the relevant authority.

(5) The responsible person must keep records of the relevant fire safety matters.

(6) The "relevant authority"—

(a) in relation to premises in England, means the Secretary of State;

(b) in relation to premises in Wales, means the Welsh Ministers.

(7) Regulations under this article are to be made by statutory instrument.

(8) A statutory instrument containing regulations made by the Secretary of State under this article is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) A statutory instrument containing regulations made by the Welsh Ministers under this article is subject to annulment in pursuance of a resolution of Senedd Cymru."

(7) In article 22 (co-operation and co-ordination)—

(a) in the heading, at the end insert "between responsible persons";

(b) before paragraph (1) insert—

"(A1) A person who is a responsible person in relation to any premises must take such steps as are reasonably practicable to ascertain whether any other responsible person shares, or has duties in respect of, the premises.";

(c) in paragraph (1) before sub-paragraph (1)(a) insert—

"(za) inform the other responsible persons concerned of that person's name and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents;

(zb) inform the other responsible persons concerned of the part of the premises for which that person considers themselves to be a responsible person, and keep a record of that information;".

(8) After article 22 insert—

"22A **Provision of information to new responsible person**

(1) Paragraph (2) applies where a person (the "outgoing person") ceases to be a responsible person for premises and another person (the "new responsible person") becomes a responsible person for the premises in place of the outgoing person.

(2) The outgoing person must give the new responsible person any relevant fire safety information held by the outgoing person.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) "Relevant fire safety information" means—

(a) records kept under article 9(6) of assessments and reviews under article 9;

(b) the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under article 9;

(c) the name of any other person who is a responsible person in relation to the premises and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents (where known);

(d) where the premises consist of or include a higher-risk building, the identity of any other person who is an accountable person in relation to the premises (where known);

(e) any information given under regulation 38 of the Building Regulations 2010 (S.I. 2010/2214) (fire safety information);

(f) any other matters specified in regulations made by the relevant authority.

(4) The information is to be provided at such times, and in such form, as may be specified in regulations made by the relevant authority.

(5) A responsible person must keep records of relevant fire safety information.

(6) In this article—

"accountable person" has the meaning given by section 72 of the Building Safety Act 2022;

"higher-risk building" has the meaning given by section 65 of that Act;

"relevant authority"—

(a) in relation to premises in England, means the Secretary of State;

(b) in relation to premises in Wales, means the Welsh Ministers.

(7) Regulations under this article are to be made by statutory instrument.

(8) A statutory instrument containing regulations made by the Secretary of State under this article is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) A statutory instrument containing regulations made by the Welsh Ministers under this article is subject to annulment in pursuance of a resolution of Senedd Cymru.

22B Co-operation with accountable persons

(1) This article applies in relation to premises which consist of or include a residential unit in a higher-risk building.

(2) The responsible person ("P") must take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are accountable persons in relation to the premises.

(3) If there are, P must co-operate with each accountable person for the purpose of the accountable person carrying out their duties under the Building Safety Act 2022.

Status: *This version of this Act contains provisions that are prospective.*
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(4) In this article—

"accountable person" has the meaning given by section 72 of the Building Safety Act 2022;

"higher-risk building" has the meaning given by section 65 of that Act;

"residential unit" has the meaning given by section 115 of that Act."

(9) In article 29(5) (alterations notices), omit paragraphs (b) and (c).

(10) In article 32 (offences)—

(a) in paragraph (1)(a) for "22" substitute "22B";

(b) in paragraph (4) omit "not exceeding level 3 on the standard scale";

(c) in paragraph (7) omit "not exceeding level 3 on the standard scale".

(11) In article 50 (guidance)—

(a) in paragraph (1) for "22" substitute "22B";

(b) in paragraph (1A)—

(i) for "22" substitute "22B";

(ii) omit "in relation to a relevant building (or part of the building)";

(iii) in sub-paragraph (a) omit "risk based";

(iv) in sub-paragraph (b) omit "risk based".

Commencement Information

I327 S. 156 not in force at Royal Assent, see **s. 170(4)(b)**(xi)(c)

I328 S. 156(1)-(3)(5)-(11) in force except in relation to W. at 1.10.2023 by S.I. 2023/362, **reg. 4** (with reg. 5(2))

I329 S. 156(1)-(3)(5)-(7)(9)-(11) in force at 1.10.2023 for W. by S.I. 2023/914, **reg. 3** (with reg. 6)

I330 S. 156(8) in force at 1.10.2023 for specified purposes for W. by S.I. 2023/914, **reg. 3**

Architects

157 Architects: discipline and continuing professional development

(1) The Architects Act 1997 is amended as follows.

(2) In section 3 (the register), after subsection (2) insert—

"(2A) The Register shall show disciplinary orders made in relation to a registered person for such period as may be prescribed."

(3) In section 9 (competence to practise)—

(a) in subsection (1), in the words after paragraph (c), after "practical experience" insert "or undertaken such recent training",

(b) after subsection (1) insert—

"(1A) Before prescribing recent practical experience or training for the purposes of subsection (1), the Board shall consult the bodies representative of architects which are incorporated by royal charter

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and such other professional and educational bodies as it thinks appropriate.", and

(c) after subsection (2) insert—

"(3) Where the Board decides that the name of a person to whom paragraph (b) of subsection (1) applies is by virtue of that subsection to be removed from Part 1 of the Register—

(a) the person shall be entitled to apply to the Board within a prescribed period for an extension of time to gain the prescribed experience or undertake the prescribed training or to otherwise satisfy the Board of the person's competence to practise, and

(b) the Board shall not remove the name of the person from the Register unless—

(i) the person has not made an application for an extension of time within the prescribed period,

(ii) an extension of time granted by the Board has expired and the Board is not satisfied that the person has gained the prescribed experience or undertaken the prescribed training or is otherwise competent to practise, or

(iii) the Board has decided not to grant an extension of time in respect of an application made by the person.

(4) For the purposes of this section, a person is competent to practise if the person has the skills, knowledge, experience and behaviours required for a person to practise as an architect."

Commencement Information
I331 S. 157 in force at 28.6.2022, see **s. 170(3)(f)**

158 Architects: Appeals Committee

(1) The Architects Act 1997 is amended as follows.

(2) In section 1 (the Board)—

(a) after subsection (2) insert—

"(2A) There is to be an Appeals Committee of the Board.";

(b) after subsection (4) insert—

"(4A) Part 2A of that Schedule makes provision about the Appeals Committee."

(3) In section 4 (registration: general)—

(a) in subsection (4)(b) for "refer the application to the Board" substitute "refuse the application";

(b) in subsection (6)—

(i) omit "(4) or";

(ii) for the words from "direct" to the end substitute "—

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(a) direct the Registrar to enter the person's name in the Register if it is satisfied that the person is entitled to be registered, or

(b) direct the Registrar to refuse the application if it is not so satisfied."

(4) In section 6(4B) (notice of refusal of application) for the words from "in the case" to "section 4(2A)" substitute "of an application".

(5) In section 9 (competence to practise) after subsection (2) insert—

"(2A) A notice under subsection (2) must state reasons for the decision."

(6) In Part 5 (general and supplementary) before section 22 insert—

"**21A Appeals to the Appeals Committee**

(1) A person may appeal to the Appeals Committee against—

(a) a decision to refuse the person's application for registration, or

(b) if the person is a person to whom paragraph (b) of section 9(1) applies, a decision to remove or not to re-enter the person's name in the Register as a result of section 9(1).

(2) The Board may make rules about appeals to the Appeals Committee, including in particular rules about—

(a) the period within which any appeal must be made;

(b) the way in which an appeal is to be made or withdrawn;

(c) the fee that must be paid on the making of an appeal (including circumstances in which that fee may or must be refunded);

(d) the procedure to be followed by the Appeals Committee in relation to an appeal;

(e) the effect of the making of an appeal, pending its determination, on the decision appealed against.

(3) On the determination of an appeal, the Appeal Committee may make any decision that could have been made by the person who made the decision appealed against.

(4) The Appeals Committee must, within the prescribed period after determining a person's appeal, serve on the person written notice of the decision made on that determination."

(7) In section 22 (appeals)—

(a) in subsection (1)—

(i) for paragraph (a) substitute—

"(a) a decision of the Appeals Committee under section 21A, on an appeal made by the person;";

(ii) for paragraph (c) substitute—

"(c) the person's name not being re-entered in the Register under section 18 as a result of section 9(1);";

(b) in subsection (2) omit "Subject to subsection (3),";

(c) omit subsection (3);

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(d) in the heading at the end insert "to the court".

(8) In section 24(2) (service of documents) for "or 15(3)" substitute ", 15(3) or 21A(4)".

(9) In Schedule 1 (the Board and its committees) after Part 2 insert—

"**PART 2A**

THE APPEALS COMMITTEE

17B (1) The Board may make rules about—

(a) the composition of the Appeals Committee;

(b) the selection and term of office of members of the Appeal Committee (including casual vacancies);

(c) the meetings and procedure (including chairing and quorum) of the Appeal Committee;

(d) votes of the Appeal Committee (including providing for a casting vote and the way in which it is to be exercised).

(2) Before making rules about the composition of the Appeals Committee, the Board must consult the Secretary of State."

(10) In Part 4 of that Schedule (general provisions), after "Professional Conduct Committee", in each place it occurs, insert ", the Appeals Committee".

Commencement Information
I332 S. 158 in force at 28.6.2022, see **s. 170(3)(f)**

159 Architects Registration Board: fees and discharge of functions by a committee

(1) In the Architects Act 1997, after section 24 insert—

"**24A Fees**

(1) The Secretary of State may make regulations for, and relating to, the charging of fees by the Board in respect of services which it provides.

(2) Regulations under this section may in particular make provision about—

(a) the services, or types of services, in respect of which the Board may charge a fee;

(b) the persons who are liable to pay a fee;

(c) how fees charged by the Board are to be calculated;

(d) how fees charged by the Board are to be paid.

(3) In this section, a "service"—

(a) includes any exercise by the Board of its power to prescribe qualifications for the purposes of section 4(1)(a);

(b) does not include any service in respect of which a fee may be prescribed under any other provision of this Act.

(4) Regulations under this section are to be made by statutory instrument.

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(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In Schedule 1 to that Act (the Board and its committees), in paragraph 18(2)(b) (functions of the Board which may not be discharged by a committee) for "4(1) or (2)" substitute "4(2)".

(3) In consequence of the amendment made by subsection (2), in section 11(5) of the Professional Qualifications Act 2022 for the words from "after" to the end substitute "for "4(2)" substitute "4(1A) or (2)"."

Commencement Information
I333 S. 159 in force at 28.6.2022, see **s. 170(3)(f)**

Housing complaints

160 Housing complaints made to a housing ombudsman

(1) Schedule 2 to the Housing Act 1996 is amended in accordance with subsections (2) and (3).

(2) In paragraph 7 (determinations by housing ombudsman)—
(a) after "approved scheme shall" insert ", in accordance with the scheme,", and
(b) for the words from "and not withdrawn" to "but withdrawn" substitute "under the scheme".

(3) Omit paragraphs 7A to 7C (complaints to a housing ombudsman to be referred by designated person and exceptions).

(4) The amendments made by this section apply in relation to a complaint made to a housing ombudsman—
(a) after the time this section comes into force, or
(b) before the time this section comes into force, but only if a determination by a housing ombudsman is still pending in respect of the complaint at such time.

Commencement Information
I334 S. 160 not in force at Royal Assent, see **s. 170(5)**
I335 S. 160 in force at 1.10.2022 by S.I. 2022/561, **regs. 1(2)**, 5

PART 6

GENERAL

161 Liability of officers of body corporate etc

(1) Where an offence under Part 2 or 4 committed by a body corporate—

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(a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or

(b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1) "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Subsection (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

(a) in the case of a partnership, to a partner;

(b) in the case of an unincorporated body other than a partnership—

(i) where the body's affairs are managed by its members, to a member of the body;

(ii) in any other case, to a member of the governing body.

(4) Where—

(a) a relevant company is an accountable person for a higher-risk building (within the meaning of Part 4), and

(b) one or more (but not all) directors of the relevant company have been appointed for a building safety purpose and are entitled to remuneration from the company,

this section, so far as relating to Part 4, does not apply in relation to a director who is not entitled to remuneration from the relevant company.

(5) In subsection (4)—

"building safety purpose" means the purpose of supporting the relevant company in complying with its duties under Part 4 or under regulations made under that Part;

"relevant company" means—

(a) a resident management company within the meaning of section 111,

(b) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), or

(c) a company that is a commonhold association within the meaning of Part 1 of that Act (see section 34).

Commencement Information

I336 S. 161 not in force at Royal Assent, see **s. 170(5)**

I337 S. 161 in force at 1.10.2023 by S.I. 2023/993, **reg. 2(y)**

162 Review of regulatory regime

(1) The Secretary of State must appoint an independent person to carry out a review of—

(a) the effectiveness of the regulator in—

(i) exercising its building functions,

(ii) securing the safety of people in or about buildings in relation to risks arising from buildings, and

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(iii) improving the standard of buildings,

(b) the adequacy and effectiveness of—

(i) provision made by or under Parts 2 and 4 of this Act, and

(ii) provision made by or under the Building Act 1984 (except section 105C) that applies in relation to England,

(c) the effectiveness of the regulation of construction products in the United Kingdom,

(d) such matters connected with any of the matters mentioned in paragraphs (a) to (c) as the person considers appropriate, and

(e) any other matter specified in the appointment.

(2) On completion of a review, the appointed person must make a written report to the Secretary of State—

(a) setting out the result of the review, and

(b) making such recommendations (if any) as the person considers appropriate.

(3) The Secretary of State must publish a copy of the report.

(4) The first appointment must be made within the period of 5 years beginning with the day on which this Act is passed.

(5) Any other appointment must be made within the period of 5 years beginning with the day on which the most recent appointment was made.

(6) In this section—

"building function" has the meaning given by section 3;

"independent" means appearing to the Secretary of State to be independent of—

(a) the Secretary of State,

(b) the regulator,

(c) the profession of registered building inspectors,

(d) the built environment industry (as defined by section 30),

(e) persons carrying on activities connected with the manufacture, importation, marketing or supply of construction products (as defined by paragraph 24 of Schedule 11), and

(f) local authorities (as so defined);

"the regulator" has the meaning given by section 2.

Commencement Information

I338 S. 162 in force at Royal Assent, see **s. 170(1)(h)**

163 Financial provisions

There is to be paid out of money provided by Parliament—

(a) any expenditure incurred under or by virtue of this Act by the Secretary of State, and

(b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

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Commencement Information

I339 S. 163 in force at Royal Assent, see **s. 170(1)(h)**

164 Crown application

(1) The following provisions, and any provision made under them, bind the Crown—

(a) Part 2;

(b) Part 4 except sections 99, 100 and 103 (compliance notices);

(c) sections 116 to **[**[F25]124**]** and Schedule 8 (remediation of certain defects);

(d) sections 136 to 142 and Schedule 9 (new homes ombudsman scheme);

(e) sections 144 and 145 (new build home warranties);

(f) section 161.

(2) No contravention by the Crown of a provision mentioned in subsection (1) makes the Crown criminally liable.

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

Textual Amendments

F25 Word in s. 164(1)(c) substituted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 118(2)(h)**, 124(2)(c)

Commencement Information

I340 S. 164 not in force at Royal Assent, see **s. 170(5)**

165 Application to Parliament

(1) The following provisions do not apply in relation to the Parliamentary Estate—

(a) sections 99, 100 and 103 (compliance notices under Part 4);

(b) paragraphs 1 to 3 of Schedule 2 (powers of entry of authorised officers).

(2) If the Palace of Westminster (or any part of it) is a higher-risk building within the meaning of Part 4, for the purposes of that Part the accountable persons for the building are the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons, acting jointly.

(3) No contravention by a Corporate Officer of a provision made by or under Part 2 or 4 makes the Corporate Officer criminally liable.

(4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).

(5) In subsection (3) "Corporate Officer" means—

(a) the Corporate Officer of the House of Lords,

(b) the Corporate Officer of the House of Commons, or

(c) the Corporate Officers acting jointly.

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(6) In this section "Parliamentary Estate" means any building or other premises occupied for the purposes of either House of Parliament.

Commencement Information
I341 S. 165 in force at Royal Assent, see **s. 170(1)(h)**

166 Power of Secretary of State to make consequential provision

(1) The Secretary of State may by regulations make provision that is consequential on this Act.

(2) The regulations may amend, repeal or revoke provision made by or under—
- (a) an Act passed before this Act;
- (b) an Act passed later in the same session of Parliament as this Act.

(3) Regulations under this section may not make provision that may be made under section 167.

Commencement Information
I342 S. 166 in force at Royal Assent, see **s. 170(1)(h)**

167 Power of Welsh Ministers to make consequential provision

(1) The Welsh Ministers may by regulations make provision, in relation to Wales, that is consequential on Part 3 or section 156.

(2) The regulations may amend, repeal or revoke provision made by or under—
- (a) an Act passed before this Act;
- (b) an Act passed later in the same session of Parliament as this Act;
- (c) an Act or Measure of Senedd Cymru passed before this Act.

(3) The regulations may make—
- (a) transitional, transitory or saving provision;
- (b) different provision for different purposes.

(4) The regulations are to be made by statutory instrument.

(5) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act, or by an Act or Measure of Senedd Cymru, may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.

(6) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.

Commencement Information
I343 S. 167 in force at Royal Assent, see **s. 170(1)(h)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

168 Regulations

(1) This section applies to regulations under any provision of this Act except—

(a) section 138(7)(b) (new homes ombudsman scheme: meaning of "developer"),

(b) section 167 (power of Welsh Ministers to make consequential provision),

(c) section 170 (commencement and transitional provision), and

(d) Schedule 11 (construction products regulations).

(2) A power to make regulations includes power to make—

(a) consequential, supplementary, incidental, transitional, transitory or saving provision;

(b) different provision for different purposes or for different areas.

(3) Regulations may describe a building by reference to its height, size, design, use, purpose or any other characteristic.

(4) A power to make regulations about the way in which anything is to be given to the regulator (as defined by section 2) includes power to provide that the thing is to be given in a way specified in a direction made and published by the regulator in accordance with the regulations.

(5) Regulations are to be made by statutory instrument.

(6) A statutory instrument containing (whether alone or with other provision)—

(a) regulations under section 12, 62, 65(5), 68, 71, 72, 74, **[**[F26]119A,**]** 123, 126, 128, 129 or 140 or paragraph 6 of Schedule 3 or paragraph 2(12), 13(10) or 15(4) of Schedule 7 or paragraph 3(5), 12 or 15 of Schedule 8,

(b) regulations made by virtue of section 65(3)(c),

(c) regulations under section 89 (except regulations only making provision of a kind mentioned in section 89(2)),

(d) regulations under section 90 (except regulations only making provision of a kind mentioned in section 90(3) or (4)),

(e) regulations under section 92 (except regulations only making provision of a kind mentioned in section 92(3)),

(f) regulations under sections 153 to 155, or

(g) regulations under section 166 that amend or repeal provision made by an Act,

may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Any other statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F26 Word in s. 168(6)(a) inserted (retrospective to 28.6.2022) by Levelling-Up and Regeneration Act 2023 (c. 55), **s. 243(4)(5)** (with s. 247)

Commencement Information

I344 S. 168 in force at Royal Assent, see **s. 170(1)(h)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

169 Extent

(1) Subject as follows, this Act extends to England and Wales only.

(2) The following provisions extend to England and Wales, Scotland and Northern Ireland—
- (a) Part 1;
- (b) paragraphs 87 and 88 of Schedule 5 (and section 55 so far as relating to those paragraphs);
- (c) sections 136 to 143 and Schedule 9 (new homes ombudsman scheme);
- (d) section 146 and Schedule 11 (construction products);
- (e) sections 152 to 155 (costs contribution orders);
- (f) section 157 to 159 (architects);
- (g) this Part except section 161, 164 and 167.

(3) Section 2(2) and Schedule 1 (amendments of the Health and Safety at Work etc Act 1974) extend to England and Wales and Scotland.

(4) The amendments made by Schedule 10 (amendments in connection with the new homes ombudsman scheme) have the same extent as the provision amended.

(5) Sections 147 to 149 (liability relating to construction products) extend to England and Wales and Scotland.

(6) Section 151 (liability relating to construction products: limitation in Scotland) extends to Scotland only.

(7) The Secretary of State may by regulations—
- (a) provide for the provisions mentioned in subsection (5) to extend also to Northern Ireland, and
- (b) make provision (including provision amending this Act or any other enactment) in relation to the application of the provisions mentioned in subsection (5) in Northern Ireland.

Commencement Information
I345 S. 169 in force at Royal Assent, see **s. 170(1)(h)**

170 Commencement and transitional provision

(1) The following provisions come into force on the day on which this Act is passed—
- (a) section 1;
- (b) section 2(1);
- (c) section 7;
- (d) section 28;
- (e) section 30;
- (f) sections 61 to 70;
- (g) section 115;
- (h) this Part except sections 161 and 164.

(2) Parts 2 and 4, except the provisions mentioned in subsection (1), come into force—

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Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) for the purposes of making regulations, on the day on which this Act is passed;

(b) for remaining purposes, on such day as the Secretary of State may by regulations appoint.

(3) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—

(a) sections 116 to 125 and Schedule 8;

(b) section 134;

(c) section 135;

(d) section 146 and Schedule 11;

(e) sections 147 to 155;

(f) sections 157 to 159.

(4) As regards Part 3 and section 156—

(a) the following provisions come into force on such day as the Welsh Ministers may by regulations appoint—

(i) section 31 so far as relating to section 120I of the Building Act 1984;

(ii) section 32(3) so far as relating to section 91ZD of that Act;

(iii) section 42 so far as relating to section 58Z2 and 58Z10 of that Act;

(iv) paragraph 56 of Schedule 5 (and section 55 so far as relating to that paragraph);

(v) paragraph 77 of that Schedule so far as relating to section 120C of the Building Act 1984 (and section 55 so far as relating to that section);

(b) the following provisions come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations appoint—

(i) section 32 except subsection (3) of that section;

(ii) section 33 except so far as relating to paragraph 1D(3) of Schedule 1 to the Building Act 1984;

(iii) sections 34 to 41;

(iv) section 42 except so far as relating to section 58Z2, 58Z7 or 58Z10 of the Building Act 1984;

(v) section 43 and Schedule 4;

(vi) sections 44 to 52;

(vii) section 53 except subsection (1) of that section;

(viii) section 55 and Schedule 5 except—

(A) paragraphs 38 and 87 to 89 of that Schedule (and section 55 so far as relating to those paragraphs);

(B) paragraph 77 of that Schedule so far as relating to section 120B of the Building Act 1984 (and section 55 so far as relating to that section);

(ix) section 56 and Schedule 6 except paragraphs 7 and 29 of that Schedule (and section 56 so far as relating to those paragraphs);

(x) section 57;

(xi) section 156 except subsection (8) of that section so far as relating to Article 22B of the Regulatory Reform (Fire Safety) Order 2005;

(c) subject to that, Part 3 and section 156 come into force on such day as the Secretary of State may by regulations appoint.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.

(6) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(7) Regulations under subsection (4)(a) or (b) may make transitional or saving provision.

(8) The powers to make regulations under this section include power to make different provision for different purposes or for different areas.

(9) Regulations under this section are to be made by statutory instrument.

Commencement Information
I346 S. 170 in force at Royal Assent, see **s. 170(1)(h)**

171 Short title

This Act may be cited as the Building Safety Act 2022.

Commencement Information
I347 S. 171 in force at Royal Assent, see **s. 170(1)(h)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 2

AMENDMENTS OF THE HEALTH AND SAFETY AT WORK ETC ACT 1974

1 The Health and Safety at Work etc Act 1974 is amended as follows.

Commencement Information
I348 Sch. 1 para. 1 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I349 Sch. 1 para. 1 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

2 (1) Section 11 (functions of the Executive) is amended as follows.

(2) In subsection (5)—

(a) in paragraph (a) after "functions" insert "other than its building functions";

(b) in paragraph (b) after "activities" insert "other than its building functions".

(3) In subsection (6)(b) at the end insert "or to its building functions."

Commencement Information
I350 Sch. 1 para. 2 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I351 Sch. 1 para. 2 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

3 After section 11 insert—

"**11A Powers of the Executive: buildings in England**

(1) The Executive may do such things and make such arrangements as it considers appropriate in connection with any of its building functions.

(2) In particular, it may—

(a) assist and encourage persons concerned with matters relevant to those functions;

(b) make arrangements for—

(i) the carrying out of research and the publication of the results of research;

(ii) the provision of training and information;

(c) encourage research and the provision of training and information by others;

(d) make arrangements for the provision of a service providing information or advice on such matters, and to such persons, as it considers appropriate;

(e) institute criminal proceedings.

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(3) And it may—

(a) appoint persons or committees of persons to provide it with advice, or to do such other things as it considers appropriate, in connection with any of its building functions, and

(b) remunerate those persons.

Nothing in paragraph (b) limits section 13(8).

(4) Any amounts paid under subsection (3)(b) are to be such as may be determined by the Secretary of State."

Commencement Information

I352 Sch. 1 para. 3 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I353 Sch. 1 para. 3 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

4 In section 12(3) (control of the Executive) after "provisions" insert ", or the enforcement of the building enactments,".

Commencement Information

I354 Sch. 1 para. 4 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I355 Sch. 1 para. 4 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

5 (1) Section 13 (powers of the Executive) is amended as follows.

(2) In subsection (3) after "functions" insert "on its behalf".

(3) In subsection (4) after "department or authority" insert "on behalf of the Minister, department or authority".

(4) In subsection (6) after "Part" insert "or in connection with its building functions".

(5) In subsection (7) after "functions" insert "except its building functions".

Commencement Information

I356 Sch. 1 para. 5 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I357 Sch. 1 para. 5 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

6 In section 27 (information powers) after subsection (4) insert—

"(5) In this section any reference to the Executive's functions does not include its building functions."

Commencement Information

I358 Sch. 1 para. 6 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I359 Sch. 1 para. 6 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

7 In section 53 (general interpretation) at the appropriate place insert—

""the building enactments" means the provisions of, and of instruments made under—

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(a) the Building Act 1984, and
(b) Parts 2 and 4 of the Building Safety Act 2022;";

""building function" has the meaning given by section 3 of the Building Safety Act 2022;".

Commencement Information
I360 Sch. 1 para. 7 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I361 Sch. 1 para. 7 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

8 (1) Schedule 2 (constitution of the Executive) is amended as follows.

(2) In paragraph 2(3)(d)(iii) at the end insert ", building safety, building standards or fire safety."

(3) In paragraph 9(3)(b) after "provisions" insert ", or the building enactments,".

(4) In paragraph 12(2)—
(a) after "Executive" insert "or signed on its behalf";
(b) after "so executed" insert "or signed".

Commencement Information
I362 Sch. 1 para. 8 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I363 Sch. 1 para. 8 in force at 28.6.2022 in so far as not already in force by S.I. 2022/561, **regs. 1(2)**, 3(a)

SCHEDULE 2

Section 22

AUTHORISED OFFICERS: INVESTIGATORY POWERS

Entry to non-domestic premises without warrant

1 (1) An authorised officer may enter any non-domestic premises which the officer has reason to believe it is necessary for the officer to enter for a relevant purpose—
(a) at any reasonable time, or
(b) at any time, in a situation which in the officer's opinion is or may be dangerous.

(2) The officer may be accompanied by any person, and bring anything, required for any purpose for which the officer is exercising the power of entry.

(3) If the officer has reasonable cause to expect any obstruction in the exercise of any relevant power, the officer may be accompanied by a constable.

(4) The officer may—
(a) take measurements and photographs, and may make recordings;
(b) take samples of anything.

(5) The officer may seize anything if it appears to the officer—
(a) to be evidence of an offence under this Act or the Building Act 1984, and

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(b) to be necessary to seize it to prevent the evidence being concealed, lost, altered or destroyed.

Commencement Information

I364 Sch. 2 para. 1 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I365 Sch. 2 para. 1 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Entry to non-domestic premises with warrant

2 (1) A justice of the peace may issue a warrant in respect of non-domestic premises specified in the warrant if satisfied, on an information in writing made by an authorised officer, that it is necessary—

(a) for an authorised officer to enter the premises for a relevant purpose, and

(b) to confer a power to enter by force (if necessary).

(2) The warrant authorises any authorised officer to enter the premises at any time (subject to sub-paragraph (3)) for the purposes specified in the warrant, by force (if necessary).

(3) The warrant may limit the times at which the power of entry may be exercised.

(4) Sub-paragraphs (2) to (5) of paragraph 1 apply in relation to the power of entry conferred by a warrant under this paragraph as they apply in relation to the power of entry conferred by sub-paragraph (1) of that paragraph.

Commencement Information

I366 Sch. 2 para. 2 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I367 Sch. 2 para. 2 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Entry to domestic premises (with warrant)

3 (1) A justice of the peace may issue a warrant in respect of domestic premises specified in the warrant if satisfied, on an information in writing made by an authorised officer, that—

(a) it is necessary for an authorised officer to enter the premises for a relevant purpose, and

(b) one of the following conditions is met—

(i) that entry to the premises for the relevant purpose has been, or is likely to be, refused;

(ii) that no person entitled to grant entry to the premises can be found;

(iii) that requesting entry may frustrate or seriously prejudice the purpose of entry.

(2) The warrant—

(a) authorises any authorised officer to enter the premises at any time (subject to sub-paragraph (3)) for the purposes specified in the warrant, and

(b) confers such additional powers as may be specified in the warrant.

(3) The warrant may limit the times at which the power of entry may be exercised.

Status: *This version of this Act contains provisions that are prospective.*
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(4) For this purpose "additional powers" means—
  (a) the power to enter by force (if necessary);
  (b) the powers under sub-paragraphs (2) to (5) of paragraph 1.

(5) An additional power may be specified in the warrant only if the justice of the peace is satisfied that it is necessary to confer the power.

Commencement Information

I368 Sch. 2 para. 3 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I369 Sch. 2 para. 3 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Power to require information, documents etc

4 (1) An authorised officer may for a relevant purpose require a person to give specified information or documents to the officer by such time as may be specified.

(2) In the case of a document consisting of information held in electronic form, the officer may require it to be produced—
  (a) in a legible form, or
  (b) in a form from which it can readily be produced in legible form.

(3) The officer may inspect and take copies of (or of any information in) any document that is produced.

(4) An authorised officer may for a relevant purpose require a person to provide such facilities and assistance to the officer as may be specified, by such time as may be specified.

(5) A requirement under this paragraph is imposed by the authorised officer in question giving, to the person in question, a notice in writing that states—
  (a) that it is a notice containing a requirement under this paragraph, and
  (b) the consequences of failing to comply with the requirement.

(6) Information provided by a person under sub-paragraph (1) is not admissible in evidence against that person in criminal proceedings except—
  (a) in proceedings for an offence under section 24,
  (b) in proceedings for an offence under paragraph 6(1),
  (c) in proceedings for an offence of perverting the course of justice, or
  (d) if in the proceedings—
    (i) in giving evidence the person makes a statement inconsistent with the information, and
    (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

(7) In this paragraph—

"document" includes information recorded in any form;

"specified", in relation to a requirement, means specified in the notice imposing the requirement.

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Commencement Information

I370 Sch. 2 para. 4 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I371 Sch. 2 para. 4 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Retention of evidence etc

5 Anything that has been seized under paragraph 1(5), or any document produced under paragraph 4, may be retained for so long as is necessary in all the circumstances.

Commencement Information

I372 Sch. 2 para. 5 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I373 Sch. 2 para. 5 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Offence of failing to provide information, documents etc

6 (1) A person who fails without reasonable excuse to comply with a requirement under paragraph 4 commits an offence.

(2) A person guilty of an offence under this paragraph is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

Commencement Information

I374 Sch. 2 para. 6 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I375 Sch. 2 para. 6 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Interpretation

7 (1) In this Schedule —

"authorised officer", in relation to the exercise of any power conferred by or the doing of anything else mentioned in a paragraph of this Schedule for the purpose of a relevant building function, means a person authorised under section 22 in relation to that paragraph for the purposes of that function;

"domestic premises" means premises (in England or Wales) used wholly or mainly as a private dwelling;

"non-domestic premises" means premises (in England or Wales) that are not domestic premises;

"relevant purpose", in relation to an authorised officer, means the purpose of any relevant building function specified in the officer's authorisation.

(2) In sub-paragraph (1) "relevant building function" has the meaning given by section 22.

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Commencement Information

I376 Sch. 2 para. 7 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I377 Sch. 2 para. 7 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

Saving for material subject to legal professional privilege

8 Nothing in this Schedule confers power to—

(a) seize anything, or

(b) compel the production by any person of a document or information,

in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Commencement Information

I378 Sch. 2 para. 8 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I379 Sch. 2 para. 8 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(g)**

SCHEDULE 3

Section 27

COOPERATION AND INFORMATION SHARING

Modifications etc. (not altering text)

C6 Sch. 3 applied (with modifications) (5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force) by 1984 c. 55, **s. 58Y** (as inserted by Building Safety Act 2022 (c. 30), **ss. 42**, 170(4); S.I. 2023/914, **reg. 2(b)(viii)(cc)**; S.I. 2023/993, **reg. 2(k)**)

C7 Sch. 3 applied (with modifications) (5.9.2023 for W., 6.4.2024 for E.) by 1984 c. 55, **s. 58Y(6)** (as inserted by Building Safety Act 2022 (c. 30), **ss. 42**, 170(4); S.I. 2023/914, **reg. 2(b)(viii)(cc)**; S.I. 2024/104, reg. 2(a) (with **reg. 3**))

Interpretation

1 In this Schedule any reference to a function under an enactment includes a function under an instrument made under the enactment.

Commencement Information

I380 Sch. 3 para. 1 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I381 Sch. 3 para. 1 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Local authorities, fire and rescue authorities etc

2 (1) The regulator and a local authority must cooperate with each other in the exercise of their relevant functions.

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(2) The regulator and a fire and rescue authority must cooperate with each other in the exercise of—
  (a) any building function of the regulator,
  (b) any function of the authority under—
    (i) section 6 or 7 of the Fire and Rescue Services Act 2004,
    (ii) the Regulatory Reform (Fire Safety) Order 2005, or
    (iii) section 13 of this Act, and
  (c) any other prescribed function of the authority.

(3) The regulator and an FSO authorised person must cooperate with each other in the exercise of their relevant functions.

(4) A relevant person may disclose information held in connection with any of their relevant functions to another relevant person for the purposes of a relevant function of either of them.

(5) In this paragraph—

"FSO authorised person" has the meaning given by section 14;

"relevant function" means—
  (a) in relation to the regulator, any building function;
  (b) in relation to a local authority, a function under any of the following—
    (i) the Prevention of Damage by Pests Act 1949;
    (ii) Part 2 of the Public Health Act 1961;
    (iii) Part 11 of the Local Government (Miscellaneous Provisions) Act 1982;
    (iv) the Building Act 1984;
    (v) Part 3 of the Environmental Protection Act 1990;
    (vi) Parts 1 to 4 of the Housing Act 2004;
    (vii) section 13 of this Act;
    or any other prescribed function;
  (c) in relation to a fire and rescue authority, a function under any of the following—
    (i) the Fire and Rescue Services Act 2004;
    (ii) the Regulatory Reform (Fire Safety) Order 2005;
    (iii) section 13 of this Act;
    or any other prescribed function;
  (d) in relation to an FSO authorised person, any function under—
    (i) the Regulatory Reform (Fire Safety) Order 2005, or
    (ii) section 14 of this Act;

"relevant person" means—
  (a) the regulator;
  (b) a local authority;
  (c) a fire and rescue authority;
  (d) an FSO authorised person.

Commencement Information

I382 Sch. 3 para. 2 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

Status: *This version of this Act contains provisions that are prospective.*
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I383 Sch. 3 para. 2 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Ombudsmen

3 (1) The regulator and a person mentioned in sub-paragraph (4) must cooperate with each other in the exercise of—
  (a) any building function of the regulator, and
  (b) any relevant function of the person.

(2) The regulator may disclose to a person mentioned in sub-paragraph (4) information held in connection with any of its building functions, for the purpose of any of those functions or any relevant functions of the person.

(3) A person mentioned in sub-paragraph (4) may disclose to the regulator information held in connection with any of their relevant functions, for the purpose of any of those functions or any building function of the regulator.

(4) The persons are—
  (a) the Regulator of Social Housing;
  (b) a person who administers a relevant scheme.

(5) "Relevant scheme" means—
  (a) a scheme approved under Schedule 2 to the Housing Act 1996 (housing complaints: social landlords),
  (b) a redress scheme to which persons are required by virtue of section 83 of the Enterprise and Regulatory Reform Act 2013 (lettings agency work) to be members,
  (c) a redress scheme to which persons are required by virtue of section 84 of that Act (property management work) to be members, or
  (d) the new homes ombudsman scheme.

(6) In this paragraph "relevant function" means—
  (a) in relation to the Regulator of Social Housing, any of its functions;
  (b) in relation to a person who administers a relevant scheme, any function relating to that scheme.

Commencement Information

I384 Sch. 3 para. 3 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I385 Sch. 3 para. 3 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Secretary of State

4 (1) The regulator may disclose to the Secretary of State information held in connection with any of its building functions, for the purpose of any of those functions or any relevant function of the Secretary of State.

(2) The Secretary of State may disclose to the regulator information held in connection with any relevant function, for the purpose of any relevant function or any building function of the regulator.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In this paragraph "relevant function" means any function of the Secretary of State (whether or not under an enactment) that relates to buildings.

Commencement Information

I386 Sch. 3 para. 4 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I387 Sch. 3 para. 4 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Police

5 (1) The regulator may disclose to a constable information held by it in connection with any of its building functions.

(2) A constable to whom information is disclosed in pursuance of sub-paragraph (1) must not use the information for a purpose other than—

(a) a purpose relating to the prevention, detection, investigation or prosecution of an offence (whether or not under this Act);

(b) a purpose of the police relating to public health or public safety;

(c) a purpose relating to national security.

Commencement Information

I388 Sch. 3 para. 5 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I389 Sch. 3 para. 5 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Public authorities

6 (1) The Secretary of State may by regulations make provision requiring the regulator and any prescribed public authority to cooperate with each other in the exercise of—

(a) any building function of the regulator, and

(b) any prescribed function of the public authority, so far as it relates to England.

(2) The Secretary of State may by regulations make provision authorising a relevant person and any prescribed public authority to disclose prescribed information to each other for the purpose of—

(a) any relevant function of the relevant person, and

(b) any prescribed function of the public authority, so far as it relates to England.

(3) In this paragraph "relevant person" and "relevant function" have the meaning given in paragraph 2.

Commencement Information

I390 Sch. 3 para. 6 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I391 Sch. 3 para. 6 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(k)**

Status: *This version of this Act contains provisions that are prospective.*
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SCHEDULE 4

Section 43

TRANSFER OF APPROVED INSPECTORS' FUNCTIONS TO REGISTERED BUILDING CONTROL APPROVERS

1 The Building Act 1984 is amended as follows.

Commencement Information

I392 Sch. 4 para. 1 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I393 Sch. 4 para. 1 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)
I394 Sch. 4 para. 1 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 8-12)

2 In section 42(1) (appeals) for "approved inspector" substitute "registered building control approver".

Commencement Information

I395 Sch. 4 para. 2 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I396 Sch. 4 para. 2 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I397 Sch. 4 para. 2 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

3 In the heading before section 47, for "approved inspectors" substitute "registered building control approvers".

Commencement Information

I398 Sch. 4 para. 3 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I399 Sch. 4 para. 3 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I400 Sch. 4 para. 3 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

4 (1) Section 47 (giving and acceptance of initial notice) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) for "an approved inspector" substitute "a registered building control approver";

(b) in the words after paragraph (d) for "approved inspector" substitute "registered building control approver".

(3) In subsection (5)(b)—

(a) for "approved inspector" substitute "registered building control approver";

(b) for "his" substitute "their".

Commencement Information

I401 Sch. 4 para. 4 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I402 Sch. 4 para. 4 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)
I403 Sch. 4 para. 4 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)

5 Omit section 49 (approved inspectors).

Status: *This version of this Act contains provisions that are prospective.*
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Commencement Information

I404 Sch. 4 para. 5 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I405 Sch. 4 para. 5 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 8-13)
I406 Sch. 4 para. 5 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with regs. 3, 4)

6 In section 50(7) (plans certificates) for "approved inspector", in both places it occurs, substitute "registered building control approver".

Commencement Information

I407 Sch. 4 para. 6 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I408 Sch. 4 para. 6 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I409 Sch. 4 para. 6 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

7 In section 51(1) (final certificates)—

(a) for "an approved inspector" substitute "a registered building control approver";
(b) for "him" substitute "them";
(c) for "he" substitute "they";
(d) for "his" substitute "their".

Commencement Information

I410 Sch. 4 para. 7 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I411 Sch. 4 para. 7 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)
I412 Sch. 4 para. 7 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)

8 In section 51A(2)(a)(ii) (variation of work) for "approved inspector" substitute "registered building control approver".

Commencement Information

I413 Sch. 4 para. 8 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I414 Sch. 4 para. 8 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I415 Sch. 4 para. 8 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

9 In section 51C(2)(a) (change of person carrying out work) for "approved inspector" substitute "registered building control approver".

Commencement Information

I416 Sch. 4 para. 9 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I417 Sch. 4 para. 9 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I418 Sch. 4 para. 9 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

10 (1) Section 52 (cancellation of initial notice) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

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(i) for "approved inspector" substitute "registered building control approver";
(ii) for "his" substitute "their";

(b) in paragraph (b)—
(i) for "approved inspector" substitute "registered building control approver";
(ii) for "he is" substitute "they are";
(iii) for "his" substitute "their";

(c) in paragraph (c) for "approved inspector" substitute "registered building control approver".

(3) In subsection (2)(a) for "approved inspector" substitute "registered building control approver".

Commencement Information

I419 Sch. 4 para. 10 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I420 Sch. 4 para. 10 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I421 Sch. 4 para. 10 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

11 In section 56(5) (powers to require information) for "approved inspector" substitute "registered building control approver".

Commencement Information

I422 Sch. 4 para. 11 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I423 Sch. 4 para. 11 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)
I424 Sch. 4 para. 11 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

12 In section 57 (offences), for subsection (3) substitute—

"(3) Where a registered building control approver is convicted of an offence under this section, the court by or before which they are convicted must, within one month of the date of conviction, forward a certificate of the conviction to—
(a) the regulatory authority, or
(b) if the regulatory authority has delegated its functions in relation to the register of building control approvers to another person under section 58Y, that person."

Commencement Information

I425 Sch. 4 para. 12 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)
I426 Sch. 4 para. 12 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)
I427 Sch. 4 para. 12 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)

13 In section 58(3) (construction of Part 2)—
(a) for "an approved inspector" substitute "a registered building control approver";
(b) for "him" substitute "them".

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Commencement Information

I428 Sch. 4 para. 13 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)

I429 Sch. 4 para. 13 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 6, 8-12)

I430 Sch. 4 para. 13 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

14 In section 126 (general interpretation)—

(a) omit the definition of "approved inspector";

(b) at the appropriate place insert—

""registered building control approver" has the meaning given by section 58N;";

"""registered building inspector" has the meaning given by section 58B;";

""regulatory authority" has the meaning given by section 58A;".

Commencement Information

I431 Sch. 4 para. 14 not in force at Royal Assent, see **s. 170(4)(b)**(v)(c)

I432 Sch. 4 para. 14 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(b)** (with reg. 3)

I433 Sch. 4 para. 14 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(x)** (with regs. 3, 4, 8-12)

SCHEDULE 5

Section 55

MINOR AND CONSEQUENTIAL AMENDMENTS IN CONNECTION WITH PART 3

PART 1

AMENDMENTS OF THE BUILDING ACT 1984

1 The Building Act 1984 is amended as follows.

Commencement Information

I434 Sch. 5 para. 1 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I435 Sch. 5 para. 1 in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 1**

I436 Sch. 5 para. 1 in force at 9.12.2022 for W. by S.I. 2022/1287, **reg. 2(c)(i)**

I437 Sch. 5 para. 1 in force at 6.4.2024 for specified purposes except in relation to W. by S.I. 2024/104, **reg. 2(j)(i)** (with reg. 3)

2 (1) Section 1 is amended as follows.

(2) In subsection (1) for "Secretary of State" substitute "appropriate national authority".

(3) In subsection (4) for the words from "subject to" to the end substitute "—

(a) in the case of a statutory instrument made by the Secretary of State, subject to annulment in pursuance of a resolution of either House of Parliament;

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(b) in the case of a statutory instrument made by the Welsh Ministers, subject to annulment in pursuance of a resolution of Senedd Cymru."

Commencement Information

I438 Sch. 5 para. 2 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I439 Sch. 5 para. 2 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 2**
I440 Sch. 5 para. 2 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 1**

3 In section 1A(1) for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I441 Sch. 5 para. 3 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I442 Sch. 5 para. 3 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 3**
I443 Sch. 5 para. 3 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 2**

4 (1) Section 2 is amended as follows.

(2) In subsection (1) for "Secretary of State" substitute "appropriate national authority".

(3) In subsections (3) and (4) for "local authority" substitute "building control authority".

Commencement Information

I444 Sch. 5 para. 4 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I445 Sch. 5 para. 4(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 4**
I446 Sch. 5 para. 4(1)(2) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 3**
I447 Sch. 5 para. 4(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(i)**
I448 Sch. 5 para. 4(2) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 5**
I449 Sch. 5 para. 4(3) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(i)**
I450 Sch. 5 para. 4(3) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

5 (1) Section 3 is amended as follows.

(2) In subsection (2) for "Secretary of State" substitute "appropriate national authority".

(3) After that subsection insert—

"(2A) The regulator may at any time make a proposal to the Secretary of State for the giving of a direction under subsection (2).

(2B) Before making a proposal, the regulator must consult such persons as it considers appropriate.

(2C) Before giving a direction under subsection (2), other than a direction proposed by the regulator, the Secretary of State must consult—

(a) the regulator, and

(b) any other person that the Secretary of State considers appropriate."

(4) In subsection (3)—

(a) omit "not exceeding level 5 on the standard scale";

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(b) for "£50" substitute "level 1 on the standard scale".

Commencement Information

I451 Sch. 5 para. 5 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I452 Sch. 5 para. 5(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 6**
I453 Sch. 5 para. 5(1)(2) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 4**
I454 Sch. 5 para. 5(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(ii)**
I455 Sch. 5 para. 5(2) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 7**
I456 Sch. 5 para. 5(3)(4) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(ii)** (with reg. 4)
I457 Sch. 5 para. 5(3)(4) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

6 In section 4(1)(a)(i) for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I458 Sch. 5 para. 6 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I459 Sch. 5 para. 6 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 8**
I460 Sch. 5 para. 6 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 5**

7 In section 5(3)(b) omit "of building regulations".

Commencement Information

I461 Sch. 5 para. 7 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I462 Sch. 5 para. 7 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(iii)**
I463 Sch. 5 para. 7 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

8 Omit section 5(4).

Commencement Information

I464 Sch. 5 para. 8 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I465 Sch. 5 para. 8 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(iii)**
I466 Sch. 5 para. 8 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

9 (1) Section 6 is amended as follows.

(2) For "Secretary of State", in each place it occurs, substitute "appropriate national authority".

(3) In subsection (1) for "him", in each place it occurs, substitute "the appropriate national authority".

(4) In subsection (4)(a) omit "him or".

(5) In subsection (5) omit "his or".

(6) After that subsection insert—

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"(5A) A notice under subsection (3) or (5) may contain transitional or saving provision (and different provision may be made for different purposes or for different areas).

(5B) A body may give an approval under subsection (1) or (4), or withdraw an approval under subsection (5), only with the consent of the appropriate national authority."

(7) In subsection (8) for the words from "subject to" to the end substitute "—

(a) in the case of a statutory instrument made by the Secretary of State, subject to annulment in pursuance of a resolution of either House of Parliament;

(b) in the case of a statutory instrument made by the Welsh Ministers, subject to annulment in pursuance of a resolution of Senedd Cymru."

(8) After subsection (8) insert—

"(9) An order under subsection (8) may provide that a body is designated only in relation to—

(a) buildings of a specified description;

(b) work of a specified description;

(c) specified provisions of building regulations."

Commencement Information

I467 Sch. 5 para. 9 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I468 Sch. 5 para. 9 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 9**

I469 Sch. 5 para. 9 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 6**

10 (1) Section 7 is amended as follows.

(2) In subsection (1)(a) for the words from "document" to "provision" substitute "relevant approved document".

(3) After subsection (1) insert—

"(1A) In subsection (1) "relevant approved document" means a document approved for the purposes of the provision that applies in relation to the work in question."

Commencement Information

I470 Sch. 5 para. 10 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I471 Sch. 5 para. 10 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 10**

I472 Sch. 5 para. 10 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 7**

11 (1) Section 8 is amended as follows.

(2) For "Secretary of State", in both places it occurs, substitute "appropriate national authority".

(3) In subsection (1) for "he" substitute "it".

(4) After subsection (3) insert—

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"(3A) If, in a case where the regulator is the building control authority—

(a) an application for a direction under this section is made to the regulator, and

(b) the regulator considers that the operation of a requirement in building regulations would be unreasonable in relation to the particular case,

it may give a direction dispensing with or relaxing the requirement.

(3B) No application under subsection (1) or (2) may be made in a case where the regulator is the building control authority."

Commencement Information

I473 Sch. 5 para. 11 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I474 Sch. 5 para. 11(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 11**

I475 Sch. 5 para. 11(1)(2)(3) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 8**

I476 Sch. 5 para. 11(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(iv)**

I477 Sch. 5 para. 11(2)(3) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 12**

I478 Sch. 5 para. 11(4) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(iv)** (with reg. 4)

I479 Sch. 5 para. 11(4) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

12 (1) Section 9 is amended as follows.

(2) For "Secretary of State", in both places it occurs, substitute "appropriate national authority".

(3) In subsection (1) for "or (2) above" substitute ", (2) or (3A)".

(4) In subsection (2) for "The application" substitute "An application under section 8(1) or (2)".

(5) In subsection (3) at the end insert "or in a case where the regulator is the building control authority."

Commencement Information

I480 Sch. 5 para. 12 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I481 Sch. 5 para. 12(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 13**

I482 Sch. 5 para. 12(1)(2) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 9**

I483 Sch. 5 para. 12(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(v)**

I484 Sch. 5 para. 12(2) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 14**

I485 Sch. 5 para. 12(3)-(5) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(v)**

I486 Sch. 5 para. 12(3)-(5) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

13 (1) Section 10 is amended as follows.

(2) In subsections (1), (2), (4) and (5) for "Secretary of State", in each place it occurs, substitute "appropriate national authority".

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Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In subsections (1), (2) and (5) for "local authority", in each place it occurs, substitute "building control authority".

(4) In subsection (1) after "(2)" insert ", (3A)".

(5) In subsection (2) omit "he, they or".

(6) In subsection (4) omit "himself".

Commencement Information

I487 Sch. 5 para. 13 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I488 Sch. 5 para. 13(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 15**

I489 Sch. 5 para. 13(1)(2)(5)(6) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 10**

I490 Sch. 5 para. 13(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(vi)**

I491 Sch. 5 para. 13(2)(5)(6) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 16**

I492 Sch. 5 para. 13(3)(4) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(vi)**

I493 Sch. 5 para. 13(3)(4) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

14 (1) Section 11 is amended as follows.

(2) In subsection (1)—

(a) for "Secretary of State" substitute "appropriate national authority";

(b) for "he may, either on an application made to him or of his" substitute "the authority may, either on an application made by any person (the "original applicant") or of its".

(3) In subsection (2)(b)—

(a) after "may" insert ", either on an application or of the appropriate national authority's own accord,";

(b) for "Secretary of State" substitute "appropriate national authority".

(4) In subsection (3)—

(a) after "(1)" insert "or (2)(b)";

(b) for "Secretary of State", in both places it occurs, substitute "appropriate national authority".

(5) After that subsection insert—

"(3A) The regulator may at any time make a proposal to the Secretary of State for the giving of a direction under this section.

(3B) Before making a proposal, the regulator must consult—

(a) such persons as it considers appropriate, and

(b) if the proposal is for a direction that would vary or revoke a direction given on an application under subsection (1), the original applicant.

(3C) Before giving a direction under this section, other than a direction proposed by the regulator, the Secretary of State must consult—

(a) the regulator,

(b) any other person the Secretary of State considers appropriate, and

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(c) if the direction would vary or revoke a direction given on an application under subsection (1), the original applicant."

(6) For subsections (4) and (5) substitute—

"(4) Before giving a direction under subsection (1) or (2)(b), the Welsh Ministers must consult such persons as they consider appropriate.

(5) Where the appropriate national authority gives a direction under subsection (1) or (2)(b), it must publish notice of that fact in such way as it considers appropriate."

(7) In subsection (6)—

(a) omit "not exceeding level 5 on the standard scale";

(b) for "£50" substitute "level 1 on the standard scale".

(8) In subsection (7) for the words from "before that time" to the end substitute "an application for building control approval in relation to the proposed work was made before that time."

Commencement Information

I494 Sch. 5 para. 14 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I495 Sch. 5 para. 14(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 17**

I496 Sch. 5 para. 14(1)(2)(3)(b)(4)(b) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 11**

I497 Sch. 5 para. 14(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(vii)**

I498 Sch. 5 para. 14(2)(3)(b)(4)(b) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 18**

I499 Sch. 5 para. 14(3)(a)(4)(a)(5)-(8) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(vii)** (with regs. 3, 4)

I500 Sch. 5 para. 14(3)(a)(4)(a)(5)-(7) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

15 (1) Section 12 is amended as follows.

(2) In subsections (1), (3), (7), (8), (9) and (11) and the heading, for "Secretary of State", in each place it occurs, substitute "appropriate national authority".

(3) In subsection (1) for "to him or of his" substitute "by any person (the "original applicant") or of its".

(4) In subsection (3) for "he" substitute "it".

(5) In subsection (6)—

(a) for "Secretary of State", in the first place it occurs, substitute "appropriate national authority";

(b) for the words from "him" to the end substitute "it or of its own accord."

(6) In subsection (7) for "(1) or (6) above" substitute "(1), (6) or (8)".

(7) In subsection (8) for the words from "but" to the end substitute "either on an application or of the appropriate national authority's own accord."

(8) After subsection (8) insert—

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"(8A) The regulator may at any time make a proposal to the Secretary of State for—

(a) the giving of an approval under subsection (1), or

(b) the varying or revocation of a certificate under subsection (6) or (8).

(8B) Before making a proposal, the regulator must consult—

(a) such persons as it considers appropriate, and

(b) if the proposal is to vary or revoke a certificate issued on an application under subsection (1), the original applicant.

(8C) Before giving an approval or varying or revoking a certificate under this section, unless acting on a proposal of the regulator, the Secretary of State must consult—

(a) the regulator,

(b) any other person the Secretary of State considers appropriate, and

(c) if varying or revoking a certificate issued on an application under subsection (1), the original applicant.

(8D) Before varying or revoking a certificate issued on an application under subsection (1), the Welsh Ministers must give the original applicant reasonable notice that they propose to do so (except in the case of a variation or revocation made on the application of that person)."

(9) In subsection (9) for "he", in both places it occurs, substitute "it".

(10) In subsection (10) for the words from "before that time" to the end substitute "an application for building control approval in relation to the proposed work was made before that time."

Commencement Information

I501 Sch. 5 para. 15 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I502 Sch. 5 para. 15(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 19**

I503 Sch. 5 para. 15(1)-(5)(9) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 12**

I504 Sch. 5 para. 15(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(viii)**

I505 Sch. 5 para. 15(2)-(5)(9) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 20**

I506 Sch. 5 para. 15(6)-(8)(10) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(viii)** (with regs. 3, 4)

I507 Sch. 5 para. 15(6)-(8) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

16 (1) Section 13 is amended as follows.

(2) For "Secretary of State", in each place it occurs, substitute "appropriate national authority".

(3) In subsection (1) omit "on him".

Commencement Information

I508 Sch. 5 para. 16 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I509 Sch. 5 para. 16 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 21**

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I510 Sch. 5 para. 16 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 13**

17 (1) Section 14 is amended as follows.

(2) Omit subsections (1) to (4).

(3) In subsection (7) for the words from "such" to the end substitute "any other person that the Welsh Ministers consider appropriate."

(4) In subsection (8)—

(a) in paragraph (b) for "persons or bodies" substitute "persons";

(b) for paragraph (c) substitute—

"(c) any other person that the Welsh Ministers consider appropriate."

(5) In the heading at the end insert ": Wales".

Commencement Information

I511 Sch. 5 para. 17 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I512 Sch. 5 para. 17 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(2)(a)**

I513 Sch. 5 para. 17 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 14** (with reg. 5)

18 In section 15 after subsection (2) insert—

"(3) As regards a requirement of a kind mentioned in subsection (1), the regulator must consult the fire and rescue authority before exercising the power under section 8(3A) in relation to any premises or proposed premises."

Commencement Information

I514 Sch. 5 para. 18 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I515 Sch. 5 para. 18 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(ix)** (with reg. 4)

I516 Sch. 5 para. 18 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

19 For the heading before section 16 substitute "Building control approval".

Commencement Information

I517 Sch. 5 para. 19 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I518 Sch. 5 para. 19 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(ix)**

I519 Sch. 5 para. 19 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

20 Omit sections 16 and 17.

Commencement Information

I520 Sch. 5 para. 20 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I521 Sch. 5 para. 20 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(ix)** (with regs. 3, 6)

21 (1) Section 19 is amended as follows.

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(2) For "local authority", in each place it occurs except subsection (1), substitute "building control authority".

(3) In subsection (1)—

(a) for the words from the beginning to "plans show" substitute "Where an application for building control approval in respect of a proposed building is made to a building control authority, and it appears";

(b) for "plans conform" substitute "application conforms";

(c) in paragraph (a) for "the plans" substitute "the application";

(d) in paragraph (b) for "passing the plans" substitute "granting the application".

(4) In subsection (2)—

(a) for "plans ought under the building regulations to have been deposited, but have not been deposited," substitute "an application for building control approval ought to have been made but was not made";

(b) in paragraph (b) for "passing of plans for the building" substitute "granting of such an application".

(5) In subsection (4) for "plans" substitute "an application".

Commencement Information

I522 Sch. 5 para. 21 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I523 Sch. 5 para. 21 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(ix)** (with regs. 3, 4)

I524 Sch. 5 para. 21(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

22 (1) Section 20 is amended as follows.

(2) For "local authority", in each place it occurs except subsection (1), substitute "building control authority".

(3) In subsection (1)—

(a) for the words from the beginning to "plans show" substitute "Where an application for building control approval in respect of any proposed work is made to a building control authority, and it appears";

(b) for "plans conform" substitute "application conforms";

(c) in paragraph (a) for "the plans" substitute "the application";

(d) in paragraph (b) for "passing the plans", in both places it occurs, substitute "granting the application".

(4) In subsection (2)—

(a) in the words before paragraph (a), for the words from "plans" to "so deposited" substitute "an application for building control approval ought to have been made but was not made";

(b) in paragraph (b) for "passing plans" substitute "granting the application".

(5) In subsection (3)—

(a) in the words before paragraph (a), for the words from "plans" to "so deposited" substitute "an application for building control approval was not required by building regulations to be made and was not made";

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(b) in paragraph (b) for the words from "if plans" to the end substitute "if an application for building control approval in respect of the work had been required to be made and had been made, might have been imposed under subsection (1) in granting the application,".

(6) In subsection (5)(a) for "plans" substitute "an application".

(7) In subsection (7)—

(a) omit "not exceeding level 5 on the standard scale";

(b) for "£50" substitute "level 1 on the standard scale".

(8) In subsection (10)—

(a) for "Secretary of State" substitute "appropriate national authority";

(b) for "his", in both places it occurs, substitute "its".

Commencement Information

I525 Sch. 5 para. 22 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I526 Sch. 5 para. 22(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 22**

I527 Sch. 5 para. 22(1)(8) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 15**

I528 Sch. 5 para. 22(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(x)**

I529 Sch. 5 para. 22(2)-(7) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(x)** (with regs. 3, 4)

I530 Sch. 5 para. 22(2)(7) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I531 Sch. 5 para. 22(8) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 23**

23 (1) Section 21 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "building control authority".

(3) In subsection (3) for "plans are deposited" substitute "an application for building control approval is made".

(4) In subsection (4) for the words from "plans" to "deposited with" substitute "an application for building control approval in respect of a building or an extension of a building is made to".

Commencement Information

I532 Sch. 5 para. 23 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I533 Sch. 5 para. 23 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with regs. 3, 4)

I534 Sch. 5 para. 23(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

24 (1) Section 22 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "building control authority".

(3) In subsection (2) for the words from "for whose drainage" to the end substitute "if building control approval has been given in respect of work comprising drainage for the building."

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Commencement Information

I535 Sch. 5 para. 24 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I536 Sch. 5 para. 24 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

I537 Sch. 5 para. 24(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

25 In section 23(3) for "local authority", in both places it occurs, substitute "building control authority".

Commencement Information

I538 Sch. 5 para. 25 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I539 Sch. 5 para. 25 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

I540 Sch. 5 para. 25 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

26 (1) Section 24 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "building control authority".

(3) In subsection (1)—

(a) in paragraph (a) for the words from "plans" to "deposited with" substitute "an application for building control approval in respect of a building or an extension of a building is made to";

(b) in the words after paragraph (b) for "plans" substitute "application".

(4) In subsection (2) for "plans are deposited" substitute "an application for building control approval is made".

Commencement Information

I541 Sch. 5 para. 26 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I542 Sch. 5 para. 26 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with regs. 3, 4)

I543 Sch. 5 para. 26(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

27 (1) Section 25 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "building control authority".

(3) In subsection (1)—

(a) for "plans of a house are, in accordance with building regulations, deposited with" substitute "an application for building control approval in respect of a house is made to";

(b) for "the plans" substitute "the application".

(4) In subsection (2)—

(a) for "plans are deposited" substitute "an application for building control approval is made";

(b) for "pass the plans" substitute "grant the application".

(5) In subsection (3) for "plans as aforesaid have been passed" substitute "application has been granted".

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Commencement Information

I544 Sch. 5 para. 27 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I545 Sch. 5 para. 27 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with regs. 3, 4)

I546 Sch. 5 para. 27(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

28 Omit section 31 (and the heading before it).

Commencement Information

I547 Sch. 5 para. 28 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I548 Sch. 5 para. 28 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)**

29 In the heading before section 32 for "deposit of plans" substitute "building control approval".

Commencement Information

I549 Sch. 5 para. 29 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I550 Sch. 5 para. 29 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 3)

30 (1) Section 33 is amended as follows.

(2) For subsections (1) and (2) substitute—

"(1) Where work to which building regulations are applicable is proposed or carried out, the building control authority has the powers under subsection (2) for the purpose of ascertaining whether any provision of building regulations is or would be contravened—

(a) by or in connection with the work, or

(b) in relation to the building that the work has been, is being or will be carried out on.

(2) The powers are—

(a) to require a person by whom or on whose behalf the work was, is being, or is proposed to be done to carry out such reasonable tests of or in connection with the work, or in relation to the building, as may be specified in the requirement, or

(b) to carry out any reasonable tests of or in connection with the work, or in relation to the building, and to take any samples necessary to enable them to carry out such a test. "

(3) After subsection (3) insert—

"(3A) The tests that may be required or carried out under subsection (2) include in particular tests involving—

(a) the cutting into or laying open of any work or any building, and

(b) the pulling down of any work."

(4) In subsections (4), (5) and (6) for "local authority", in each place it occurs, substitute "building control authority".

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Commencement Information

I551 Sch. 5 para. 30 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I552 Sch. 5 para. 30 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

I553 Sch. 5 para. 30 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

31 Omit section 35A.

Commencement Information

I554 Sch. 5 para. 31 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I555 Sch. 5 para. 31 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 7)

32 (1) Section 36 is amended as follows.

(2) In subsections (1) to (3) for "local authority", in each place it occurs, substitute "building control authority".

(3) In subsection (1) after "those regulations" insert "or a requirement imposed by virtue of any of those regulations".

(4) In subsection (2)—

(a) for "any section of this Part of this Act other than section 16" substitute "any of sections 19 to 25";

(b) for "plans", in the first place it occurs, substitute "an application for building control approval";

(c) for paragraphs (a) and (b) (including the "or" at the end of paragraph (b)) substitute—

"(a) without such an application having been made,

(b) notwithstanding the refusal of such an application, or";

(d) in paragraph (c) for "passed the plans" substitute "granted such an application";

(e) in paragraph (ii) for "passing plans" substitute "granting such an application".

(5) For subsection (5) substitute—

"(5) Subsection (5A) applies where—

(a) an application for building control approval is made to a building control authority in respect of any work that is not higher-risk building work,

(b) the application is granted, and

(c) work that is shown on the plans approved by the granting of the application ("the work") is executed in accordance with—

(i) the plans, and

(ii) any requirement imposed by the building control authority.

(5A) A section 36 notice may not be given on the ground that the work contravenes—

(a) any building regulations or any requirement imposed by virtue of the regulations, or (as the case may be)

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(b) any requirement under any of sections 19 to 25."

(6) In subsection (6)—

(a) for "does" substitute ", and sections 35B and 35C, do";

(b) for "local authority", in the first place it occurs, substitute "building control authority";

(c) after "Attorney General" insert ", the Counsel General to the Welsh Government";

(d) for paragraphs (a) to (c) substitute—

"(a) an application for building control approval was made to the local authority in respect of the work,

(b) the application was granted,

(c) the work was executed in accordance with—

(i) the plans approved by the granting of the application, and

(ii) any requirement imposed by the authority, and

(d) the work was not higher-risk building work,".

Commencement Information

I556 Sch. 5 para. 32 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I557 Sch. 5 para. 32 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with regs. 3, 4, 7)

33 In section 37(1) for "local authority", in each place it occurs, substitute "building control authority".

Commencement Information

I558 Sch. 5 para. 33 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I559 Sch. 5 para. 33 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

I560 Sch. 5 para. 33 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

34 In section 39(1) and (2) for "local authority", in each place it occurs, substitute "building control authority".

Commencement Information

I561 Sch. 5 para. 34 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I562 Sch. 5 para. 34 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

I563 Sch. 5 para. 34 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

35 In section 40(2), (3) and (6) for "local authority", in each place it occurs, substitute "building control authority".

Commencement Information

I564 Sch. 5 para. 35 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I565 Sch. 5 para. 35 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)

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I566 Sch. 5 para. 35 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

36 In section 41(1)(a) for the words from "under this" to the end substitute "under, or under an instrument made under, this Part or Part 4 as it applies in relation to this Part,".

Commencement Information

I567 Sch. 5 para. 36 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I568 Sch. 5 para. 36 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)**
I569 Sch. 5 para. 36 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

37 In section 42(1) for "local authority", in both places it occurs, substitute "building control authority".

Commencement Information

I570 Sch. 5 para. 37 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I571 Sch. 5 para. 37 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xi)** (with reg. 4)
I572 Sch. 5 para. 37 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

PROSPECTIVE

38 Omit sections 44 and 45 (and the heading before section 44).

Commencement Information

I573 Sch. 5 para. 38 not in force at Royal Assent, see **s. 170(4)(c)**

39 In the heading of Part 2 for "LOCAL AUTHORITIES" substitute "BUILDING CONTROL AUTHORITIES".

Commencement Information

I574 Sch. 5 para. 39 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I575 Sch. 5 para. 39 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xii)** (with reg. 4)
I576 Sch. 5 para. 39 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

40 (1) Section 47 is amended as follows.

(2) In subsection (2)—

(a) for "plans of it had been deposited with" substitute "an application for building control approval in respect of it had been made to";

(b) for "passing the plans" substitute "granting the application".

(3) After subsection (3) insert—

"(3A) Subsection (3) does not apply in prescribed circumstances."

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Commencement Information

I577 Sch. 5 para. 40 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I578 Sch. 5 para. 40(1) in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(i)**

I579 Sch. 5 para. 40(1)(3) in force at 5.9.2023 for W. in so far as not already in force by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 16**

I580 Sch. 5 para. 40(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xiii)**

I581 Sch. 5 para. 40(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xiii)**

I582 Sch. 5 para. 40(3) in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(ii)**

41 (1) Section 48 is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) after "section" insert "35B, 35C or";

(b) in paragraph (b) omit "of building regulations".

(3) In subsection (2)—

(a) in paragraph (a) for "deposit of plans" substitute "making of an application for building control approval";

(b) in paragraph (b) for "deposited plans" substitute "plans accompanying the application for building control approval";

(c) in paragraph (c) for "passing or, as the case may be, the rejection of plans" substitute "approval or rejection of the application";

(d) for paragraph (d) substitute—

"(d) where an initial notice ceases to be in force under section 53A, the application for building control approval (treated by virtue of paragraph (a) as made) is to be treated as if it was not made (and the approval was not given)."

Commencement Information

I583 Sch. 5 para. 41 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I584 Sch. 5 para. 41 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xiv)**

I585 Sch. 5 para. 41(1)(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

42 (1) Section 51A is amended as follows.

(2) In subsection (4)—

(a) for "plans of it had been deposited with" substitute "an application for building control approval in respect of it had been made to";

(b) for "passing the plans" substitute "granting the application".

(3) After subsection (5) insert—

"(5A) Subsection (5) does not apply in prescribed circumstances."

Commencement Information

I586 Sch. 5 para. 42 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

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I587 Sch. 5 para. 42(1) in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(iii)**
I588 Sch. 5 para. 42(1)(3) in force at 5.9.2023 for W. in so far as not already in force by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 17**
I589 Sch. 5 para. 42(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xv)**
I590 Sch. 5 para. 42(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xv)**
I591 Sch. 5 para. 42(3) in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(iv)**

43 In section 51B(1)—

(a) in paragraph (a) for "deposit of plans" substitute "making of an application for building control approval";

(b) in paragraph (b) for "passing or, as the case may be, the rejection of plans" substitute "approval or rejection of the application";

(c) in paragraph (c)—

(i) in the words before sub-paragraph (i) for "deposited plans" substitute "plans treated as accompanying the application for building control approval";

(ii) in sub-paragraph (ii) for "the deposited plans" substitute "accompanying the application";

(d) in paragraph (d) for the words from ", the cancellation" to the end substitute "and the initial notice ceases to be in force under section 53A, the application for building control approval (treated by virtue of paragraph (a) as made) is to be treated as if it was not made (and the approval was not given)."

Commencement Information
I592 Sch. 5 para. 43 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I593 Sch. 5 para. 43 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xvi)**

44 (1) Section 52 is amended as follows.

(2) In subsection (4) omit "not exceeding level 5 on the standard scale".

(3) In subsection (6) for "(5)" substitute "(5A)".

Commencement Information
I594 Sch. 5 para. 44 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I595 Sch. 5 para. 44 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)
I596 Sch. 5 para. 44(1) in force at 1.10.2023 for specified purposes except in relation to W by S.I. 2023/993, **reg. 2(n)(xvii)**
I597 Sch. 5 para. 44(1) in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(j)(ii)** (with reg. 3)
I598 Sch. 5 para. 44(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xviii)**
I599 Sch. 5 para. 44(3) in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(j)(ii)** (with reg. 3)

45 In section 53 omit subsections (6) and (6A).

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Commencement Information

I600 Sch. 5 para. 45 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I601 Sch. 5 para. 45 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xix)**

46 (1) Section 54 is amended as follows.

(2) In subsection (1) for "Secretary of State" substitute "appropriate national authority".

(3) In subsection (2)—

(a) for "plans of it had been deposited with" substitute "an application for building control approval in respect of it had been made to";

(b) for "passing the plans" substitute "granting the application".

Commencement Information

I602 Sch. 5 para. 46 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I603 Sch. 5 para. 46(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 24**

I604 Sch. 5 para. 46(1)(2) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 18**

I605 Sch. 5 para. 46(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xx)**

I606 Sch. 5 para. 46(2) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 25**

I607 Sch. 5 para. 46(3) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xx)**

47 In section 56(3) for the words from ", public body's final certificates" to the end substitute "and public body's final certificates."

Commencement Information

I608 Sch. 5 para. 47 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I609 Sch. 5 para. 47 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxi)**

I610 Sch. 5 para. 47 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

48 (1) Section 57 is amended as follows.

(2) In subsection (1)(a)(i) for the words from "of this Act" to the end (not including the "and") substitute "or a provision of building regulations that is designated by the regulations for the purposes of this section,".

(3) In subsection (2)(a) omit "not exceeding the statutory maximum".

Commencement Information

I611 Sch. 5 para. 48 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I612 Sch. 5 para. 48 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxi)**

I613 Sch. 5 para. 48 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

49 Omit section 58(2).

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Commencement Information

I614 Sch. 5 para. 49 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I615 Sch. 5 para. 49 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxi)**
I616 Sch. 5 para. 49 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

50 In section 68(8)(b) for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I617 Sch. 5 para. 50 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I618 Sch. 5 para. 50 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 26**
I619 Sch. 5 para. 50 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 19**

51 In section 78(7)(b) omit "and (3) below".

Commencement Information

I620 Sch. 5 para. 51 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I621 Sch. 5 para. 51 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 27**
I622 Sch. 5 para. 51 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 20**

52 In section 86(1)(a) for the words from "under this" to the end substitute "under, or under an instrument made under, this Part or Part 4 as it applies in relation to this Part,".

Commencement Information

I623 Sch. 5 para. 52 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I624 Sch. 5 para. 52 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)
I625 Sch. 5 para. 52 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(j)(iii)** (with reg. 3)

53 In section 90(2) for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I626 Sch. 5 para. 53 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I627 Sch. 5 para. 53 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 28**
I628 Sch. 5 para. 53 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 21**

54 In the italic heading before section 91 at the end insert "etc".

Commencement Information

I629 Sch. 5 para. 54 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I630 Sch. 5 para. 54 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxii)**
I631 Sch. 5 para. 54 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

55 (1) Section 91A is amended as follows.

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(2) In subsections (1), (2) and (4) for "local authority", in each place it occurs, substitute "relevant authority".

(3) In subsection (2)(a) omit ", or deposited with,".

(4) In subsection (5)—

(a) in the definition of "prescribed" for "Secretary of State" substitute "appropriate national authority";

(b) insert at the appropriate place—

""relevant authority" means a local authority or the regulator."

(5) In the heading after "local authorities" insert "and the regulator".

(6) Omit subsections (6) to (8).

Commencement Information

I632 Sch. 5 para. 55 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I633 Sch. 5 para. 55(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 29**

I634 Sch. 5 para. 55(1)(4)(a)(6) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 22**

I635 Sch. 5 para. 55(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxiii)**

I636 Sch. 5 para. 55(2)(3)(4)(b)(5) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxiii)** (with reg. 4)

I637 Sch. 5 para. 55(2)(4)(b)(5) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I638 Sch. 5 para. 55(4)(a)(6) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 30**

56 After section 91A insert—

"**91B Cooperation and the sharing of information: Wales**

(1) Relevant persons (as defined by subsection (7)) must cooperate with each other in the exercise of any of the following functions—

(a) any function of a local authority under this Act,

(b) any function of a Welsh fire and rescue authority under—

(i) section 6 or 7 of the Fire and Rescue Services Act 2004, or

(ii) the Regulatory Reform (Fire Safety) Order 2005, and

(c) any function of a fire inspector under that Order.

(2) A relevant person may disclose information held in connection with any of their relevant functions to another relevant person for the purposes of a relevant function of either of them.

(3) The Welsh Ministers and a relevant person must cooperate with each other in the exercise of any of the following functions—

(a) a function of the Welsh Ministers under Part 2A;

(b) a function mentioned in the relevant paragraph of subsection (1).

(4) The Welsh Ministers may disclose information held in connection with a function under Part 2A to a relevant person for the purposes of—

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(a) a function of the Welsh Ministers under Part 2A, or
(b) a function mentioned in the relevant paragraph of subsection (1).

(5) A relevant person may disclose information held in connection with a function mentioned in the relevant paragraph of subsection (1) to the Welsh Ministers for the purposes of—
(a) a function mentioned in the relevant paragraph of subsection (1), or
(b) a function of the Welsh Ministers under Part 2A.

(6) In subsections (3) to (5) "the relevant paragraph" of subsection (1), in relation to a kind of relevant person, means the paragraph of subsection (1) relating to a relevant person of that kind.

(7) In this section—

"fire inspector" means an inspector or assistant inspector appointed under section 28(1) of the Fire and Rescue Services Act 2004;

"relevant person" means a local authority in Wales, Welsh fire and rescue authority or fire inspector;

"relevant function" means—
(a) in relation to a local authority, any function of a local authority under—
(i) the Prevention of Damage by Pests Act 1949,
(ii) Part 2 of the Public Health Act 1961,
(iii) Part 11 of the Local Government (Miscellaneous Provisions) Act 1982,
(iv) Part 3 of the Environmental Protection Act 1990,
(v) Parts 1 to 4 of the Housing Act 2004, or
(vi) this Act,
or any prescribed function of a local authority;
(b) in relation to a Welsh fire and rescue authority, any function of such an authority under—
(i) the Fire and Rescue Services Act 2004, or
(ii) the Regulatory Reform (Fire Safety) Order 2005,
or any prescribed function of such an authority;
(c) in relation to a fire inspector, any function of a fire inspector under the Regulatory Reform (Fire Safety) Order 2005;

"Welsh fire and rescue authority" means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004, for an area in Wales.

(8) Except as provided by subsection (9), the disclosure of information under this section does not breach—
(a) any obligation of confidence owed by the person making the disclosure, or
(b) any other restriction on the disclosure of information (however imposed).

(9) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether

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a disclosure would do so, take into account the powers conferred by this section)."

Commencement Information

I639 Sch. 5 para. 56 not in force at Royal Assent, see **s. 170(4)(a)**(iv)(c)

I640 Sch. 5 para. 56 in force at 6.4.2024 by S.I. 2024/207, **reg. 2(c)** (with regs. 3, 4, 8-12)

57 (1) Section 92 is amended as follows.

(2) In subsection (1) after "authority", in both places it occurs, insert "or the regulator".

(3) In subsection (2)—

(a) for "Secretary of State" substitute "appropriate national authority";

(b) omit "made by statutory instrument".

Commencement Information

I641 Sch. 5 para. 57 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I642 Sch. 5 para. 57(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 31**

I643 Sch. 5 para. 57(1)(3) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 23**

I644 Sch. 5 para. 57(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxiv)** (with reg. 4)

I645 Sch. 5 para. 57(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxiv)** (with reg. 4)

I646 Sch. 5 para. 57(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I647 Sch. 5 para. 57(3) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 32**

58 (1) Section 94 is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) In that subsection—

(a) in the words before paragraph (a) after "made by" insert "or under";

(b) after paragraph (b) insert—

"(ba) in the case of an authorised officer of the regulator, by—

(i) leaving it at the relevant address (see subsection (2)), or

(ii) sending it in a prepaid letter addressed to the officer at the relevant address;";

(c) in paragraph (c) for "other person" substitute "person other than an officer of a local authority or an authorised officer of the regulator";

(d) after paragraph (c) insert—

"(ca) in the case of a partnership, by—

(i) delivering it to any partner,

(ii) leaving it at the principal office of the partnership, or

(iii) sending it in a prepaid letter addressed to the partnership at its principal office;";

(e) after paragraph (f) insert—

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"(g) by sending it by email to an electronic address at which the person has agreed to receive documents or has agreed to receive the document."

(4) After that subsection insert—

"(2) In subsection (1)—

"agreed" means agreed in writing;

"authorised officer" means a person in respect of whom an authorisation under section 22 of the Building Safety Act 2022 is in force;

"the relevant address" means—

(a) the address specified by the officer in writing, or

(b) if no address has been specified, the principal office of the regulator."

Commencement Information

I648 Sch. 5 para. 58 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I649 Sch. 5 para. 58 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)

I650 Sch. 5 para. 58 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

59 Omit section 94A.

Commencement Information

I651 Sch. 5 para. 59 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I652 Sch. 5 para. 59 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)**

I653 Sch. 5 para. 59 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

60 In section 95 after subsection (2) insert—

"(2A) Subsections (1) and (2) do not apply in relation to premises used wholly or mainly as a private dwelling."

Commencement Information

I654 Sch. 5 para. 60 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I655 Sch. 5 para. 60 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)**

I656 Sch. 5 para. 60 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

61 In section 97 after "authority" insert "or the regulator".

Commencement Information

I657 Sch. 5 para. 61 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I658 Sch. 5 para. 61 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)

I659 Sch. 5 para. 61 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

62 In section 99(2)(a) after "authority" insert "or the regulator (as the case may be)".

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Commencement Information

I660 Sch. 5 para. 62 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I661 Sch. 5 para. 62 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)
I662 Sch. 5 para. 62 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

63 (1) Section 100 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "relevant authority".

(3) After subsection (3) insert—

"(4) In this section "relevant authority" means a local authority or the regulator."

Commencement Information

I663 Sch. 5 para. 63 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I664 Sch. 5 para. 63 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)
I665 Sch. 5 para. 63 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

64 (1) Section 101 is amended as follows.

(2) In subsection (1) for "local authorities" substitute "any relevant authority".

(3) In subsection (2) for "local authority" substitute "relevant authority".

(4) After that subsection insert—

"(3) In this section "relevant authority" means a local authority or the regulator."

Commencement Information

I666 Sch. 5 para. 64 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I667 Sch. 5 para. 64 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)
I668 Sch. 5 para. 64 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

65 In section 102(3)(b)(ii) after "authority" insert "or the regulator".

Commencement Information

I669 Sch. 5 para. 65 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I670 Sch. 5 para. 65 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)
I671 Sch. 5 para. 65 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

66 (1) Section 104 is amended as follows.

(2) In the provision—

(a) after "authority", in the first place it occurs, insert "or the regulator";
(b) after "authority", in the second place it occurs, insert "or regulator".

(3) In the heading after "authority" insert "or regulator".

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Commencement Information

I672 Sch. 5 para. 66 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I673 Sch. 5 para. 66 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxv)** (with reg. 4)
I674 Sch. 5 para. 66 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

67 (1) Section 106 is amended as follows.

(2) In subsection (2) omit "Subject to subsection (3) below,".

(3) Omit subsection (3).

Commencement Information

I675 Sch. 5 para. 67 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I676 Sch. 5 para. 67 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 33** (with reg. 7(2))
I677 Sch. 5 para. 67 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 24** (with reg. 8)

68 (1) Section 107 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "relevant authority".

(3) After subsection (5) insert—

"(6) In this section "relevant authority" means a local authority or the regulator."

Commencement Information

I678 Sch. 5 para. 68 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I679 Sch. 5 para. 68 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxvi)** (with reg. 4)
I680 Sch. 5 para. 68 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

69 (1) Section 108 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "relevant authority".

(3) After subsection (4) insert—

"(5) In this section "relevant authority" means a local authority or the regulator."

Commencement Information

I681 Sch. 5 para. 69 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)
I682 Sch. 5 para. 69 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxvi)** (with reg. 4)
I683 Sch. 5 para. 69 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

70 (1) Section 110 is amended as follows.

(2) In the existing provision (which becomes subsection (1) of that section) for "local authority", in each place it occurs, substitute "relevant authority".

(3) After that subsection insert—

"(2) In this section "relevant authority" means a local authority or the regulator."

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Commencement Information

I684 Sch. 5 para. 70 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I685 Sch. 5 para. 70 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxvi)** (with reg. 4)

I686 Sch. 5 para. 70 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

71 In section 111 for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I687 Sch. 5 para. 71 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I688 Sch. 5 para. 71 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 34**

I689 Sch. 5 para. 71 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 25**

72 (1) Section 112 is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) In that subsection for "level 1" substitute "level 3".

(4) After that subsection insert—

"(2) Subsection (1) does not apply where the person obstructed is an authorised officer (within the meaning of section 22 of the Building Safety Act 2022)."

Commencement Information

I690 Sch. 5 para. 72 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I691 Sch. 5 para. 72 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxvii)** (with reg. 4)

I692 Sch. 5 para. 72 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

73 In section 113(b) after "authority" insert ", the regulator, the Welsh Ministers, the Counsel General to the Welsh Government".

Commencement Information

I693 Sch. 5 para. 73 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I694 Sch. 5 para. 73 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxvii)**

I695 Sch. 5 para. 73 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

74 (1) Section 119 is amended as follows.

(2) In the existing provision (which becomes subsection (1) of that section)—

(a) for "Secretary of State" substitute "appropriate national authority or the regulator";

(b) for "he" substitute "it".

(3) After that subsection insert—

"(2) Section 250 of the Local Government Act 1972 (power to direct inquiries) applies in relation to a local inquiry caused to be held by the regulator as it applies in relation to one caused to be held by the Secretary of State."

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Commencement Information

I696 Sch. 5 para. 74 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I697 Sch. 5 para. 74(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 35**

I698 Sch. 5 para. 74(1)(2) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 26**

I699 Sch. 5 para. 74(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxviii)**

I700 Sch. 5 para. 74(2) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 36**

I701 Sch. 5 para. 74(3) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxviii)**

I702 Sch. 5 para. 74(3) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

75 In the italic heading before section 120 at the end insert "and regulations".

Commencement Information

I703 Sch. 5 para. 75 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I704 Sch. 5 para. 75 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 37**

I705 Sch. 5 para. 75 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 27**

76 (1) Section 120 is amended as follows.

(2) In subsection (1) for the words from "section" to "this Act," substitute "section 134(1)".

(3) In subsection (2)—

(a) omit "30(3) above or";

(b) after "Secretary of State" insert "or Welsh Ministers";

(c) for "him" substitute "the Secretary of State or Welsh Ministers".

Commencement Information

I706 Sch. 5 para. 76 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I707 Sch. 5 para. 76(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 38**

I708 Sch. 5 para. 76(1)(3) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 28**

I709 Sch. 5 para. 76(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxix)**

I710 Sch. 5 para. 76(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxix)**

I711 Sch. 5 para. 76(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I712 Sch. 5 para. 76(3) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 39**

77 After section 120 insert—

"**120A Regulations**

(1) This section applies to regulations under section 54A, 55, 56A, 56B, 90A, 91A, 92, 105B, 105C, 120D, 120I or 125A.

(2) A power to make regulations includes power to make—

(a) consequential, supplementary, incidental, transitional, transitory or saving provision;

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(b) different provision for different purposes or for different areas.

(3) Regulations may describe a building by reference to its height, size, design, use, purpose or any other characteristic.

(4) Regulations under section 54A may make such consequential amendments of this Act as the appropriate national authority considers appropriate.

(5) Regulations under section 90A may make such consequential amendments of this Act as the Secretary of State considers appropriate.

(6) Regulations are to be made by statutory instrument.

(7) A statutory instrument containing (whether alone or with other provision)—
(a) regulations under section 54A, 90A, 105C or 125A, or
(b) regulations under section 120D(2)(b) or (6), or regulations made by virtue of section 120D(4)(c),

may not be made by the Secretary of State unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(8) Any other statutory instrument containing regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) A statutory instrument containing (whether alone or with other provision) regulations under section 54A, 120I(2) or 125A may not be made by the Welsh Ministers unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.

(10) Any other statutory instrument containing regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru.

120B Proposals and consultation relating to regulations made by the Secretary of State

(1) The regulator may at any time make proposals to the Secretary of State for the making of regulations under this Act.

(2) Before making a proposal, the regulator must consult such persons as it considers appropriate.

(3) Before making any regulations under this Act, other than regulations proposed by the regulator, the Secretary of State must consult—
(a) the regulator, and
(b) any other person that the Secretary of State considers appropriate.

(4) This section does not apply in relation to regulations under section 120D.

120C Consultation relating to regulations made by the Welsh Ministers

(1) Before making any regulations under this Act except building regulations or regulations under section 120I, the Welsh Ministers must consult such persons as they consider appropriate.

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(2) Before making any regulations under section 120I, the Welsh Ministers must consult—

(a) the Building Regulations Advisory Committee for Wales, and

(b) any other person that the Welsh Ministers consider appropriate.

(3) See also section 14 (consultation requirements for building regulations)."

Commencement Information

I713 Sch. 5 para. 77 not in force at Royal Assent, see **s. 170(4)(a)**(v)(b)(viii)(c)

I714 Sch. 5 para. 77 in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 40**

I715 Sch. 5 para. 77 in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 41**

I716 Sch. 5 para. 77 in force at 9.12.2022 for specified purposes for W. by S.I. 2022/1287, **reg. 2(c)(ii)**

I717 Sch. 5 para. 77 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(2)(b)** (with reg. 5(1))

78 (1) Section 121 is amended as follows.

(2) In subsection (2) for "Secretary of State" substitute "appropriate national authority".

(3) After subsection (3) insert—

"(4) Nothing in this section applies in relation to section 120D or 120I."

Commencement Information

I718 Sch. 5 para. 78 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I719 Sch. 5 para. 78 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 42**

I720 Sch. 5 para. 78 in force at 9.12.2022 for W. by S.I. 2022/1287, **reg. 2(c)(iii)**

79 Omit section 124.

Commencement Information

I721 Sch. 5 para. 79 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I722 Sch. 5 para. 79 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxx)** (with reg. 3)

80 After section 125 insert—

"**125A Meaning of work**

(1) In the relevant provisions references to work include a material change of use as defined by building regulations.

(2) The appropriate national authority may by regulations provide that in a specified relevant provision references to work include any specified matter.

(3) "Relevant provision" means any provision of the following—

(a) Part 1 except sections 2(3) to (5), 20(9), 21(7), 22(2), 33(3A), 36, 37 and paragraph 1G of Schedule 1;

(b) Part 2;

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(c) Part 2A;
(d) sections 91ZA to 91ZD;
(e) section 101A;
(f) section 105C;
(g) section 120I(3).

(4) In this section "specified" means specified by regulations under this section."

Commencement Information

I723 Sch. 5 para. 80 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I724 Sch. 5 para. 80 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(v)**

I725 Sch. 5 para. 80 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 29**

I726 Sch. 5 para. 80 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxi)**

I727 Sch. 5 para. 80 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

81 (1) Section 126 is amended as follows.

(2) At the appropriate place insert—

""appropriate court or tribunal" means—
(a) in relation to England, the tribunal;
(b) in relation to Wales, a magistrates' court;";
""appropriate national authority" means—
(a) in relation to England, the Secretary of State;
(b) in relation to Wales, the Welsh Ministers;";
""building control approval" has the meaning given by paragraph 1B of Schedule 1;";
"""building control authority" has the meaning given by section 121A;";
"""the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);";
""higher-risk building"—
(a) in relation to England, has the meaning given by section 120D;
(b) in relation to Wales, has the meaning given by section 120I;";
"""higher-risk building work"—
(a) in relation to England, has the meaning given by section 91ZA;
(b) in relation to Wales, has the meaning given by section 120I;";
"""maximum summary term for either-way offences", with reference to imprisonment for an offence, means—
(a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
(b) if the offence is committed after that time, 12 months;";
"""the regulator" means the Health and Safety Executive;";
"""the tribunal" means the First-tier Tribunal;".

(3) Omit the definition of "relevant period".

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Commencement Information

I728 Sch. 5 para. 81 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I729 Sch. 5 para. 81(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 43**

I730 Sch. 5 para. 81(1) in force at 9.12.2022 for W. by S.I. 2022/1287, **reg. 2(c)(iv)**

I731 Sch. 5 para. 81(1)(2) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxii)**

I732 Sch. 5 para. 81(2) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 44**

I733 Sch. 5 para. 81(2) in force at 9.12.2022 for specified purposes for W. by S.I. 2022/1287, **reg. 2(c)(iv)**

I734 Sch. 5 para. 81(2) in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 30**

I735 Sch. 5 para. 81(2) in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I736 Sch. 5 para. 81(3) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxii)**

I737 Sch. 5 para. 81(3) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

82 In section 134 after subsection (1) insert—

"(1A) Except so far as relating to the provisions listed in subsection (1B), the reference in subsection (1) to the Secretary of State is to be read, in relation to Wales, as a reference to the Welsh Ministers.

(1B) The provisions mentioned in subsection (1A) are sections 38, 44, 45 and 133(2) and Schedule 7."

Commencement Information

I738 Sch. 5 para. 82 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I739 Sch. 5 para. 82 in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 45**

I740 Sch. 5 para. 82 in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 31**

83 (1) Schedule 1 is amended as follows.

(2) In paragraph 1(b) for "Secretary of State" substitute "appropriate national authority".

(3) Omit paragraphs 2 to 5.

(4) In paragraph 6—

(a) for "local authorities", in both places it occurs, substitute "building control authorities";

(b) for "local authority" substitute "building control authority".

(5) In paragraph 7A(4) for "under paragraph 4A" substitute "by virtue of paragraph 1A".

(6) In paragraph 8—

(a) in sub-paragraph (1)(e) omit the words "for the purposes of this paragraph";

(b) in sub-paragraph (2) for "(6)" substitute "(7)";

(c) after sub-paragraph (6) insert—

"(7) The provision that may be made by building regulations includes provision imposing a requirement to do things for the purpose mentioned in section 1(1)(b) (conserving fuel and power) in

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any case where a building becomes a building of a prescribed description."

(7) Omit paragraph 9.

(8) For paragraph 10 substitute—

"10 (1) Building regulations may make supplementary, incidental, transitional, transitory or saving provision.

(2) Building regulations may make—

(a) different provision for different purposes, and

(b) different provision for different areas.

(3) The power conferred by sub-paragraph (2)(a) includes in particular the power to make different provision for—

(a) higher-risk buildings or proposed higher-risk buildings, or

(b) higher-risk building work,

and different provision for different descriptions of such buildings or work.

(4) Nothing in sub-paragraph (3) is to be read as limiting the effect of section 34 (classification of buildings)."

(9) In paragraph 11 for "Secretary of State", in both places it occurs, substitute "appropriate national authority".

Commencement Information

I741 Sch. 5 para. 83 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I742 Sch. 5 para. 83(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 46**

I743 Sch. 5 para. 83(1) in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(vi)**

I744 Sch. 5 para. 83(1)(2)(7)(8)(9) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 32** (with reg. 10)

I745 Sch. 5 para. 83(1)(3) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxiii)** (with reg. 9)

I746 Sch. 5 para. 83(2)(7)(9) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 47** (with reg. 7(1))

I747 Sch. 5 para. 83(3) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 47** (with reg. 7(1))

I748 Sch. 5 para. 83(3) in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 32** (with reg. 9)

I749 Sch. 5 para. 83(3) in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12, 14)

I750 Sch. 5 para. 83(4)-(6) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxiii)**

I751 Sch. 5 para. 83(4)-(6) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I752 Sch. 5 para. 83(8) in force at 6.4.2023 except in relation to W. by S.I. 2023/362, **reg. 3(1)(w)(vii)**

84 (1) Schedule 2 is amended as follows.

(2) For "local authority", in each place it occurs, substitute "building control authority".

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(3) In paragraphs 2 and 3(5) for "Secretary of State" substitute "appropriate national authority".

Commencement Information

I753 Sch. 5 para. 84 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I754 Sch. 5 para. 84(1) in force at 28.6.2022 for specified purposes for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 48**

I755 Sch. 5 para. 84(1)(3) in force at 5.9.2023 for W. by S.I. 2023/914, reg. 2(b)(xiii), **Sch. para. 33**

I756 Sch. 5 para. 84(1) in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxiv)**

I757 Sch. 5 para. 84(2) in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxiv)**

I758 Sch. 5 para. 84(2) in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

I759 Sch. 5 para. 84(3) in force at 28.6.2022 for E. by S.I. 2022/561, regs. 1(2), 3(f), **Sch. para. 49**

85 In Schedule 3, in paragraph 4 for "section 14(3)" substitute "section 120B(3)".

Commencement Information

I760 Sch. 5 para. 85 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I761 Sch. 5 para. 85 in force at 1.4.2023 by S.I. 2023/362, **reg. 2(2)(c)**

86 In Schedule 4, in paragraph 4 omit sub-paragraph (6).

Commencement Information

I762 Sch. 5 para. 86 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I763 Sch. 5 para. 86 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxv)**

I764 Sch. 5 para. 86 in force at 6.4.2024 for W. by S.I. 2024/207, reg. 2(d)(xi), **Sch.** (with regs. 3, 4, 8-12)

PART 2

OTHER AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

87 In Schedule 2 to the Parliamentary Commissioner Act 1967, omit the entry relating to the Building Regulations Advisory Committee for England.

Commencement Information

I765 Sch. 5 para. 87 not in force at Royal Assent, see **s. 170(4)(c)**

I766 Sch. 5 para. 87 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(2)(d)**

Freedom of Information Act 2000 (c. 36)

88 In Schedule 1 to the Freedom of Information Act 2000, in Part 6 omit the entry relating to the Building Regulations Advisory Committee for England.

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Commencement Information

I767 Sch. 5 para. 88 not in force at Royal Assent, see **s. 170(4)(c)**

I768 Sch. 5 para. 88 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(2)(e)**

PROSPECTIVE

Sustainable and Secure Buildings Act 2004 (c. 22)

89 (1) The Sustainable and Secure Buildings Act 2004 is amended as follows.

(2) In section 3 omit subsections (8) and (9).

(3) In section 4 omit subsection (4).

Commencement Information

I769 Sch. 5 para. 89 not in force at Royal Assent, see **s. 170(4)(c)**

The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

90 (1) The Regulatory Reform (Fire Safety) Order 2005 is amended as follows.

(2) Omit article 45.

(3) In article 52(1) omit sub-paragraph (k).

Commencement Information

I770 Sch. 5 para. 90 not in force at Royal Assent, see **s. 170(4)(b)**(viii)(c)

I771 Sch. 5 para. 90 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(n)(xxxvi)** (with reg. 3)

SCHEDULE 6

Section 56

APPEALS AND OTHER DETERMINATIONS

Introduction

1 The Building Act 1984 is amended as follows.

Commencement Information

I772 Sch. 6 para. 1 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I773 Sch. 6 para. 1 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I774 Sch. 6 para. 1 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

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Transfer from Secretary of State to the regulator

2 In section 10(6) (procedure where appeal against decision of local authority under section 8) for the words from "to the Secretary of State" to the end substitute "copies of the representations to—

(a) the regulator, in the case of a local authority for an area in England;

(b) the Welsh Ministers, in the case of a local authority for an area in Wales."

Commencement Information

I775 Sch. 6 para. 2 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I776 Sch. 6 para. 2 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I777 Sch. 6 para. 2 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

3 (1) Section 20 (use of materials unsuitable for permanent building) is amended as follows.

(2) In subsection (5) omit the words from "to the Secretary of State" to the end.

(3) After that subsection insert—

"(5A) The appeal is to be made to—

(a) the regulator, in the case of action by a local authority for an area in England;

(b) the tribunal, in the case of action by the regulator;

(c) the Welsh Ministers, in the case of action by a local authority for an area in Wales."

Commencement Information

I778 Sch. 6 para. 3 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I779 Sch. 6 para. 3 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I780 Sch. 6 para. 3 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

4 (1) Section 39 (appeal against refusal to relax building regulations) is amended as follows.

(2) In subsection (1) omit "to the Secretary of State".

(3) After that subsection insert—

"(1A) The appeal is to be made to—

(a) the regulator, in the case of a refusal by a local authority for an area in England;

(b) the tribunal, in the case of a refusal by the regulator;

(c) the Welsh Ministers, in the case of a refusal by a local authority for an area in Wales."

(4) Omit subsections (3) to (6).

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Commencement Information

I781 Sch. 6 para. 4 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I782 Sch. 6 para. 4 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I783 Sch. 6 para. 4 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

5 (1) Section 42 (appeal and statement of case to High Court in certain cases) is amended as follows.

(2) Before subsection (1) insert—

"(A1) Where the Secretary of State gives a decision on an application for a direction under section 8, any of the following may appeal to the High Court against the decision on a point of law—

(a) the applicant;
(b) the local authority;
(c) the registered building control approver."

(3) In subsection (1)—

(a) for "Secretary of State gives" substitute "Welsh Ministers give";
(b) for paragraph (b) (not including the "or" at the end) substitute—

"(b) on an appeal under section 50,".

(4) In subsection (2) for paragraph (b) substitute—

"(b) as regards an appeal under section 50, the person on whose application the appeal was made,".

(5) In subsection (3)—

(a) omit ", reference";
(b) after "subsection" insert "(A1) or";
(c) in paragraph (a) for "Secretary of State" substitute "appropriate national authority".

(6) In subsection (4) for "Secretary of State", in each place it occurs, substitute "appropriate national authority".

(7) Omit subsection (7).

Commencement Information

I784 Sch. 6 para. 5 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I785 Sch. 6 para. 5 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I786 Sch. 6 para. 5 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

6 Omit section 43 (procedure on appeal to Secretary of State on certain matters).

Commencement Information

I787 Sch. 6 para. 6 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I788 Sch. 6 para. 6 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I789 Sch. 6 para. 6 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

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7 After that section insert—

"**43A Appeals under sections 20, 39 and 50: England**

(1) This section applies to an appeal to the regulator or the tribunal made under section 20(5), 39 or 50(2).

(2) On determining the appeal, the regulator or the tribunal may give any directions it considers appropriate for giving effect to its determination.

(3) Where the appeal is determined by the regulator, a relevant person may appeal to the tribunal against the regulator's decision (and subsection (2) applies in relation to this appeal).

(4) "Relevant person" means—

(a) the appellant;

(b) the local authority or registered building control approver."

Commencement Information

I790 Sch. 6 para. 7 not in force at Royal Assent, see **s. 170(4)(c)**

I791 Sch. 6 para. 7 in force at 1.10.2023 by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

8 In section 50 (plans certificates) for subsections (2) and (3) substitute—

"(2) If a registered building control approver refuses to give a plans certificate on being asked to do so, the person intending to carry out the work may appeal to—

(a) the regulator, in the case of work to be carried out in England;

(b) the Welsh Ministers, in the case of work to be carried out in Wales."

Commencement Information

I792 Sch. 6 para. 8 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I793 Sch. 6 para. 8 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with regs. 6, 8)

I794 Sch. 6 para. 8 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 7-12)

Commencement Information

I775 Sch. 6 para. 2 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I776 Sch. 6 para. 2 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I777 Sch. 6 para. 2 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

I778 Sch. 6 para. 3 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I779 Sch. 6 para. 3 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I780 Sch. 6 para. 3 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

I781 Sch. 6 para. 4 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I782 Sch. 6 para. 4 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I783 Sch. 6 para. 4 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

I784 Sch. 6 para. 5 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I785 Sch. 6 para. 5 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

I786 Sch. 6 para. 5 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

I787 Sch. 6 para. 6 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

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I788 Sch. 6 para. 6 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I789 Sch. 6 para. 6 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I790 Sch. 6 para. 7 not in force at Royal Assent, see **s. 170(4)(c)**
I791 Sch. 6 para. 7 in force at 1.10.2023 by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I792 Sch. 6 para. 8 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I793 Sch. 6 para. 8 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with regs. 6, 8)
I794 Sch. 6 para. 8 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 7-12)

Transfer from magistrates' court to the tribunal: England

9 In the following provisions for "a magistrates' court" substitute "the appropriate court or tribunal"—

(a) section 19(4) (use of short-lived materials);
(b) section 21(3), (4) and (6) (provision of drainage);
(c) section 22(4) (drainage of buildings in combination);
(d) section 24(2) (provision of exits etc);
(e) section 25(2) and (5) (provision of water supply);
(f) section 33(6) (tests for conformity with building regulations);
(g) section 36(3) (period for compliance with section 36 notice);
(h) section 40(1) (appeal against section 36 notice);
(i) section 55(1) (appeal against rejection of certain notices);
(j) section 62(2) (disconnection of drain);
(k) section 68(3) (erection of public conveniences);
(l) section 73(2) (raising of chimney);
(m) section 75(2), in both places it occurs, and section 75(3) (cellars etc below subsoil);
(n) section 77(1), in both places it occurs (dangerous buildings);
(o) section 78(7)(a) (dangerous buildings - emergency measures);
(p) section 85(3) (maintenance of entrances to courtyards);
(q) section 98 (power to require occupier to permit work);
(r) section 102(1) (appeal against notice requiring works);
(s) section 103(3) (notification requirement as regards right of appeal);
(t) in Schedule 2, paragraph 3(3) (application under section 8).

Commencement Information
I795 Sch. 6 para. 9 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I796 Sch. 6 para. 9 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I797 Sch. 6 para. 9 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

10 In section 7(2)(b) after "court" insert "or tribunal".

Commencement Information
I798 Sch. 6 para. 10 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I799 Sch. 6 para. 10 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I800 Sch. 6 para. 10 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

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11 In section 25(5) after "the court", in both places it occurs, insert "or tribunal".

Commencement Information

I801 Sch. 6 para. 11 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I802 Sch. 6 para. 11 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I803 Sch. 6 para. 11 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

12 In section 33(6) after "the court", in both places it occurs, insert "or tribunal".

Commencement Information

I804 Sch. 6 para. 12 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I805 Sch. 6 para. 12 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I806 Sch. 6 para. 12 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

13 In section 37(3) for "a court" substitute "the appropriate court or tribunal".

Commencement Information

I807 Sch. 6 para. 13 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I808 Sch. 6 para. 13 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I809 Sch. 6 para. 13 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

14 In section 40 after "the court", in each place it occurs, insert "or tribunal".

Commencement Information

I810 Sch. 6 para. 14 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I811 Sch. 6 para. 14 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I812 Sch. 6 para. 14 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

15 In section 55(2) after "court" insert "or tribunal".

Commencement Information

I813 Sch. 6 para. 15 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I814 Sch. 6 para. 15 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I815 Sch. 6 para. 15 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

16 In section 62(2) after "the court" insert "or tribunal".

Commencement Information

I816 Sch. 6 para. 16 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I817 Sch. 6 para. 16 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I818 Sch. 6 para. 16 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

17 In section 64(5)(b) after "court" insert "or tribunal".

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Commencement Information

I819 Sch. 6 para. 17 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I820 Sch. 6 para. 17 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I821 Sch. 6 para. 17 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

18 In section 70(4)(b) after "court" insert "or tribunal".

Commencement Information

I822 Sch. 6 para. 18 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I823 Sch. 6 para. 18 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I824 Sch. 6 para. 18 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

19 In section 75(2) after "court" insert "or tribunal".

Commencement Information

I825 Sch. 6 para. 19 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I826 Sch. 6 para. 19 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I827 Sch. 6 para. 19 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

20 In section 77(1) after "court" insert "or tribunal".

Commencement Information

I828 Sch. 6 para. 20 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I829 Sch. 6 para. 20 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I830 Sch. 6 para. 20 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

21 In section 78(7)(b) after "court" insert "or tribunal".

Commencement Information

I831 Sch. 6 para. 21 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I832 Sch. 6 para. 21 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I833 Sch. 6 para. 21 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

22 In section 83(3)(b) after "court" insert "or tribunal".

Commencement Information

I834 Sch. 6 para. 22 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I835 Sch. 6 para. 22 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I836 Sch. 6 para. 22 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

23 In section 98—

(a) for "a complaint" substitute "an application or (as the case may be) complaint";
(b) after "court" insert "or tribunal".

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Commencement Information

I837 Sch. 6 para. 23 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I838 Sch. 6 para. 23 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I839 Sch. 6 para. 23 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

24 In section 102(2), (3) and (4) after "court", in each place it occurs, insert "or tribunal".

Commencement Information

I840 Sch. 6 para. 24 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I841 Sch. 6 para. 24 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I842 Sch. 6 para. 24 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

25 (1) Section 103 is amended as follows.

(2) After subsection (1) insert—

"(1A) Subsections (2) and (3) apply—

(a) where this Act provides for an appeal to the tribunal against a requirement, refusal or other decision of a relevant authority, and

(b) in relation to an appeal of a kind mentioned in subsection (1)(a)."

(3) In subsection (2)—

(a) for "local" substitute "relevant";

(b) after "making of the" insert "application or".

(4) In subsection (3) "local" substitute "relevant".

(5) After that subsection insert—

"(4) In this section "relevant authority" means a local authority or the regulator."

(6) In the heading for "magistrates' court" substitute "appropriate court or tribunal".

Commencement Information

I843 Sch. 6 para. 25 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I844 Sch. 6 para. 25 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I845 Sch. 6 para. 25 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

26 In section 104 after "court", in both places it occurs, insert "or tribunal".

Commencement Information

I846 Sch. 6 para. 26 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I847 Sch. 6 para. 26 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I848 Sch. 6 para. 26 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

27 In section 105 after "court" insert "or tribunal".

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Commencement Information

I849 Sch. 6 para. 27 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I850 Sch. 6 para. 27 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I851 Sch. 6 para. 27 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

28 In Schedule 2 in paragraph 2(b) after "court" insert "or tribunal".

Commencement Information

I852 Sch. 6 para. 28 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I853 Sch. 6 para. 28 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I854 Sch. 6 para. 28 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

Commencement Information

I795 Sch. 6 para. 9 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I796 Sch. 6 para. 9 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I797 Sch. 6 para. 9 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I798 Sch. 6 para. 10 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I799 Sch. 6 para. 10 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I800 Sch. 6 para. 10 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I801 Sch. 6 para. 11 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I802 Sch. 6 para. 11 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I803 Sch. 6 para. 11 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I804 Sch. 6 para. 12 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I805 Sch. 6 para. 12 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I806 Sch. 6 para. 12 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I807 Sch. 6 para. 13 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I808 Sch. 6 para. 13 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I809 Sch. 6 para. 13 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I810 Sch. 6 para. 14 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I811 Sch. 6 para. 14 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I812 Sch. 6 para. 14 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I813 Sch. 6 para. 15 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I814 Sch. 6 para. 15 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I815 Sch. 6 para. 15 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I816 Sch. 6 para. 16 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I817 Sch. 6 para. 16 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I818 Sch. 6 para. 16 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I819 Sch. 6 para. 17 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I820 Sch. 6 para. 17 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I821 Sch. 6 para. 17 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I822 Sch. 6 para. 18 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I823 Sch. 6 para. 18 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I824 Sch. 6 para. 18 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I825 Sch. 6 para. 19 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I826 Sch. 6 para. 19 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I827 Sch. 6 para. 19 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I828 Sch. 6 para. 20 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I829 Sch. 6 para. 20 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

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I830 Sch. 6 para. 20 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I831 Sch. 6 para. 21 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I832 Sch. 6 para. 21 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I833 Sch. 6 para. 21 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I834 Sch. 6 para. 22 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I835 Sch. 6 para. 22 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I836 Sch. 6 para. 22 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I837 Sch. 6 para. 23 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I838 Sch. 6 para. 23 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I839 Sch. 6 para. 23 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I840 Sch. 6 para. 24 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I841 Sch. 6 para. 24 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I842 Sch. 6 para. 24 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I843 Sch. 6 para. 25 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I844 Sch. 6 para. 25 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I845 Sch. 6 para. 25 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I846 Sch. 6 para. 26 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I847 Sch. 6 para. 26 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I848 Sch. 6 para. 26 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I849 Sch. 6 para. 27 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I850 Sch. 6 para. 27 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I851 Sch. 6 para. 27 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)
I852 Sch. 6 para. 28 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)
I853 Sch. 6 para. 28 in force at 1.10.2023 except in relation to W. by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)
I854 Sch. 6 para. 28 in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

Enforcement

29 After section 105 insert—

"**105A Enforcement of decisions of the First-tier and Upper Tribunal**

(1) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with this Act is enforceable with the permission of the county court in the same way as an order of that court.

(2) Subsection (1) does not apply to a decision of the First-tier Tribunal or Upper Tribunal ordering the payment of a sum (as to which see section 27 of the Tribunals, Courts and Enforcement Act 2007 (enforcement))."

Commencement Information
I855 Sch. 6 para. 29 not in force at Royal Assent, see **s. 170(4)(c)**
I856 Sch. 6 para. 29 in force at 1.10.2023 by S.I. 2023/993, **reg. 2(o)(i)** (with reg. 6)

Appeal: local authority decision not to consider application etc

30 After section 101 insert—

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"Appeal against refusal to consider application etc

101A Appeal: refusal to consider application etc on ground is higher-risk building work

(1) This section applies where—

(a) a local authority for an area in England refuses to consider an application for building control approval, or

(b) a local authority refuses to consider an initial notice (within the meaning of section 47) or an amendment notice (within the meaning of section 51A),

on the ground that all or part of the work to which the application or notice relates is higher-risk building work.

(2) The person intending to carry out the work may appeal to the appropriate national authority, before the end of the prescribed period, on the ground that none of the work is higher-risk building work.

(3) Building regulations may make provision about appeals under this section, including in particular provision—

(a) about the making of an appeal;

(b) requiring an appellant to notify the local authority of the making of an appeal;

(c) imposing duties on the local authority in cases where an appeal is made;

(d) for and in connection with the appropriate national authority appointing a person to determine the appeal (including provision conferring functions on that person and providing that their decision is treated as the decision of the appropriate national authority);

(e) about the procedure to be adopted in connection with the determination of the appeal.

(4) The provision that may be made by virtue of subsection (3)(a) includes provision about—

(a) the form and content of a notice of appeal;

(b) the information and documents that are to accompany a notice of appeal;

(c) the way in which a notice of appeal, and anything that is to accompany it, is to be given.

(5) The decision made on the appeal is final (subject to subsection (6)).

(6) The appellant or the local authority may, before the end of the prescribed period and with the permission of the High Court, appeal to the High Court against the decision of the appropriate national authority on a point of law."

Commencement Information

I857 Sch. 6 para. 30 not in force at Royal Assent, see **s. 170(4)(b)**(ix)(c)

I858 Sch. 6 para. 30 in force at 6.4.2023 for specified purposes by S.I. 2023/362, **reg. 3(1)(x)**

I859 Sch. 6 para. 30 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xv)**

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I860 Sch. 6 para. 30 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(o)(ii)** (with reg. 6)
I861 Sch. 6 para. 30 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(xii)** (with regs. 3, 4, 8-12)

SCHEDULE 7

Section 102

SPECIAL MEASURES

Introductory

1 In this Schedule—

"special measures manager" means a person appointed under paragraph 4;

"special measures order" means an order under paragraph 4.

Commencement Information
I862 Sch. 7 para. 1 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
I863 Sch. 7 para. 1 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Notification by regulator before applying for special measures order

2 (1) This paragraph applies where the regulator proposes to make an application under paragraph 4 for a special measures order in relation to an occupied higher-risk building.

(2) The regulator must give a notice (an "initial notice") of the proposal to—

(a) each accountable person for the building,
(b) each resident of the building who is aged 16 or over,
(c) each owner of a residential unit in the building,
(d) any managing agent for the building or any relevant part of the building,
(e) any recognised tenants' association for the building or any part of the building,
(f) any manager appointed under section 24 of the Landlord and Tenant Act 1987 in relation to the building or any part of the building,
(g) the fire and rescue authority for the area in which the building is situated,
(h) the local housing authority for the area in which the building is situated,
(i) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and
(j) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(3) The initial notice must—

(a) state that the regulator proposes to make an application for a special measures order in relation to the building,
(b) specify the address of the building,
(c) specify the reasons for the proposed application,

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(d) specify the terms of the order that the regulator proposes to invite the tribunal to make (including the name and address of the person the regulator proposes to be the special measures manager for the building),

(e) specify a period in which recipients of the notice may make representations in response to the notice, and

(f) state that any representations must be in writing to such postal or email address as is specified in the notice.

(4) Where the terms specified by virtue of sub-paragraph (3)(d) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the initial notice.

(5) After the end of the period mentioned in sub-paragraph (3)(e) the regulator must—

(a) decide whether to make the application, and

(b) give a notice (a "final notice") of its decision to the persons mentioned in sub-paragraph (2).

(6) The final notice must—

(a) state whether or not the regulator intends to make the application,

(b) specify the reasons for reaching that decision, and

(c) if the regulator intends to make the application, specify the terms of the order that the regulator intends to invite the tribunal to make (including the name and address of the person the regulator proposes to be the special measures manager for the building).

(7) Where the terms specified by virtue of sub-paragraph (6)(c) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the final notice.

(8) The regulator must comply with sub-paragraphs (5) to (7) before making the application.

(9) The duty under sub-paragraph (2), (4), (5)(b) or (7) does not apply in relation to a person mentioned in sub-paragraph (2) if the regulator—

(a) is not aware of the person, and

(b) has taken all reasonable steps to ascertain the identity of the persons mentioned in that sub-paragraph.

(10) In this paragraph—

"financial management proposal" has the meaning given by paragraph 3;

"relevant part", in relation to a higher-risk building, means any part of the building except premises occupied for the purposes of a business.

(11) The Secretary of State may by regulations make provision in relation to notices under this paragraph, including in particular provision about—

(a) the form of the notice;

(b) the way in which the notice must be given.

(12) The Secretary of State may by regulations amend the list in sub-paragraph (2).

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Commencement Information

I864 Sch. 7 para. 2 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I865 Sch. 7 para. 2 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Meaning of "financial management proposal"

3 (1) In this Schedule "financial management proposal", in relation to a higher-risk building, means a document setting out—

(a) an estimate of the relevant expenses the regulator expects a special measures manager for the building to incur (including a reasonable amount in respect of contingencies),

(b) the measures to which the relevant expenses relate, and

(c) if there is more than one accountable person for the building—

(i) the regulator's proposed apportionment of the relevant expenses between them, and

(ii) the reasons for that proposal (including any calculation giving rise to it).

(2) In this Schedule "relevant expenses" means expenses incurred by the special measures manager for a higher-risk building in connection with the exercise of their functions in relation to the building.

Commencement Information

I866 Sch. 7 para. 3 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I867 Sch. 7 para. 3 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Special measures order

4 (1) The regulator may apply to the tribunal for an order under this paragraph in relation to an occupied higher-risk building (a "special measures order").

(2) A special measures order is an order appointing a person to be the manager (a "special measures manager") for the building to carry out the functions of all accountable persons for the building under, or under regulations made under, this Part.

(3) A special measures order may also appoint the manager to carry out any function as a receiver in relation to commonhold building safety assessments.

(4) The tribunal may make a special measures order if satisfied that there has been a serious failure, or a failure on two or more occasions, by an accountable person for the building to comply with a duty imposed on that person under, or under regulations made under, this Part.

(5) A special measures order may make provision with respect to—

(a) payments to be made by an accountable person for the building to the special measures manager in connection with relevant expenses incurred, or to be incurred, by the manager,

(b) any other matter relating to the exercise of the manager's functions, and

(c) any incidental or ancillary matter.

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(6) A special measures order may not make the provision mentioned in sub-paragraph (5)(a) in relation to a higher-risk building on commonhold land.

(7) A special measures order continues in force until it is discharged.

(8) In this Schedule "commonhold building safety assessment" means income raised from commonhold unit-holders by virtue of section 38A of the Commonhold and Leasehold Reform Act 2002.

Commencement Information

I868 Sch. 7 para. 4 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I869 Sch. 7 para. 4 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Special measures order: supplementary

5 (1) This paragraph applies where a special measures order is made in relation to a higher-risk building.

(2) While the order is in force any function of an accountable person for the building under, or under regulations made under, this Part is to be treated as a function of the special measures manager for the building, except any function relating to—

(a) the making of an application to the tribunal, or

(b) the making of an appeal to the tribunal.

(3) Any compliance notice given under section 99 relating to the building ceases to have effect (but this does not affect any liability incurred as a result of a contravention of a compliance notice occurring before the making of the order).

Commencement Information

I870 Sch. 7 para. 5 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I871 Sch. 7 para. 5 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Payments received by special measures manager to be held on trust

6 (1) This paragraph applies where a special measures order relating to a higher-risk building requires one or more accountable persons for the building to make payments to the special measures manager for the building.

(2) The manager must hold the payments (together with any income accruing on those payments) as either—

(a) a single trust fund, or

(b) in two or more separate trust funds.

(3) The manager must hold any trust fund—

(a) on trust to defray relevant expenses, and

(b) subject to that, on trust for the accountable person or persons for the building for the time being.

(4) The accountable person or persons for the building for the time being are to be treated as entitled by virtue of sub-paragraph (3)(b) to—

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(a) if there is one accountable person for the building, the residue of the fund or funds;

(b) otherwise, to such shares in that residue as the accountable persons may agree in writing or (in default of agreement) as the tribunal may direct.

(5) An application for a direction under sub-paragraph (4)(b) may be made by—

(a) the regulator,

(b) an accountable person for the building, or

(c) the manager.

Commencement Information

I872 Sch. 7 para. 6 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I873 Sch. 7 para. 6 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Effect of special measures order on relevant contracts and legal proceedings

7 (1) Sub-paragraphs (2) and (6) apply while a special measures order relating to a higher-risk building is in force.

(2) A relevant contract has effect as if relevant rights and liabilities of an accountable person for the building arising under the contract were rights and liabilities of the special measures manager for the building.

(3) A contract is a "relevant contract" if—

(a) it is effective on the date the special measures order is made,

(b) one of the parties to it is an accountable person for the building,

(c) one or more rights or liabilities of that person under the contract are relevant rights or liabilities,

(d) it is specified for the purposes of this sub-paragraph in the special measures order or falls within a description of contracts so specified, and

(e) the manager gives notice in writing to the parties to it stating that sub-paragraph (2) is to apply to it.

(4) A right or liability of an accountable person for the building under a relevant contract is a "relevant right or liability" if it relates to a function of that person under, or under regulations made under, this Part in relation to the building.

(5) The notice under sub-paragraph (3)(e) must state which rights or liabilities under the contract are relevant rights or liabilities.

(6) The special measures manager for the building may bring, continue or defend a relevant cause of action.

(7) A cause of action is a "relevant cause of action" if—

(a) it accrued to or against an accountable person for the building before the date the special measures order was made,

(b) it relates to a function of that person under, or under regulations made under, this Part in relation to the building,

(c) it is specified for the purposes of this sub-paragraph in the special measures order or falls within a description of causes of action so specified, and

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(d) the manager gives notice in writing to any person the manager considers would have an interest in the cause of action that sub-paragraph (6) is to apply to it.

(8) Where, by virtue of this paragraph, the special measures manager for the building is subject to a liability to pay damages in respect of anything done (or not done) before the date of their appointment by or on behalf of an accountable person for the building, that person is liable to reimburse to the manager an amount equal to the amount of damages paid by the manager.

Commencement Information

I874 Sch. 7 para. 7 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I875 Sch. 7 para. 7 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Special measures orders and orders under section 24 of the Landlord and Tenant Act 1987

8 (1) Sub-paragraph (2) applies where—

(a) the tribunal makes a special measures order in relation to a higher-risk building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 appointing a manager in relation to that building is in force (a "section 24 order").

(2) The tribunal may amend the section 24 order so as to ensure that the functions to be carried out by virtue of that order do not include any function that the special measures order provides is to be carried out by the special measures manager.

(3) In section 24 of the Landlord and Tenant Act 1987, after subsection (2B) insert—

"(2C) Where a special measures order relating to the building is in force, an order under this section may not provide for a manager to carry out a function which the special measures order provides is to be carried out by the special measures manager for the building.

(2D) In this section—

"special measures manager" means a person appointed under paragraph 4 of Schedule 7 to the Building Safety Act 2022;

"special measures order" means an order under paragraph 4 of Schedule 7 to the Building Safety Act 2022."

Commencement Information

I876 Sch. 7 para. 8 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I877 Sch. 7 para. 8 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

9 (1) The Landlord and Tenant Act 1987 is amended as follows.

(2) In section 21(2) after "subsection (3)" insert "and section 24ZA".

(3) After section 24 insert—

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"**24ZA Application for appointment of manager by special measures manager**

(1) A special measures manager for an occupied higher-risk building may apply to the appropriate tribunal for an order under section 24 (as modified by subsection (4)) appointing a manager to act in relation to premises to which this section applies.

(2) This section applies to premises consisting of the whole or part of the higher-risk building if the building or part contains two or more flats.

(3) Section 22 applies in relation to such an application as if—

(a) for subsection (1) there were substituted—

"(1) Before an application for an order under section 24 is made in respect of any premises to which section 24ZA applies by a special measures manager for an occupied higher-risk building, a notice under this section must (subject to subsection (3)) be served by the special measures manager on—

(a) the landlord;

(b) any person (other than the landlord) by whom obligations relating to the management of the premises or any part of them are owed to tenants of flats contained in those premises under a tenancy;

(c) each accountable person for the higher-risk building.";

(b) for subsection (2)(a) there were substituted—

"(a) specify the special measures manager's name and an address in England and Wales at which any person on whom the notice is served may serve notices, including notices in proceedings, on the special measures manager in connection with this Part;";

(c) in subsection (2)(b)—

(i) for "tenant" there were substituted "special measures manager";

(ii) for "this Part" there were substituted "section 24ZA";

(d) in subsection (2)(c) for "tenant" there were substituted "special measures manager".

(4) Section 24 applies in relation to such an application as if—

(a) in subsection (1) for "this Part" there were substituted "section 24ZA";

(b) for subsection (2) there were substituted—

"(2) The appropriate tribunal may only make an order under this section where it is satisfied—

(a) that—

(i) the relevant person is in breach of any obligation owed by the person to the special measures manager by virtue of a special measures order, and

(ii) it is just and convenient to make the order in all the circumstances of the case; or

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(b) that other circumstances exist which make it just and convenient for the order to be made.";

(c) subsections (2A), (2B) and (10) were omitted.

(5) In this section "special measures manager" has the meaning given by section 24(2D)."

Commencement Information

I878 Sch. 7 para. 9 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I879 Sch. 7 para. 9 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Commencement Information

I876 Sch. 7 para. 8 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I877 Sch. 7 para. 8 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

I878 Sch. 7 para. 9 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I879 Sch. 7 para. 9 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Provision of financial assistance by regulator

10 (1) The regulator may give financial assistance to the special measures manager for a higher-risk building by way of loans or grants.

(2) The Secretary of State may by regulations make provision in relation to financial assistance given under this paragraph, including in particular provision about—

(a) the circumstances in which financial assistance may be given;

(b) the kind of financial assistance that may be given;

(c) conditions that may or must be attached to any financial assistance (including conditions as to repayment).

(3) In this paragraph "special measures manager", in relation to a higher-risk building, includes the person who was the special measures manager for that building immediately before the special measures order relating to the building was discharged.

Commencement Information

I880 Sch. 7 para. 10 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I881 Sch. 7 para. 10 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Special measures order: further directions

11 (1) This paragraph applies while a special measures order relating to a higher-risk building is in force.

(2) On an application by a person mentioned in sub-paragraph (3) the tribunal may give directions to the special measures manager for the building or any other person with respect to—

(a) any matter relating to the exercise of the manager's functions, and

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(b) any incidental or ancillary matter.

(3) The persons are—

(a) the regulator,

(b) an accountable person for the building, or

(c) the manager.

Commencement Information

I882 Sch. 7 para. 11 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I883 Sch. 7 para. 11 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Regulator to keep certain matters under review

12 (1) This paragraph applies while a special measures order relating to a higher-risk building is in force.

(2) The regulator must, from time to time (and at least once every 12 months), review the following matters—

(a) the measures taken by the special measures manager in exercising the manager's functions;

(b) the expenses incurred by the manager in connection with taking those measures;

(c) any payments made by accountable persons for the building to the manager in respect of any of those expenses;

(d) any amounts received by the manager by way of commonhold building safety assessments in relation to the building.

(3) If, on such a review, the regulator considers that any term of the order should be varied, it must make such application under paragraph 14 as it considers appropriate.

Commencement Information

I884 Sch. 7 para. 12 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I885 Sch. 7 para. 12 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Notification by regulator before applying to vary special measures order

13 (1) This paragraph applies where the regulator proposes to make an application under paragraph 14 to vary a special measures order relating to a higher-risk building.

(2) The regulator must give a notice (an "initial notice") of the proposal to—

(a) each accountable person for the building,

(b) each resident of the building who is aged 16 or over,

(c) each owner of a residential unit in the building,

(d) any managing agent for the building or any relevant part of the building,

(e) any recognised tenants' association for the building or any part of the building,

(f) any manager appointed under section 24 of the Landlord and Tenant Act in relation to the building or any part of the building,

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(g) the fire and rescue authority for the area in which the building is situated,
(h) the local housing authority for the area in which the building is situated,
(i) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and
(j) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(3) The initial notice must—
(a) state that the regulator proposes to make an application to vary the special measures order specified in the notice,
(b) specify the reasons for the proposed application,
(c) specify the terms of the order that the regulator proposes to invite the tribunal to make,
(d) specify a period in which recipients of the notice may make representations in response to the notice, and
(e) state that any representations must be in writing to such postal or email address as is specified in the notice.

(4) After the end of the period mentioned in sub-paragraph (3)(d) the regulator must—
(a) decide whether to make the application, and
(b) give a notice (a "final notice") of its decision to the persons mentioned in sub-paragraph (2).

(5) The final notice must—
(a) state whether or not the regulator intends to make the application,
(b) specify the reasons for reaching that decision, and
(c) if the regulator intends to make the application, specify the terms of the order that the regulator intends to invite the tribunal to make.

(6) The regulator must comply with sub-paragraphs (4) and (5) before making the application.

(7) The duty under sub-paragraph (2) or (4)(b) does not apply in relation to a person mentioned in sub-paragraph (2) if the regulator—
(a) is not aware of the person, and
(b) has taken all reasonable steps to ascertain the identity of the persons mentioned in that sub-paragraph.

(8) In this paragraph "relevant part", in relation to a higher-risk building, has the meaning given by paragraph 2(10).

(9) The Secretary of State may by regulations make provision in relation to notices under this paragraph, including in particular provision about—
(a) the form of the notice;
(b) the way in which the notice must be given.

(10) The Secretary of State may by regulations amend the list in sub-paragraph (2).

Commencement Information
I886 Sch. 7 para. 13 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

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I887 Sch. 7 para. 13 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Variation or discharge of special measures order

14 (1) The tribunal may vary or discharge a special measures order relating to a higher-risk building on an application by—
(a) the regulator,
(b) an accountable person for the building, or
(c) the special measures manager for the building.

(2) An application to vary a special measures order so as to change the identity of the manager may only be made by the regulator.

(3) In considering whether to vary or discharge an order the tribunal must have regard to—
(a) the likelihood of variation or discharge of the order resulting in a recurrence of the circumstances which led to the order being made, and
(b) whether it is just and convenient in all the circumstances to vary or discharge the order.

(4) Sub-paragraphs (2) and (3) do not apply on an application where each person mentioned in sub-paragraph (1) agrees to the application (and for this purpose where there is more than one accountable person each accountable person must agree).

(5) Sub-paragraph (4) does not require the agreement of the special measures manager where that person lacks capacity to agree to the application.

(6) Where the order is varied or discharged, the tribunal may give directions to any person with respect to—
(a) any matter relating to the variation or discharge, and
(b) any incidental or ancillary matter.

(7) Where the order is discharged the tribunal must direct the special measures manager to—
(a) prepare a reconciliation account, and
(b) give a copy of the account to—
(i) the regulator, and
(ii) each accountable person for the building.

(8) The tribunal may give a direction under sub-paragraph (6)(a) (at the time the order is discharged or after that time) for the making of a payment—
(a) by an accountable person for the building to the special measures manager, or
(b) by the special measures manager to an accountable person for the building.

(9) In this paragraph—
"reconciliation account" means a document—
(a) setting out, in relation to the period during which the special measures order was in force, a comparison between—
(i) the receipts and expenses of the manager in connection with the exercise of their functions in relation to the building, and
(ii) the credits to, and debits from, all relevant accounts, and
(b) containing a statement explaining any differences;

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"relevant account" means an account in which any of the following are (or have been) held—

(a) payments made by an accountable person for the building to the manager;

(b) amounts received by the manager by way of commonhold building safety assessments in relation to the building.

(10) In this paragraph "special measures manager", in relation to a higher-risk building, includes the person who was the special measures manager for that building immediately before the special measures order relating to the building was discharged.

Commencement Information

I888 Sch. 7 para. 14 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I889 Sch. 7 para. 14 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Notifications about special measures order

15 (1) The regulator must take all reasonable steps to notify the persons mentioned in sub-paragraph (2) of the making, variation or discharge of a special measures order in relation to a higher-risk building.

(2) The persons are—

(a) each accountable person for the building,

(b) each resident of the building who is aged 16 or over,

(c) each owner of a residential unit in the building,

(d) any managing agent for the building or any relevant part of the building,

(e) any recognised tenants' association for the building or any part of the building,

(f) any manager appointed under section 24 of the Landlord and Tenant Act 1987 in relation to the building or any part of the building,

(g) the fire and rescue authority for the area in which the building is situated,

(h) the local housing authority for the area in which the building is situated,

(i) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and

(j) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(3) In this paragraph "relevant part", in relation to a higher-risk building, has the meaning given by paragraph 2(10).

(4) The Secretary of State may by regulations amend the list in sub-paragraph (2).

Commencement Information

I890 Sch. 7 para. 15 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I891 Sch. 7 para. 15 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

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Special measures order: change in accountable person etc

16 (1) Sub-paragraphs (2) and (3) apply where at any time ("the relevant time") during which a special measures order relating to a higher-risk building is in force, an accountable person for the building ("the outgoing person") ceases to be responsible for all or any part of the building ("the relevant part of the building").

(2) From the relevant time the special measures order ceases to apply to the outgoing person in relation to the relevant part of the building.

(3) From the relevant time the special measures order applies to any person who, immediately after the relevant time—

(a) is an accountable person for the building, and

(b) is responsible for the relevant part of the building or any part of the relevant part,

as it applied to the outgoing person in relation to the relevant part or part of the relevant part (as the case may be) immediately before the relevant time.

(4) But sub-paragraphs (2) and (3) do not affect any liability under the order to which the outgoing person became subject before the relevant time.

(5) Where an enactment requires interests, charges or other obligations affecting land to be registered, sub-paragraph (3) has effect whether or not the special measures order is registered.

(6) Nothing in this paragraph affects the powers of the tribunal under paragraph 14 (power to vary special measures order etc).

Commencement Information

I892 Sch. 7 para. 16 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I893 Sch. 7 para. 16 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

Interpretation

17 In this Schedule—

"commonhold building safety assessment" has the meaning given by paragraph 4;

"local housing authority" has the meaning given by section 261 of the Housing Act 2004;

"managing agent": for the purposes of this Schedule a person (A) is a managing agent for any part of a building if—

(a) A has been appointed to discharge the obligations of a person (B) relating to the management by B of that part of the building, and

(b) B has a legal estate in that part of the building which is—

(i) an estate in fee simple absolute in possession, or;

(ii) a term of years absolute granted for a term of more than 21 years from the date of the grant;

"recognised tenants association" has the meaning given by section 29 of the Landlord and Tenant Act 1985;

"relevant expenses" has the meaning given by paragraph 3;

"special measures manager" has the meaning given by paragraph 1;

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"special measures order" has the meaning given by paragraph 1.

Commencement Information

I894 Sch. 7 para. 17 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I895 Sch. 7 para. 17 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(u)**

SCHEDULE 8

Section 122

REMEDIATION COSTS UNDER QUALIFYING LEASES ETC

Interpretation

1 (1) In this Schedule—

"associated": see section 121;

F27 …

"joint venture" includes a partnership (as defined by section 121);

"prescribed" means prescribed by regulations made by the Secretary of State;

"qualifying lease": see section 119;

"the qualifying time" has the same meaning as in section 119;

"relevant building": see section 117;

"relevant defect": see section 120;

[F28 "relevant measure", in relation to a relevant defect, means—

(a) a measure taken to remedy the relevant defect, or

(b) a relevant step taken in relation to the relevant defect;

"relevant step": see section 120;**]**

F27 …

"service charge" has the meaning given by section 18 of the Landlord and Tenant Act 1985.

(2) The definition of "service charge" applies in relation to a lease of premises that do not include a dwelling as it applies in relation to a lease of a dwelling.

Textual Amendments

F27 Words in Sch. 8 para. 1(1) omitted (31.10.2024) by virtue of Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 114(4)(a)**, 124(3); S.I. 2024/1018, reg. 2(a)

F28 Words in Sch. 8 para. 1(1) substituted (31.10.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 114(4)(b)**, 124(3); S.I. 2024/1018, reg. 2(a)

Commencement Information

I896 Sch. 8 para. 1 in force at 28.6.2022, see **s. 170(3)(a)**

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No service charge payable for defect for which landlord or associate responsible

2 (1) This paragraph applies in relation to a lease of any premises in a relevant building.

(2) No service charge is payable under the lease in respect of a relevant measure relating to a relevant defect if a relevant landlord—

(a) is responsible for the relevant defect, or

(b) is associated with a person responsible for a relevant defect.

(3) For the purposes of this paragraph a person is "responsible for" a relevant defect if—

(a) in the case of an initial defect, the person was, or was in a joint venture with, the developer or undertook or commissioned works relating to the defect;

(b) in any other case, the person undertook or commissioned works relating to the defect.

(4) In this paragraph—

"developer" means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;

"initial defect" means a defect which is a relevant defect by virtue of section 120(3)(a);

"relevant landlord" means the landlord under the lease at the qualifying time or any superior landlord at that time.

Modifications etc. (not altering text)

C8 Sch. 8 para. 2 modified (20.7.2022) by The Building Safety (Leaseholder Protections) (England) Regulations 2022 (S.I. 2022/711), regs. 1(1), **10**

Commencement Information

I897 Sch. 8 para. 2 in force at 28.6.2022, see **s. 170(3)(a)**

No service charge payable if landlord meets contribution condition

3 (1) No service charge is payable under a qualifying lease in respect of a relevant measure relating to any relevant defect if the landlord under the lease at the qualifying time ("the relevant landlord") met the contribution condition.

(2) The contribution condition is that the landlord group's net worth at the qualifying time was more than N x £2,000,000,

where N is the number of relevant buildings within sub-paragraph (3).

(3) A relevant building is within this sub-paragraph if a member of the landlord group was, at the qualifying time, a landlord under a lease of the relevant building or any part of it.

(4) For the purposes of this paragraph—

(a) "the landlord group" means the relevant landlord and any person associated with the relevant landlord;

(b) the net worth of the landlord group at the qualifying time is to be determined in accordance with regulations made by the Secretary of State.

Status: *This version of this Act contains provisions that are prospective.*
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(5) The Secretary of State may by regulations amend the amount for the time being specified in sub-paragraph (2).

(6) This paragraph does not apply if, at the qualifying time, the relevant landlord was—
- (a) a private registered provider of social housing (as to which see section 80 of the Housing and Regeneration Act 2008),
- (b) a local authority (as defined by section 30), or
- (c) a prescribed person.

Commencement Information
I898 Sch. 8 para. 3 in force at 28.6.2022, see **s. 170(3)(a)**

No service charge payable where lease below certain value

4 (1) No service charge is payable under a qualifying lease in respect of a relevant measure relating to any relevant defect if the value of the qualifying lease at the qualifying time was less than—
- (a) £325,000, if the premises demised by the qualifying lease are in Greater London;
- (b) £175,000, in any other case.

(2) For the purposes of this paragraph the value of a qualifying lease at the qualifying time is its value determined in accordance with paragraph 6 and regulations made under it.

Commencement Information
I899 Sch. 8 para. 4 in force at 28.6.2022, see **s. 170(3)(a)**

Limit on service charge in other cases

5 (1) A service charge which would otherwise be payable under a qualifying lease in respect of a relevant measure relating to any relevant defect is payable only if (and so far as) the sum of—
- (a) the amount of the service charge, and
- (b) the total amount of relevant service charges which fell due before the service charge fell due,

does not exceed the permitted maximum.

(2) In this paragraph "relevant service charge" means a service charge under the lease in respect of a relevant measure relating to any relevant defect that—
- (a) fell due in the pre-commencement period, or
- (b) falls due after commencement.

(3) In sub-paragraph (2) "the pre-commencement period" means the period—
- (a) beginning 5 years before commencement or, if later, on the day the relevant person became the tenant under the qualifying lease, and
- (b) ending with commencement.

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"The relevant person" means the person who was the tenant under the qualifying lease at commencement.

(4) In this paragraph—

"commencement" means the time this paragraph comes into force;

"the permitted maximum": see paragraph 6.

Commencement Information

I900 Sch. 8 para. 5 in force at 28.6.2022, see **s. 170(3)(a)**

Paragraph 5: the permitted maximum

6 (1) In paragraph 5 "the permitted maximum", in relation to a qualifying lease, has the following meaning.

(2) The permitted maximum is (subject to sub-paragraphs (3) to (5))—

(a) if the premises demised by the qualifying lease are in Greater London, £15,000;

(b) otherwise, £10,000.

(3) Where the value of the qualifying lease at the qualifying time exceeded £1,000,000 but did not exceed £2,000,000, the permitted maximum is £50,000.

(4) Where the value of the qualifying lease at the qualifying time exceeded £2,000,000, the permitted maximum is £100,000.

(5) Where the qualifying lease is a shared ownership lease and the tenant's total share was less than 100% at the qualifying time—

(a) the value of the qualifying lease at that time is to be determined as if the tenant's total share at that time was 100%;

(b) the permitted maximum is the tenant's total share (as at that time) of what would otherwise be the permitted maximum.

(6) The Secretary of State may by regulations make provision about the determination of the value of a qualifying lease for the purposes of paragraph 4 and this paragraph.

(7) The regulations may in particular provide that, except in prescribed cases, the value of a qualifying lease at the qualifying time is to be determined by—

(a) ascertaining the consideration given on the latest disposal of the qualifying lease on the open market to have been made before that time, and

(b) if that disposal occurred before 2022, uprating the consideration in accordance with the regulations.

(8) In this paragraph "shared ownership lease" and "total share" have the meaning given by section 7 of the Leasehold Reform, Housing and Urban Development Act 1993.

Commencement Information

I901 Sch. 8 para. 6 in force at 28.6.2022, see **s. 170(3)(a)**

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Annual limit on service charges

7 (1) A relevant service charge which would otherwise be payable under a qualifying lease is payable only if (and so far as) the sum of—

(a) the amount of the service charge, and

(b) the total amount of relevant service charges which fell due in the period of 12 months ending with the day on which the service charge fell due,

does not exceed one tenth of the permitted maximum.

(2) In this paragraph—.

"the permitted maximum" means the permitted maximum as defined by paragraph 6 in relation to the lease;

"relevant service charge" means a service charge under a qualifying lease in respect of a relevant measure relating to any relevant defect.

Commencement Information

I902 Sch. 8 para. 7 in force at 28.6.2022, see **s. 170(3)(a)**

No service charge payable for cladding remediation

8 (1) No service charge is payable under a qualifying lease in respect of cladding remediation.

(2) In this paragraph "cladding remediation" means the removal or replacement of any part of a cladding system that—

(a) forms the outer wall of an external wall system, and

(b) is unsafe.

Commencement Information

I903 Sch. 8 para. 8 in force at 28.6.2022, see **s. 170(3)(a)**

No service charge payable for legal or professional services relating to liability for relevant defects

9 (1) No service charge is payable under a qualifying lease in respect of legal or other professional services relating to the liability (or potential liability) of any person incurred as a result of a relevant defect.

[[F29](1A) Sub-paragraph (1) does not apply to the extent that the service charge is payable to a management company in respect of legal or other professional services provided to the company in connection with an application or possible application by the company for or relating to a remediation contribution order under section 124.**]**

(2) In this paragraph the reference to services includes services provided in connection with—

(a) obtaining legal advice,

(b) any proceedings before a court or tribunal,

(c) arbitration, or

(d) mediation.

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[[F30](3) In sub-paragraph (1A) "management company" means—

(a) a resident management company, or

(b) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage).

(4) "Resident management company" means a body corporate which is party to a lease of a building where—

(a) the body corporate is limited by guarantee and the members of that body are tenants under leases of dwellings in the building ("leaseholders"), or

(b) the majority of the shares of the body corporate are held by leaseholders.**]**

Textual Amendments

F29 Sch. 8 para. 9(1A) inserted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 117(2)**, 124(2)(b) (with s. 117(4))

F30 Sch. 8 para. 9(3)(4) inserted (24.7.2024) by Leasehold and Freehold Reform Act 2024 (c. 22), **ss. 117(3)**, 124(2)(b) (with s. 117(4))

Commencement Information

I904 Sch. 8 para. 9 in force at 28.6.2022, see **s. 170(3)(a)**

Paragraphs 2 to 4, 8 and 9: supplementary

10 (1) This paragraph supplements paragraphs 2 to 4, 8 and 9 (the "relevant paragraphs").

(2) Where a relevant paragraph provides that no service charge is payable under a lease in respect of a thing—

(a) no costs incurred or to be incurred in respect of that thing (or in respect of that thing and anything else)—

(i) are to be regarded for the purposes of the relevant provisions as relevant costs to be taken into account in determining the amount of a service charge payable under the lease, or

(ii) are to be met from a relevant reserve fund;

(b) any amount payable under the lease, or met from a relevant reserve fund, is limited accordingly (and any necessary adjustment must be made by repayment, reduction of subsequent charges or otherwise).

(3) In this paragraph—

"the relevant provisions" means sections 18 to 30 of the Landlord and Tenant Act 1985 (service charges) and section 42 of the Landlord and Tenant Act 1987 (service charge contributions to be held on trust);

"relevant reserve fund" means—

(a) a trust fund within the meaning of section 42 of the Landlord and Tenant Act 1987,

(b) an express trust of a kind mentioned in subsection (9) of that section, comprising payments made by the tenant under the lease and others, or

(c) any other fund comprising payments made by the tenant under the lease and others, and held for the purposes of meeting costs incurred or to be incurred in respect of the relevant building in question or any part of it (or in respect of that building or part and anything else).

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(4) The Secretary of State may by regulations modify the application of this paragraph as it applies in relation to a lease of premises that do not include a dwelling.

Commencement Information
I905 Sch. 8 para. 10 in force at 28.6.2022, see **s. 170(3)(a)**

No increase in service charge for other tenants

11 Where—

(a) an amount ("the original amount") would, apart from this Schedule, be payable by a tenant under a lease of premises in a relevant building, and

(b) a greater amount would (apart from this paragraph) be payable under the lease as a result of this Schedule,

the lease has effect as if the amount payable were the original amount.

Commencement Information
I906 Sch. 8 para. 11 in force at 28.6.2022, see **s. 170(3)(a)**

Recovery of service charge amounts from landlords

12 (1) The Secretary of State may by regulations make provision for and in connection with the recovery, from a prescribed relevant landlord, of any amount that is not recoverable under a lease as a result of this Schedule.

(2) In this paragraph "relevant landlord", in relation to a lease, means the landlord under the lease or any superior landlord.

Commencement Information
I907 Sch. 8 para. 12 in force at 28.6.2022, see **s. 170(3)(a)**

Presumption: qualifying lease

13 (1) This paragraph applies in relation to a lease that meets the conditions in paragraphs (a) to (c) of section 119(2).

(2) The lease is to be treated for the purposes of this Schedule as a qualifying lease unless—

(a) the landlord under the lease has taken all reasonable steps (and any prescribed steps) to obtain a qualifying lease certificate from a tenant under the lease, and

(b) no such certificate has been provided to the landlord.

(3) In this paragraph "qualifying lease certificate" means a certificate, complying with any prescribed requirements, that the condition in section 119(2)(d) was met in relation to the lease at the qualifying time.

(4) The requirements that may be prescribed include requirements as to—

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(a) the information to be provided in the certificate,
(b) the form of the certificate, and
(c) the execution of the certificate.

Commencement Information
I908 Sch. 8 para. 13 in force at 28.6.2022, see **s. 170(3)(a)**

Presumptions relating to landlord under qualifying lease

14 (1) The person who was the landlord under a qualifying lease at the qualifying time ("the relevant landlord") is to be treated for the purposes of this Schedule as having met the contribution condition (as defined by paragraph 3) unless the landlord under the lease provides to the tenant under the lease a certificate, complying with any prescribed requirements, that the relevant landlord did not meet that condition.

(2) The Secretary of State may by regulations provide that (in some or all cases) the condition in paragraph 2(2) is to be treated for the purposes of this Schedule as met in relation to a lease to which paragraph 2 applies unless the landlord under the lease provides to the tenant under the lease a certificate that complies with any prescribed requirements.

(3) The requirements that may be prescribed include requirements as to—
(a) the information to be provided in the certificate,
(b) the form of the certificate, and
(c) the execution of the certificate.

Commencement Information
I909 Sch. 8 para. 14 in force at 28.6.2022, see **s. 170(3)(a)**

Information from tenants

15 (1) The Secretary of State may by regulations make provision requiring a tenant under a qualifying lease to give prescribed information or documents to the landlord under the lease or any superior landlord.

(2) The regulations may provide that the information or documents are to be given in a prescribed way.

Commencement Information
I910 Sch. 8 para. 15 in force at 28.6.2022, see **s. 170(3)(a)**

Information from landlords

16 (1) The Secretary of State may by regulations make provision requiring a relevant landlord to give prescribed information or documents to a relevant tenant or other prescribed person.

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(2) Information or documents may be prescribed if they relate to any matter with which this Schedule is concerned.

(3) The regulations may require the information or documents to be given in a prescribed way.

(4) The regulations may provide that where a relevant landlord fails to comply with the regulations, prescribed costs—

(a) are not to be regarded as relevant costs to be taken into account in determining the amount of a service charge payable under a relevant lease, and

(b) must not be met from a relevant reserve fund.

(5) The regulations may make provision for and in connection with an application to the First-tier Tribunal for an order—

(a) determining whether a relevant landlord has failed to comply with the regulations, and

(b) if so, requiring the relevant landlord to provide specified information or documents to a specified person by a specified time.

"Specified" here means specified in the order.

(6) Nothing in sub-paragraph (5) limits the effect of regulations made by virtue of sub-paragraph (4).

(7) Information or documents may be specified in an order under sub-paragraph (5) only if the regulations require them to be provided to the specified person.

(8) In this paragraph—

"relevant costs" has the meaning given by section 18 of the Landlord and Tenant Act 1985 (and this applies in relation to a lease of premises that does not include a dwelling as it applies in relation to a lease of a dwelling);

"relevant landlord" means a landlord under a relevant lease;

"relevant lease" means a lease of premises in a relevant building;

"relevant reserve fund" has the meaning given by paragraph 10;

"relevant tenant" means a tenant under a relevant lease.

Commencement Information

I911 Sch. 8 para. 16 in force at 28.6.2022, see **s. 170(3)(a)**

17 In section 21 of the Landlord and Tenant Act 1985 (service charge information), in subsection (6A) (inserted by section 112), after "2022)" insert "or relevant buildings (as defined by section 117 of that Act)".

Commencement Information

I912 Sch. 8 para. 17 in force at 28.6.2022, see **s. 170(3)(a)**

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Commencement Information

I911 Sch. 8 para. 16 in force at 28.6.2022, see **s. 170(3)(a)**

I912 Sch. 8 para. 17 in force at 28.6.2022, see **s. 170(3)(a)**

Anti-avoidance

18 A covenant or agreement (whenever made) is void insofar as it purports to exclude or limit any provision made under this Schedule.

Commencement Information

I913 Sch. 8 para. 18 in force at 28.6.2022, see **s. 170(3)(a)**

PROSPECTIVE

SCHEDULE 9

Section 137(1)

THE NEW HOMES OMBUDSMAN SCHEME

Appointment of the new homes ombudsman

1 The scheme must include provision about the appointment of the new homes ombudsman.

Commencement Information

I914 Sch. 9 para. 1 not in force at Royal Assent, see **s. 170(5)**

Membership

2 (1) The scheme must include provision about the procedure for becoming and remaining a member of the scheme.

(2) That provision may include—

(a) a requirement to pay a fee;

(b) a requirement to provide information;

(c) a requirement to have internal procedures in place for the handling and resolution of complaints about matters in relation to which complaints may be made under the scheme.

(3) If the scheme includes a requirement mentioned in sub-paragraph (2)(c), it must also include a requirement to publish the procedures.

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Commencement Information
I915 Sch. 9 para. 2 not in force at Royal Assent, see **s. 170(5)**

3 The scheme may provide for different categories of member and the provision mentioned in paragraph 2 (including provision about fees) may differ as between such categories.

Commencement Information
I916 Sch. 9 para. 3 not in force at Royal Assent, see **s. 170(5)**

Commencement Information
I915 Sch. 9 para. 2 not in force at Royal Assent, see **s. 170(5)**
I916 Sch. 9 para. 3 not in force at Royal Assent, see **s. 170(5)**

Fees

4 The fees payable by a member may be calculated by reference to the total of the costs incurred, or to be incurred, in the operation of the scheme (including costs unconnected with the member in question).

Commencement Information
I917 Sch. 9 para. 4 not in force at Royal Assent, see **s. 170(5)**

5 Where a scheme is maintained by a person other than—
(a) the Secretary of State, or
(b) a person acting on behalf of the Secretary of State,
fees may be set at a level such that the total of all fees payable by members exceeds the total of the costs of operating the scheme.

Commencement Information
I918 Sch. 9 para. 5 not in force at Royal Assent, see **s. 170(5)**

Commencement Information
I917 Sch. 9 para. 4 not in force at Royal Assent, see **s. 170(5)**
I918 Sch. 9 para. 5 not in force at Royal Assent, see **s. 170(5)**

Complaints under the scheme: subject matter and procedure

6 The scheme must include provision about—
(a) the matters in relation to which complaints against members of the scheme may be made under the scheme (which may include complaints about non-

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compliance with a code of practice issued or approved under section 142), and

(b) the procedure for making complaints under the scheme.

Commencement Information
I919 Sch. 9 para. 6 not in force at Royal Assent, see **s. 170(5)**

7 The provision mentioned in paragraph 6(b)—

(a) must not include any requirement to pay a fee;

(b) may differ as between different categories of member;

(c) may include provision about the use of any internal procedures a member has in place for the handling or resolution of complaints.

Commencement Information
I920 Sch. 9 para. 7 not in force at Royal Assent, see **s. 170(5)**

Commencement Information
I919 Sch. 9 para. 6 not in force at Royal Assent, see **s. 170(5)**
I920 Sch. 9 para. 7 not in force at Royal Assent, see **s. 170(5)**

Complaints under the scheme: investigation and determination

8 (1) The scheme must include provision about the investigation and determination by the new homes ombudsman of complaints made under the scheme.

(2) That provision must include provision—

(a) requiring the new homes ombudsman, in determining a complaint, to have regard to any code of practice issued or approved under section 142,

(b) for the new homes ombudsman to require members of the scheme to provide information, and

(c) for the new homes ombudsman to require members of the scheme to provide complainants whose complaints are determined to be well-founded with any one or more of the forms of redress in paragraph 9.

Commencement Information
I921 Sch. 9 para. 8 not in force at Royal Assent, see **s. 170(5)**

9 The forms of redress are—

(a) paying compensation;

(b) making an apology;

(c) providing an explanation;

(d) taking such other action in the interests of the complainant as the new homes ombudsman may specify.

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Commencement Information
I922 Sch. 9 para. 9 not in force at Royal Assent, see **s. 170(5)**

Commencement Information
I921 Sch. 9 para. 8 not in force at Royal Assent, see **s. 170(5)**
I922 Sch. 9 para. 9 not in force at Royal Assent, see **s. 170(5)**

Enforcement of determinations

10 (1) The scheme must include provision about the enforcement of determinations made by the new homes ombudsman.

(2) That provision may include provision for the expulsion of a member from the scheme (and the requirement in section 137(1)(a) is not to be read as preventing the new homes ombudsman scheme from including such provision).

(3) If provision described in sub-paragraph (2) is included in the scheme, provision must also be made about the circumstances in which an expelled member can rejoin the scheme.

Commencement Information
I923 Sch. 9 para. 10 not in force at Royal Assent, see **s. 170(5)**

Making of recommendations

11 (1) The scheme must include provision about the making of improvement recommendations by the new homes ombudsman where following the investigation of a complaint the ombudsman identifies widespread or regular unacceptable standards of conduct or standards of quality of work on the part of members of the scheme.

(2) "Improvement recommendations" are recommendations about changes that members may make in order to improve standards of conduct or standards of quality of work.

Commencement Information
I924 Sch. 9 para. 11 not in force at Royal Assent, see **s. 170(5)**

Predecessor schemes

12 The scheme must include provision about the acceptance and handling of complaints transferred from a scheme previously available under section 136 but which is no longer available.

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Commencement Information
I925 Sch. 9 para. 12 not in force at Royal Assent, see **s. 170(5)**

Complaints about the scheme

13 The scheme must include provision about how complaints about the operation of the scheme may be made by—

(a) members of the scheme, and

(b) persons who have asked for a complaint to be investigated under the scheme.

Commencement Information
I926 Sch. 9 para. 13 not in force at Royal Assent, see **s. 170(5)**

Co-operation

14 (1) The scheme may include provision about co-operation with persons who exercise functions under other redress schemes and, in particular, provision about arrangements for a person exercising functions under the scheme to do so jointly with a person exercising functions under another redress scheme, including for the making of joint determinations by the new homes ombudsman and an independent person making determinations under another redress scheme.

(2) In sub-paragraph (1), "redress scheme" has the same meaning as in section 137.

Commencement Information
I927 Sch. 9 para. 14 not in force at Royal Assent, see **s. 170(5)**

Provision of information

15 (1) Where the scheme is maintained by a person other than the Secretary of State, the scheme must include provision about the provision of information to the Secretary of State, the Welsh Ministers, the Scottish Ministers and the relevant Northern Ireland department.

(2) In this paragraph, "the relevant Northern Ireland department" means the Northern Ireland department designated for the purposes of this paragraph by the First Minister and deputy First Minister acting jointly.

Commencement Information
I928 Sch. 9 para. 15 not in force at Royal Assent, see **s. 170(5)**

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Reports

16 The scheme must include provision about the making of reports on the operation of the scheme.

Commencement Information
I929 Sch. 9 para. 16 not in force at Royal Assent, see **s. 170(5)**

PROSPECTIVE

SCHEDULE 10

Section 137(8)

AMENDMENTS IN CONNECTION WITH THE NEW HOMES OMBUDSMAN SCHEME

1 The Local Government Act 1974 is amended in accordance with paragraphs 2 to 4.

Commencement Information
I930 Sch. 10 para. 1 not in force at Royal Assent, see **s. 170(5)**

2 (1) Section 33 (consultation between Local Commissioner and other Commissioners and Ombudsmen) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (bza) insert—

"(bzb) by the new homes ombudsman under the new homes ombudsman scheme (see section 136 of the Building Safety Act 2022),";

(b) in the words after paragraph (c), after "1993" insert ", the Housing Act 1996, the new homes ombudsman scheme".

(3) In subsection (2), after "housing ombudsman," insert "the new homes ombudsman,".

(4) After subsection (3A) insert—

"(3B) If at any stage in the course of conducting an investigation under the new homes ombudsman scheme, the new homes ombudsman forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under this Part of this Act, the new homes ombudsman must consult with the appropriate Local Commissioner about the complaint and, if the new homes ombudsman considers it necessary, inform the person initiating the complaint of the steps necessary to initiate a complaint under this Part of this Act."

(5) In subsection (4)—

(a) for "or (3A)" substitute ", (3A) or (3B)";

(b) for "or under the Housing Act 1996" substitute ", the Housing Act 1996 or the new homes ombudsman scheme".

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Commencement Information
I931 Sch. 10 para. 2 not in force at Royal Assent, see **s. 170(5)**

3 (1) Section 33ZA (collaborative working between Local Commissioners and others) is amended as follows.

(2) In subsection (1)—
(a) in paragraph (b) omit the final "or";
(b) at the end of paragraph (c) insert "or
(d) the new homes ombudsman,".

(3) In subsection (1A) for "or (c)" substitute ", (c) or (d)".

(4) In subsection (3)—
(a) in paragraph (b) omit the final "or";
(b) at the end of paragraph (c) insert "or
(d) the new homes ombudsman,";
(c) in the words following paragraph (c) for "or (c)" substitute ", (c) or (d)".

Commencement Information
I932 Sch. 10 para. 3 not in force at Royal Assent, see **s. 170(5)**

4 In section 33ZB (arrangements for provision of administrative and other services), in subsection (4)—
(a) in paragraph (c) omit the final "and";
(b) at the end of paragraph (d) insert—
"(e) the new homes ombudsman, and
(f) the person maintaining the new homes ombudsman scheme under arrangements made pursuant to section 136 of the Building Safety Act 2022."

Commencement Information
I933 Sch. 10 para. 4 not in force at Royal Assent, see **s. 170(5)**

5 (1) Paragraph 10A of Schedule 2 to the Housing Act 1996 (housing complaints: collaborative working with Local Commissioners) is amended as follows.

(2) In sub-paragraph (1)—
(a) after "Local Commissioner" insert "or the new homes ombudsman";
(b) for "the ombudsman" substitute "the housing ombudsman";
(c) at the end insert ", the new homes ombudsman or both of them."

(3) In sub-paragraph (3)—
(a) after "Local Commissioner" insert "or the new homes ombudsman";
(b) for "the ombudsman", in both places it occurs, substitute "the housing ombudsman";
(c) at the end insert ", the new homes ombudsman or both of them."

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Changes to legislation: *Building Safety Act 2022 is up to date with all changes known to be in force on or before 11 February 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In sub-paragraph (4)—

(a) after "Local Commissioner" insert ", the new homes ombudsman (or both)";

(b) at the end insert "(or those persons)".

Commencement Information

I934 Sch. 10 para. 5 not in force at Royal Assent, see **s. 170(5)**

6 (1) The Public Services Ombudsman (Wales) Act 2019 (anaw 3) is amended as follows.

(2) In section 65(7) (consultation and co-operation with other ombudsmen)—

(a) in the Welsh language text, after paragraph (e) insert—

"(f) yr ombwdsmon cartrefi newydd o dan y cynllun ombwdsmon cartrefi newydd (gweler adran 136 o Ddeddf Diogelwch Adeiladau 2022).";

(b) in the English language text, after paragraph (e) insert—

"(f) the new homes ombudsman under the new homes ombudsman scheme (see section 136 of the Building Safety Act 2022)."

Commencement Information

I935 Sch. 10 para. 6 not in force at Royal Assent, see **s. 170(5)**

SCHEDULE 11

Section 146

CONSTRUCTION PRODUCTS REGULATIONS

Introductory

1 (1) The Secretary of State may by regulations make provision in relation to the marketing and supply of construction products in the United Kingdom.

(2) Regulations under this paragraph are called "construction products regulations".

Commencement Information

I936 Sch. 11 para. 1 in force at Royal Assent, see **s. 170(3)(d)**

General safety requirements

2 (1) Construction products regulations may—

(a) prohibit the marketing or supply of construction products which are not safe products;

(b) impose other requirements for the purpose of securing that construction products which are not safe products are not marketed or supplied;

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(c) impose requirements in relation to the marketing or supply of construction products which are safe products.

(2) For the purposes of this paragraph a construction product is a "safe product" if, under normal or reasonably foreseeable conditions of use, and taking into account any matters specified for the purposes of this paragraph by construction products regulations—

(a) the product does not present any risk to the health or safety of persons, or

(b) if it does, the risk is as low as it can be compatibly with using the product.

(3) In this paragraph—

"use" includes storage, transportation or packaging;

"reasonably foreseeable conditions" include reasonably foreseeable circumstances in which the construction product might come under stress (for example, a fire).

Commencement Information

I937 Sch. 11 para. 2 in force at Royal Assent, see **s. 170(3)(d)**

Construction products with designated standards or technical assessments

3 Construction products regulations may make provision for and in relation to—

(a) designated standards for construction products (see paragraph 4);

(b) technical assessments for construction products (see paragraph 5).

Commencement Information

I938 Sch. 11 para. 3 in force at Royal Assent, see **s. 170(3)(d)**

4 (1) Provision under paragraph 3(a) (designated standards) may include provision—

(a) for the designation by the Secretary of State of standards prepared in accordance with the regulations or the 2011 Regulation;

(b) for the designation by the Secretary of State of EU harmonised standards or international standards;

(c) for EU harmonised standards or international standards to be designated standards.

(2) Provision under sub-paragraph (1)(a) may include provision as to—

(a) the persons by whom standards may be proposed;

(b) the procedure by which and persons by whom standards are to be prepared;

(c) the matters to be covered by a standard.

Commencement Information

I939 Sch. 11 para. 4 in force at Royal Assent, see **s. 170(3)(d)**

5 (1) Provision under paragraph 3(b) (technical assessments) may include provision as to the procedure by which and persons by whom technical assessments are to be issued.

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(2) Provision under sub-paragraph (1) may include provision for assessment bodies to issue technical assessments on the basis of assessment documents developed or adopted by them, and in particular provision—

(a) for the designation of assessment bodies by the Secretary of State;

(b) as to the functions, operation and funding of assessment bodies;

(c) as to the contents of assessment documents and the procedure by which they are developed or adopted.

Commencement Information

I940 Sch. 11 para. 5 in force at Royal Assent, see **s. 170(3)(d)**

6 Construction products regulations may—

(a) impose requirements on persons carrying out activities in relation to construction products for which there are designated standards or technical assessments under the regulations (see paragraph 7);

(b) confer powers on relevant authorities to impose requirements on such persons (see paragraph 8).

Commencement Information

I941 Sch. 11 para. 6 in force at Royal Assent, see **s. 170(3)(d)**

7 (1) Provision under paragraph 6(a) (imposition of requirements) may include provision for the imposition of requirements relating to—

(a) declarations of performance in respect of products which are or are to be marketed;

(b) the making of other statements or claims in relation to the performance of products which are or are to be marketed;

(c) the marking or packaging of products;

(d) the provision of information, including information about risk, to persons to whom products are supplied;

(e) the monitoring, assessment and verification of product performance, including sample testing;

(f) the storage and transportation of products;

(g) the taking of corrective action, including withdrawal of products from the market and recall of products from persons to whom they have been supplied;

(h) recording and investigating complaints;

(i) the production and retention of documentation or samples;

(j) the notification of risks to relevant authorities;

(k) information which must or may be provided to relevant authorities;

(l) co-operation with relevant authorities;

(m) the appointment of authorised representatives by persons carrying out activities in relation to construction products.

(2) Provision about declarations of performance under sub-paragraph (1)(a) may include provision as to—

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(a) the technical documentation to be prepared in relation to a declaration of performance;
(b) the content of a declaration of performance;
(c) the form of a declaration of performance;
(d) how a declaration of performance is to be supplied or made available.

(3) Provision about the marking of products under sub-paragraph (1)(c) may include provision as to—
(a) the form and content of any marking;
(b) circumstances in which products must or must not be marked.

(4) Provision about the monitoring, assessment and verification of product performance under sub-paragraph (1)(e) may include provision as to—
(a) the carrying out of testing and other tasks by approved bodies;
(b) when and how a body may become or cease to be an approved body;
(c) the assessment and monitoring of approved bodies.

(5) Requirements which may be imposed on persons carrying out activities in relation to construction products under paragraph 6(a) may also be imposed on the authorised representatives of such persons.

Commencement Information
I942 Sch. 11 para. 7 in force at Royal Assent, see **s. 170(3)(d)**

8 (1) Provision under paragraph 6(b) (conferral of powers) may include provision conferring powers on a relevant authority to impose requirements on persons carrying out activities in relation to construction products in circumstances where—
(a) there has been no failure to comply with requirements imposed under paragraph 6(a), but
(b) in the view of the relevant authority the products nevertheless risk causing death or serious injury to any person.

(2) The powers referred to in sub-paragraph (1) may include powers by notice to—
(a) require a person to warn others of the risks attaching to a product;
(b) require the marking of a product in respect of the risks attaching to it;
(c) suspend for a specified period or prohibit the marketing or supply of a product (or suspend or prohibit the marketing and supply of the product without the consent of a specified person);
(d) require the withdrawal of a product from the market;
(e) require the recall of a product from persons to whom it has been supplied.

(3) Provision under sub-paragraph (2) may include provision for appeals against a notice.

Commencement Information
I943 Sch. 11 para. 8 in force at Royal Assent, see **s. 170(3)(d)**

9 Construction products regulations may include any provision—
(a) which is made in the 2011 Regulation or the 2019 or 2020 Regulations immediately after IP completion day, or

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(b) which relates to any matter in respect of which provision is made in that Regulation or those Regulations immediately after that time.

Commencement Information
I944 Sch. 11 para. 9 in force at Royal Assent, see **s. 170(3)(d)**

Safety-critical products

10 (1) For the purposes of this Schedule, "safety-critical products" means construction products which are included in a list contained in construction products regulations.

(2) A construction product may only be included in a list under sub-paragraph (1) if—
(a) in the view of the Secretary of State any failure of the product would risk causing death or serious injury to any person, and
(b) the product is not one for which there are—
(i) designated standards under paragraph 3(a), or
(ii) standards which are designated standards for the purposes of the 2011 Regulation.

(3) Before including a construction product in the list, or amending the list, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

Commencement Information
I945 Sch. 11 para. 10 in force at Royal Assent, see **s. 170(3)(d)**

11 (1) Construction products regulations may make provision for and in relation to standards for safety-critical products ("safety-critical standards").

(2) Provision under sub-paragraph (1) may include provision as to—
(a) the persons by whom safety-critical standards may be proposed;
(b) the procedure by which and persons by whom safety-critical standards are to be prepared;
(c) the matters to be covered by a safety-critical standard.

Commencement Information
I946 Sch. 11 para. 11 in force at Royal Assent, see **s. 170(3)(d)**

12 Construction products regulations may—
(a) impose requirements on persons carrying out activities in relation to safety-critical products for which there are safety-critical standards under the regulations (see paragraph 13);
(b) confer powers on relevant authorities to impose requirements on such persons (see paragraph 14).

Commencement Information
I947 Sch. 11 para. 12 in force at Royal Assent, see **s. 170(3)(d)**

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13 Provision under paragraph 12(a) (imposition of requirements) may include any provision referred to in paragraph 7.

Commencement Information
I948 Sch. 11 para. 13 in force at Royal Assent, see **s. 170(3)(d)**

14 (1) Provision under paragraph 12(b) (conferral of powers) may include provision conferring powers on a relevant authority to impose requirements on persons carrying out activities in relation to construction products in circumstances where—
(a) there has been no failure to comply with requirements imposed under paragraph 12(a), but
(b) in the view of the relevant authority the products nevertheless risk causing death or serious injury to any person.

(2) The powers referred to in sub-paragraph (1) include powers by notice to—
(a) require a person to warn others of the risks attaching to a product;
(b) require the marking of a product in respect of the risks attaching to it;
(c) suspend for a specified period or prohibit the marketing or supply of a product (or suspend or prohibit the marketing and supply of the product without the consent of a specified person);
(d) require the withdrawal of a product from the market;
(e) require the recall of a product from persons to whom it has been supplied.

(3) Provision under sub-paragraph (2) may include provision for appeals against a notice.

Commencement Information
I949 Sch. 11 para. 14 in force at Royal Assent, see **s. 170(3)(d)**

Enforcement

15 (1) Construction products regulations may make provision for and in relation to—
(a) monitoring compliance with construction product requirements and investigating suspected non-compliance;
(b) securing compliance with construction product requirements;
(c) sanctions for—
(i) non-compliance or suspected non-compliance with construction product requirements;
(ii) obstruction of, failure to assist or co-operate with, or provision of false or misleading information to, persons carrying out construction product functions.

(2) Provision under sub-paragraph (1)(a) may include—
(a) provision for relevant authorities to carry out, or secure the carrying out of, market surveillance and test purchases;
(b) provision for relevant authorities to enter, inspect and search premises and to seize and retain products or evidence of non-compliance with construction product requirements (including provision for the payment of compensation);

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(c) provision requiring the retention and provision of information (including provision for relevant authorities to require the provision of information to them).

(3) Provision under sub-paragraph (1)(b) may include provision conferring powers on a relevant authority by notice to—

(a) require a person to warn others of the risks attaching to a product;

(b) require the marking of a product in respect of the risks attaching to it;

(c) suspend for a specified period or prohibit the marketing or supply of a product (or suspend or prohibit the marketing and supply of the product without the consent of a specified person);

(d) require the withdrawal of a product from the market;

(e) require the recall of a product from persons to whom it has been supplied;

(f) require a person to do or cease to do anything so as to end non-compliance or suspected non-compliance with construction product requirements.

(4) Provision under sub-paragraph (1)(b) may also include—

(a) provision for—

(i) a relevant authority to accept undertakings relating to compliance with construction product requirements instead of taking other enforcement action;

(ii) sanctions for non-compliance or suspected non-compliance with such undertakings;

(b) provision for the forfeiture of products by court order (or, in Scotland, order of the sheriff).

(5) Provision under sub-paragraph (1)(c) or (4)(a)(ii) may include—

(a) provision creating criminal offences;

(b) in relation to England and Wales and Northern Ireland, provision for the prosecution by relevant authorities of criminal offences created under paragraph (a);

(c) provision conferring powers on relevant authorities to impose civil sanctions (including fines).

(6) Provision under sub-paragraph (1)(b) or (c) or (4)(a)(ii) may include provision for appeals against anything done by a relevant authority under that provision.

(7) Provision under sub-paragraph (1) may include any provision—

(a) which is made by the 2013 Regulations, or

(b) which relates to any matter in respect of which provision is made by the 2013 Regulations.

Commencement Information

I950 Sch. 11 para. 15 in force at Royal Assent, see **s. 170(3)(d)**

Costs

16 (1) Construction products regulations may make provision for a relevant authority to impose charges on a person carrying out activities in relation to construction

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products, or an authorised representative of such a person, in respect of the exercise of the relevant authority's construction product functions in relation to such a person.

(2) The regulations may include provision about—
- (a) who is liable to pay a charge;
- (b) the circumstances in which a charge is payable;
- (c) the amount of a charge (including how an amount is to be calculated);
- (d) reductions and exemptions;
- (e) waivers;
- (f) how and when a charge is to be paid;
- (g) the collection and recovery of payments;
- (h) interest payable on outstanding payments;
- (i) the resolution of disputes (including appeals).

(3) Provision under this paragraph may confer a discretion on the relevant authority.

Commencement Information

I951 Sch. 11 para. 16 in force at Royal Assent, see **s. 170(3)(d)**

Information

17 (1) Construction products regulations may, in connection with the exercise by relevant authorities of their construction product functions, make provision for and in relation to—
- (a) the provision of information by relevant authorities to—
  - (i) other relevant authorities, or
  - (ii) persons specified, or of a description specified, in construction products regulations;
- (b) the provision of information to relevant authorities by—
  - (i) persons specified, or of a description specified, in construction products regulations, or
  - (ii) other persons identified by relevant authorities.

(2) Provision under sub-paragraph (1) may include provision—
- (a) as to the circumstances in which information may or must be provided (which may include circumstances in which the information could not otherwise have been lawfully provided or disclosed);
- (b) as to how information may or must be provided;
- (c) as to the uses to which information provided may be put;
- (d) for the purpose of preventing the further disclosure of information (including provision for the creation of criminal offences);
- (e) for the purpose of securing that there is (taking into account any power or duty to provide information under the regulations) no contravention of the data protection legislation.

Commencement Information

I952 Sch. 11 para. 17 in force at Royal Assent, see **s. 170(3)(d)**

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18 (1) Construction products regulations may make provision for and in relation to the publication by relevant authorities of information held by them in connection with their construction product functions.

(2) Provision under sub-paragraph (1) may include provision as to—

(a) the circumstances in which information may or must be published (which may include circumstances in which the information could not otherwise have been lawfully published);

(b) how, where and in what form information may or must be published.

Commencement Information

I953 Sch. 11 para. 18 in force at Royal Assent, see **s. 170(3)(d)**

19 (1) Construction products regulations may make provision prohibiting the disclosure of information held by relevant authorities in connection with their construction product functions.

(2) Provision under sub-paragraph (1) may include provision for the creation of criminal offences.

Commencement Information

I954 Sch. 11 para. 19 in force at Royal Assent, see **s. 170(3)(d)**

General and supplementary

20 (1) Construction products regulations may make—

(a) different provision for different purposes;

(b) different provision for or in relation to different parts of the United Kingdom;

(c) transitional, transitory, consequential and supplementary provision or savings.

(2) The provision made by paragraphs 2 to 19 does not limit the power conferred by paragraph 1.

Commencement Information

I955 Sch. 11 para. 20 in force at Royal Assent, see **s. 170(3)(d)**

21 (1) Construction products regulations may make provision by repealing, amending or re-enacting—

(a) **[**[F31]assimilated**]** law (and in particular the 2011 Regulation and the 2013 Regulations);

(b) the 2019 and 2020 Regulations;

(c) any other enactment other than an Act.

(2) Construction products regulations may under paragraph 20(1)(c) make consequential provision amending section 148 (liability relating to construction products), which may in particular include the omission or amendment of subsection (2)(b) and (c) of that section.

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Textual Amendments

F31 Word in Sch. 11 para. 21(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 105**

Commencement Information

I956 Sch. 11 para. 21 in force at Royal Assent, see **s. 170(3)(d)**

22 (1) Where construction products regulations contain provision creating a criminal offence, the provision must have the effect that—

(a) the offence is—

(i) triable summarily only, or

(ii) triable summarily or on indictment,

(b) the offence is punishable only—

(i) with a fine, or

(ii) with a term of imprisonment or a fine (or both),

(c) where the offence is triable summarily only, any fine with which the offence is punishable in Scotland or Northern Ireland does not exceed level 5 on the standard scale,

(d) where the offence is triable summarily or on indictment, any fine with which the offence is punishable on summary conviction in Scotland or Northern Ireland does not exceed the statutory maximum, and

(e) any term of imprisonment with which the offence is punishable on summary conviction does not exceed—

(i) in England and Wales, the relevant period,

(ii) in Scotland, 12 months, and

(iii) in Northern Ireland, 6 months.

(2) In sub-paragraph (1)(e)(i), the "relevant period" means—

(a) in relation to an offence that is triable only summarily—

(i) where the offence is committed before the coming into force of section 281 of the Criminal Justice Act 2003, 6 months, and

(ii) where the offence is committed after that time, 51 weeks;

(b) in relation to an offence that is triable summarily or on indictment—

(i) where the offence is committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, 6 months, and

(ii) where the offence is committed after that time, 12 months.

Commencement Information

I957 Sch. 11 para. 22 in force at Royal Assent, see **s. 170(3)(d)**

Procedure

23 (1) Construction products regulations are to be made by statutory instrument.

(2) Construction products regulations which contain provision specified in sub-paragraph (3) (with or without other provision) may not be made unless a draft of

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the instrument containing them has been laid before, and approved by resolution of, each House of Parliament.

(3) The provision referred to in sub-paragraph (2) is—

(a) the first provision to be made under paragraph 10(1) (list of safety-critical products);

(b) provision omitting a construction product from the list of safety-critical products under paragraph 10(1);

(c) provision creating a criminal offence;

F32(d) . . . . . .

(e) provision under paragraph 21(2) (consequential provision relating to liability for construction products).

(4) A statutory instrument containing construction products regulations to which the requirements specified in sub-paragraph (2) do not apply is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F32 Sch. 11 para. 23(3)(d) omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 11**

Commencement Information

I958 Sch. 11 para. 23 in force at Royal Assent, see **s. 170(3)(d)**

Interpretation

24 In this Schedule—

"the 2011 Regulation" means Regulation (EU) No. 305/2011 (regulation laying down harmonised conditions for the marketing of construction products);

"the 2013 Regulations" means the Construction Products Regulations 2013 (S.I. 2013/1387);

"the 2019 Regulations" means the Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465);

"the 2020 Regulations" means the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1359);

"authorised representative" means a person of a description specified in the regulations who is authorised to act on behalf of a person carrying out an activity in relation to construction products;

"construction product" has the meaning specified in construction products regulations;

"construction product functions", in relation to a relevant authority, means—

(a) the authority's functions under construction products regulations, the 2011 Regulation or the 2019 or 2020 Regulations (including functions relating to the provision or receipt of information), and

(b) any other functions of the authority relating to construction product requirements;

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"construction product requirements" means requirements imposed by or under construction products regulations, the 2011 Regulation or the 2019 or 2020 Regulations;

"construction products regulations" has the meaning given in paragraph 1(2);

"data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"EU harmonised standard" means a harmonised standard adopted at any time by a standardisation body of the European Union;

"international standard" means a standard adopted by an international standardising body (which for these purposes has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 16 April 1994, as modified from time to time);

"local authority" means—

(a) a county or district council in England,

(b) a London borough council,

(c) the Common Council of the City of London,

(d) the Council of the Isles of Scilly,

(e) a county or county borough council in Wales,

(f) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, and

(g) a district council in Northern Ireland;

references to the "marketing" of products are to making them available on the market in the United Kingdom;

"persons carrying out activities in relation to construction products" include (without limitation)—

(a) a manufacturer of construction products,

(b) a person who markets or supplies construction products to others, and

(c) a person who imports construction products into the United Kingdom for use, marketing or supply;

"relevant authority" means—

(a) the Secretary of State or other Minister of the Crown, and

(b) a local authority (including, in England, Wales and Scotland, a local authority in its capacity as a local weights and measures authority);

"requirement" includes a prohibition or restriction;

"safety-critical products" has the meaning given in paragraph 10;

"technical assessment" means a documented assessment of the performance of a construction product.

Commencement Information

I959 Sch. 11 para. 24 in force at Royal Assent, see **s. 170(3)(d)**

Status:
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Changes to legislation:
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Changes and effects yet to be applied to :

- s. 112(4) omitted by 2024 c. 22 Sch. 11 para. 29(a)
- s. 112(7) omitted by 2024 c. 22 Sch. 11 para. 29(a)
- Sch. 3 para. 3(5)(e) and word inserted by 2024 c. 22 Sch. 13 para. 7(b)
- Sch. 3 para. 3(5)(c) word omitted by 2024 c. 22 Sch. 13 para. 7(a)
- Sch. 8 para. 17 omitted by 2024 c. 22 Sch. 11 para. 29(b)
- Sch. 8 para. 6(5) word omitted by 2024 c. 22 Sch. 9 para. 19(a)
- Sch. 8 para. 8 word substituted by 2024 c. 22 Sch. 9 para. 19(b)(i)
- Sch. 8 para. 8 words substituted by 2024 c. 22 Sch. 9 para. 19(b)(ii)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 3(5)(e) and word inserted by 2024 c. 22 Sch. 13 para. 7(b)