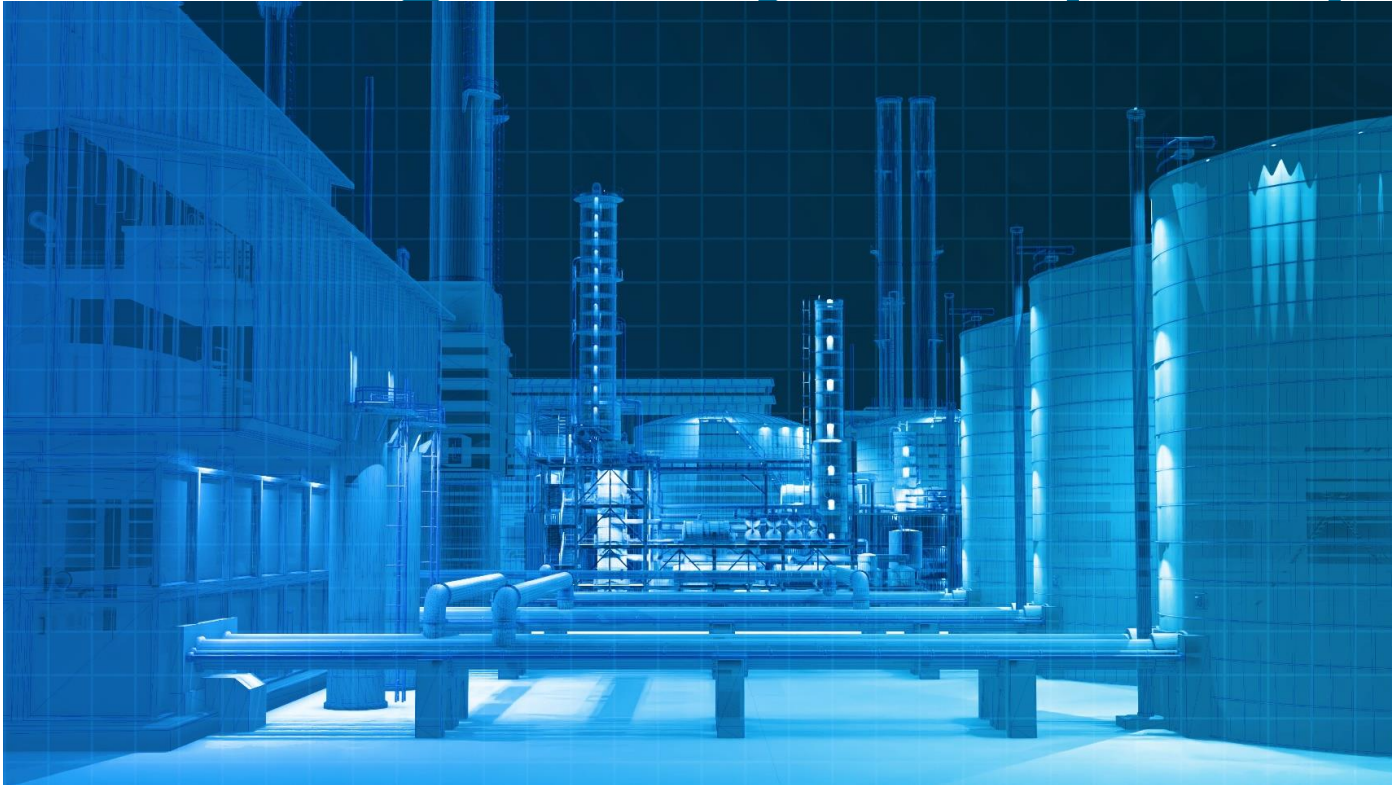


An Introduction to the **Building Safety Act (2022)**



Dr Hywel Davies CChem CSci HonFCIBSE

Summary

This is a time of unprecedented change in our sector:

the Building Safety Act 2022 is the most far reaching review of building and fire safety legislation since World War II

it applies to all building work;

it regulates competence of those doing building work

it regulates operation and occupation of higher risk buildings

in addition there is the Climate Change Act and net zero carbon target by 2050



Introduction

Why are we here now?



What caused the Grenfell Tower disaster?

The Grenfell Tower fire should never have happened. Alex Smith looks at what must be learned to ensure residents are never put at risk again

Posted in June 2017



The UK construction industry will never be the same again after the devastating fire at Grenfell Tower in the early hours of Wednesday 14 June. At least 80 people are dead, or missing presumed dead, after the worst housing disaster in Britain since World War II.

Lest we forget.....

72 lives lost

2018

Building a Safer Future

Independent Review of Building
Regulations and Fire Safety:
Final Report



Grenfell Tower Inquiry

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HEARING ADJOURNED



Key issues underpinning system failure – Dame Judith:

Ignorance and misunderstanding of regulations and guidance

Indifference –to quality and safety and focus on speed and cost

Lack of clarity on roles and responsibilities and of accountability

Inadequate regulatory oversight, enforcement tools, enforcement action and deterrence – a view that compliance did not pay

Building a Safer Future

Independent Review of Building
Regulations and Fire Safety:
Final Report



What is an Approved Document?

Although Approved Documents cover common building situations, compliance with the guidance set out in the Approved Documents does not provide a guarantee of compliance with the requirements of the regulations because the Approved Documents cannot cater for all circumstances, variations and innovations. Those with responsibility for meeting the requirements of the regulations will need to consider for themselves whether following the guidance in the Approved Documents is likely to meet those requirements in the particular circumstances of their case.

Note that there may be other ways to comply with the requirements than the method described in an Approved Document. If you prefer to meet a relevant requirement in some other way than described in an Approved Document, you should seek to agree this with the relevant Building Control Body at an early stage.



The Building Regulations 2010

Approved Document



Volume 2
Buildings other than dwellings

Conservation of fuel and power

2022 Edition - For use in Wales



Regulations



Fire Safety Act 2021

CHAPTER 30



Building Safety Act 2022

CHAPTER 30

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£37.65

STATUTORY INSTRUMENTS

2022 No. 1009

FIRE PRECAUTION REGULATIONS 2022

The Fire Safety (England) Regulations 2022

Made
Laid before Parliament
Coming into force

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 24(1) and 24(2) of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) and of all other powers enabling him in that behalf to do so.

In accordance with article 24(4) of that Order the Secretary of State has consulted the bodies of persons as appeared to the Secretary of State to be so consulted.

Citation, commencement, extent and application
1.—(1) These Regulations come into force on 23rd January 2023.
(2) These Regulations extend to England and Wales but apply only to premises in England.
(3) These Regulations do not apply in relation to domestic premises.
(4) These Regulations do not apply to premises in the House of Lords or to military premises.

Interpretation
2.—(1) In these Regulations—
“Approved Document B” means Approved Document B of Part B of Schedule 1 to the Building Regulations 2010;
“high-rise residential building” has the meaning given by section 125(1) of the Building Act 1984;
“lift for use by firefighters” has the meaning given by section 125(1) of the Building Act 1984;
“passenger lift which has an over-ride control of the lift” has the meaning given by section 125(1) of the Building Act 1984;
“local fire and rescue authority” means the fire and rescue authority for the area in which the premises is situated;
“military premises” means—
(a) military barracks;

(a) S.I. 2005/1541: see article 6 of that Order (application to premises) as amended by S.I. 2010/2314: see article 6 of that Order (application to premises) as amended by S.I. 2010/2314: Approved Document B can be accessed at http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441398/approved-document-b. A hard copy may be inspected free of charge by contacting 0447 850 0448.

STATUTORY INSTRUMENTS

2023 No. 911

BUILDING AND BUILDINGS, ENGLAND REGULATIONS 2023

Made
Laid before Parliament
Coming into force

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- 1. Citation, commencement, extent and interpretation
- 2. Amendment of the 2010 Regulations
- 3. Amendments to regulation 2
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- 5. Amendments relating to regulation 10 and transitional provision
- 6. Amendments relating to regulation 10 and transitional provision
- 7. Amendments: deposit of plans and building control authorities etc
- 8. Amendments: applications for building control
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- 10. Other appeals
- 11. Regulator’s notices
- 12. Amendments relating to regulations 20 and 20A of the 2010 Regulations
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- 14. Amendments relating to commencement of section 33 of the Building Act 1984
- 15. Starting on site and commencement of work
- 16. Enforcement provisions
- 17. Other miscellaneous amendments to the 2010 Regulations
- PART 3
Amendment of other secondary legislation
- 18. Amendments to the Building (Local Authority Charges) Regulations 2010

STATUTORY INSTRUMENTS

2023 No. 909

BUILDING AND BUILDINGS, ENGLAND REGULATIONS 2023

Made
Laid before Parliament
Coming into force

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- PART 1
Preliminary
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Application



Building Safety Act 2022

CHAPTER 30

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

Scope of the Act



Meaning of building work

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

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

What is a ‘higher risk building’?

Part 3 of the BSA adds a new section to the Building Act 1984 - Section 120D(2)(b):

“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.

The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 then define three descriptions of building which are higher risk buildings:

The following descriptions of building are specified for the purposes of section 120D(2)(b) of the 1984 Act—

- (a) a building which contains at least two residential units;
- (b) a care home;
- (c) a hospital.

What is a 'higher risk building'? (2)

A building with two or more residential units that meet the height threshold

They are a higher risk building throughout their whole life

The definition also applies to hospitals and buildings containing a care home that meet the height threshold until completion (they then come under workplace regulations and the Health and Social Care Regulations, in particular Regulation 15 on fitness for use)

The new Act creates duties for the Accountable Person (the duty holder in occupation) in relation to identifying, mitigating and managing building safety risks in their building

Part 4 defines the scope of the new regime for higher-risk buildings in England in occupation.



Aims of the Building Safety Act

The Act aims to remedy the systemic issues identified by Dame Judith Hackitt by strengthening the whole regulatory system for building safety.

To create greater accountability and responsibility for fire and structural safety issues throughout the lifecycle of buildings, by:

- creating a Building Safety Regulator in England to drive improved building safety and performance standards in all buildings and oversee a new, more stringent regime for higher-risk buildings;
- defining “higher risk buildings” with powers to regulate their design, construction **and operation**
- improved competence and oversight of the industry and regulators in the built environment
- providing a stronger, clearer oversight framework for construction products
- giving residents a stronger voice in the system;
- extending scope of the Defective Premises Act 1972 to improve routes to redress for past actions;
- establishing additional protections for leaseholders in relation to remediation costs;
- driving industry culture change and incentivising compliance.



The Building Safety Regulator

Part 2 of the Act gives the new Regulator various duties:

It transfers oversight of the building control system to the BSR

This includes ALL building work that requires building control approval – whether through a building notice or full deposit of plans - NOT just for HRBs – its for everything!

The BSR has set standards and will operate a statutory register for all building control professionals – the building inspector competence framework and Code of Conduct

The BSR will have oversight of enforcement of building regulations, with potential criminal sanctions in the worst cases

*For all HRBs the BSR **will** be the Building Control Body*

It sets duties to oversee competence requirements for work on ALL buildings. “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).



Building Safety Act

Part 3: Extensive revision and reform of the Building Act 1984 to enable the new regime; definition of Higher Risk Buildings (HRBs).

Changes apply to the Building Act 1984, and so apply to ALL building work* regulated under that Act. It also provides for the registration of building inspectors and building control approvers to better regulate and improve competence levels in the building control sector.

MAJOR amendments to the Building Regulations as a result

Building Act applies to England and Wales – Building Regulations devolved in Wales.

The changes include the creation of the Gateways for design and construction of an HRB

Section 35 creates powers to regulate competence of any appointed person

* Building work is defined in Regulation 3 of the Building Regulations



Building Safety Act

Part 4 defines the new regime for Higher Risk Buildings in occupation – the key Part for existing HRBs

This includes:

- meaning of building safety risk

- meaning of higher risk building

- meaning of accountable person & principal accountable person

- meaning of occupation in relation to higher risk buildings

- requirements for registration of higher risk buildings, building assessment certificates and safety case reports

- keeping information about the building (the Golden Thread)

- engagement with residents and residents' requests for information

- enforcement duties, compliance and appeals

Building Safety Act

Part 5: Architects Registration (**applies across the UK**).

Amends regulation of architects, allowing disciplinary orders made against architects by the Professional Conduct Committee of the Architects Registration Board to be published on an architect's entry in the Register of Architects.

Includes provisions for a New Homes Ombudsman scheme to be established.

Provisions for service charges and redress for leaseholders with legacy cladding.

Creates a new National Regulator for Construction Products within the Office of Products Safety and Standards. Whilst the OPSS sits within DBT, DLUHC retains responsibility for construction products policy and DLUHC Ministers will remain accountable to Parliament.



Construction Products

Part 5 gives the Secretary of State the power to regulate construction products for the whole of the United Kingdom, to enforce the regulations and to amend the current regime to ensure that it remains fit for purpose.

It intends that all construction products made available on the UK market should be regulated. The Building Safety Act takes powers to:

- require construction products to be safe; and
- create a statutory list of ‘safety critical’ construction products.
- introduces new liabilities on materials producers for defective products

This is in addition to the existing product safety regulatory regime.

Creates “building liability orders” and amends the Defective Premises Act 1972.

See Sections 147 & 148 and Schedule 11 of the Act for more details



Amendment of Regulatory Reform (Fire Safety) Order 2005

Section 156 of the Act

The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.

“Risk assessment: assistance

9A —(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.”



Building Regulations (Amendments etc) (England) Regulations 2023

Building Regulations (Amendments etc) (England) Regulations 2023

Major overhaul of the Building Regulations 2010

New Part 2A dealing with Dutyholders and Competence

New regulations covering the building control process

Changes to the system for giving initial notices and obtaining approvals prior to starting work
beware – false starts can be a criminal offence!

Applicable to ALL work covered by the Building Regulations

Regulation 38 (provision of fire safety information) significantly reinforced and both contractor and client MUST confirm the information has been provided and is acceptable to the client.

For HRBs there is the Golden Thread instead of Regulation 38.



Dutyholder and competence requirements – Part 2A

17 new regulations, 11A-Q, cover duties, competence, behaviour of clients, designers and contractors.

Apply to ALL controlled building work – Regulation 3 – **starting last month.**

Creates the new roles and duties of the principal designer and contractor for every project.

Statutory Client duty to make “*suitable arrangements for planning, managing and monitoring a project (including allocation of sufficient time and other resources) so as to ensure compliance with all relevant requirements.*”

These arrangements must ensure that if the design is built it will be compliant with all relevant requirements and ensure that the work is actually carried out in accordance with those requirements.

Arrangements must enable designers and contractors to co-operate with each other and check regularly whether any of the work is classed as higher risk building work, (section 91ZA Building Act).

There is also a duty on clients to “*provide building information as soon as is practicable to every designer and contractor on the project.*” Clients have a legal duty to co-operate with any other person working on the project with duties under these regulations to enable them to fulfil those duties.

A major emphasis on planning, monitoring and managing work – a CDM phrase.



More dutyholder and competence requirements – Part 2A

New regulation 11E details considerations that must be addressed before appointing a designer or contractor. They apply to ALL building projects and all those appointed, requiring them to be competent.

Chapter 3 of Part 2A, Regulations 11F-I, cover competence:

a general regulation,

one each for principal designer and contractor,

one giving requirements should either of the principals cease to meet the competence requirements.

Chapter 4 sets out general duties of all dutyholders and additional duties of principal designers and contractors, including sharing information and communicating effectively with other parties.

Chapter 5 defines as a “necessary behaviour” of anyone claiming to be competent a willingness to refuse to carry out work which is not compliant with any relevant requirement, or to undertake design work that effectively cannot be built in compliance with regulations.

Co-operation a necessary behaviour: say ‘no’ if you do not have the skills, knowledge or experience.



Principal Designers

NOT CDM by another name but new duties under Building Regulations & HRB Regulations;

11F.—(1) Any person carrying out any building work or any design work [or (2) as a contractor] must have—

(a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,

(b) where the person is not an individual, the organisational capability, to carry out—

(i) the building work in accordance with all relevant requirements;

(ii) the design work so that the building work to which the design relates, if built, would be in accordance with all relevant requirements.

and (2)

to fulfil the duties of a contractor or designer, as the case may be, under these Regulations in relation to the work.



Part 3 –Regulations covering Notices, Plans and Certificates

Regulation 8 of the amendments changes the requirements for submission and approval of full plans and amends requirements for notices of commencement and completion of the works.

“(3) Plans are only full plans if they consist of—

- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building’s energy status or material change of use;
- (b) the plans, particulars and statements required by paragraphs (1), (1A) and (2) of regulation 13;
- (c) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
- (d) any other plans which are necessary to show that the work would comply with these Regulations.”

Existing Regulation 14, applications for building control approval with full plans, completely revised to reflect both information required under the new regime and the Regulator as the relevant authority for HRB work.

A new regulation (15A) requiring consultation about plans for buildings other than HRBs that are within the scope of the Fire Safety Order, or will come into scope of the Order as a result of the proposed building work.



Building Notices and Approvals

Throughout the Building Regulations there is a change in key terms

“local authority” becomes “building control authority” or “relevant authority”

This takes account of the creation of the Building Safety Regulator as the sole building control body for HRBs

The term “deposit of plans” becomes “an application for building control approval”;
for “deposit full plans” read “an application for building control approval with full plans”;

These reflect the requirement to get plans approved before proceeding in many cases.



Building Control – a new culture?

We are used to a regime where building control turn up and inspect a building. If they don't find anything significantly amiss then the building is viewed as compliant.

What this actually means is that Building Control have not found the flaws – however significant or inconsequential they may be.

It certainly does not mean that the building is compliant.

We are moving into a regime where the new Regulator will be far more likely to turn up on site asking a simple question – how can **you** demonstrate to **me** that the building you are building is compliant with the building regulations. Show me **the evidence**. They will want to listen to the builder, designer, client....

They will not be that interested in knowing what guidance has been followed unless its supported by a convincing explanation of why that guidance is thought appropriate to that specific building complying the regulations and meeting the functional requirements

It is highly likely that the number of questions will be proportional to the degree of assurance they get from the early answers.

And if they are not reassured, then they may not issues certificates or accept reports.....



Regulation 38 – Fire Safety information

Dame Judith was very clear about the lack of compliance with regulation 38 and government has significantly strengthened Regulation 38 on providing fire safety information about the finished work.

“(2) The person carrying out the work must give fire safety information to the responsible person no later than—
(a) where the building, proposed building or extension to which the building work relates is not occupied during the building work, the date of completion of the work or the date of occupation of the building or the extension, whichever is the earlier;

(b) in any other case, the date of completion of the work.

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

So everyone has to confirm that they have given and received the information and that it is suitable – so no excuses later!



Building (Higher-Risk Buildings Procedures) (England) Regulations 2023



Building Control provisions for HRBs and ‘work’ on them

Section 32 of the Building Safety Act requires that the Regulator is the Building Control Authority (relevant authority) for all Higher Risk Buildings.

Local Authorities and Approved Inspectors will no longer be allowed to act as the building control authority for buildings that meet the definition of a higher risk building.

They may be engaged to work on the building control provision of such a building, but this will be at the request of and under the overall control of the Regulator.

The Regulator is the enforcement body for all HRBs – both in relation to building regulations and in relation to occupation and operation of the building after handover.

Any residential building that is an HRB under construction came under the new rules from 1st October unless the transitional provisions of substantial progress were met.



Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

Detail the new building control system for HRBs, implementing Part 3 of the Building Safety Act. Parts 1 and 2 set out process for building control of new HRBs and approval of work to existing HRBs.

Part 1 implements Gateway 2 for new HRBs and it also specifies the requirements to notify the regulator prior to starting construction on site.

Regulation 4 sets out in great detail what an application to the new Regulator will require. This includes all the information that will be required later under the Key Building Information regulations when the HRB is registered. It also requires information about drainage and about timing of the work.

Came into force for all new applications **made on or after 1 October 2023**, with a transitional period of six months for work already underway.

Detailed transitionals are linked to the status of the building control inspector: need careful reading of the regulations on a project by project basis!



Gateway 2

Gateway 2 occurs prior to construction work beginning on a higher-risk building, replacing the current building control 'deposit of plans' stage with an 'application for approval of full plans' (Building Regulations Part 3 as amended) and must provide:

A building control approval application for HRB work must be accompanied by—

(a) a plan to a scale of not less than 1:1250 showing—

(i) the size and position of the building and its relationship to adjoining boundaries;

(ii) the boundaries of the curtilage of the building, and the size, position and use of every other building or proposed building within the curtilage;

(iii) the width and position of any street on or within the boundaries of the curtilage of the building;

Building (HRB Procedures) Regulations 2023 – close up (2)

All applications for an HRB need to be accompanied by a Building Regulations compliance statement, setting out how the proposed design will comply **with all aspects** of the regulations, as well as:

- a competence declaration – why the team designing and building the HRB are competent;
- a construction control plan – how will you manage construction so that what is designed actually gets built?
- a change control plan – when changes are made, how will they be assessed for compliance?
- a mandatory occurrence reporting plan – when stuff goes wrong on site, how will you spot it and put it right and how do you report to the Regulator?

They set out what the applicants plan to do, a plan against which they can be held to account by the regulator. Changes to the project must be properly agreed by all parties (duty to co-operate applies), justified, tested for compliance and recorded. If significant they may need to be notified to or fully approved by the Regulator.

Schedule 1 of the HRB procedure regulations defines these documents in more detail.

An application made on behalf of the client requires a statement signed by the client confirming their agreement to the application being made and to the information it contains – they cannot say later that they did not approve!



What the Regulator will need to see

“The application must contain sufficient information to show how the building, when built, will:

- satisfy all applicable functional requirements; and
- demonstrate how you intend to manage the construction activity (building work) such that you build what you describe. This includes demonstrating that through the construction activity you will capture sufficient credible evidence to support your building completion certificate application.

BSR will confirm the validity of an application. It is worth noting that the better quality an application, then the more straightforward it will be for BSR to evaluate.

If any standard or document is cited in support of the application, then the applicant will need to articulate how the standard allows the functional requirement to be achieved for that building application.”

<https://www.hse.gov.uk/building-safety/building-control/regime-overview.htm>



Gateway 3 - completion

Gateway 3 replaces the current completion/final certificate. When building work on an HRB is finished the principal contractor will apply (on behalf of the client) to the Building Safety Regulator for a completion certificate. The BSR will assess whether the work has been carried out in accordance with the building regulations and higher risk building procedure regulations.

The Regulator will want to look at changes from the agreed design and whether they achieve compliance, including reviewing the change management plan and records.

Golden thread information must be handed over to the accountable person.

Dutyholders will be required to submit prescribed documents and information on the final, as-built building to the Building Safety Regulator.

The Accountable Person will then need to register the building on the HRB register and apply for a Building Assessment Certificate prior to occupation.



Documents required on completion – HRB Regulation 40

Regulation 40 on completion certificates takes two pages to detail all the information required, but includes:

(d) the following agreed documents—

(i) the construction control plan;

(ii) the change control plan;

(iii) the mandatory occurrence reporting plan;

(iv) the Building Regulations compliance statement;

(v) a fire and emergency file,

or, where regulation 12(3) (building control approval applications for work to existing HRB) applies, such of the documents referred to in paragraphs (i) to (v) as were approved under regulation 15 (building control approval applications for work to existing HRB: decisions);

(e) a copy of the change control log updated to show all the changes for the project required by these Regulations to be included in the log,

are some of these familiar from Gateway 2?



Declarations on Completion

(f) subject to paragraph (3), a compliance declaration signed by—

(i) each principal contractor (or sole contractor) for the HRB work, the stage of HRB work or work to existing HRB, and

(ii) each principal designer (or sole or lead designer) for the HRB work, the stage of HRB work or work to existing HRB,

if such a statement was not already provided to the regulator, in relation to that part of the work, under regulation 29 (new principal contractor or principal designer etc: notification);

Golden Thread

Recommendation 2.3

Government should make the creation, maintenance and handover of relevant information an integral part of the legal responsibilities on Clients, Principal Designers and Principal Contractors undertaking building work on HRRBs. The four information products (the digital record, the Fire and Emergency File, Full Plans and Construction Control Plan) represent a minimum requirement.

Golden Thread

“The golden thread is the information that allows you to understand a building and the steps needed to keep both the building and people safe, now and in the future”.

Intended to give the right people the right information at the right time to keep buildings safe, supporting dutyholders and accountable persons managing fire and structural risks.

It is about fundamentally changing how HRBs are designed, built and managed.

During a building’s life cycle various people are involved in developing and assuring building information and even more use the information to make decisions on the safety of a building. They all need to work together to maintain accurate data based on correct assumptions with the information stored electronically.

The golden thread is a process and an approach to delivering an outcome and not a product or “software solution”.



Safety Cases



Safety Cases

Every HRB must have a safety case that identifies the potentially harmful events that could occur in it and what the owner or operator is doing to prevent, control and mitigate those risks.

There is a focus on fire and structural stability in the safety case regime.

The safety case will be used to prepare a **safety case report** for submission to the regulator, using information from the Golden Thread to do so.

This report will set out how the Accountable Person believes that they are operating the HRB in question safely.

The requirements for safety cases are set out in the [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#).



Safety case principles for high-rise residential buildings

Building safety reform – Early key messages



So What?

How will building professionals need to respond?



A new, rigorous legal framework for design and construction of ALL buildings

This will include:

New defined dutyholder roles and duties, based on the CDM model i.e. client, principal designer, principal contractor, designers and contractors;

These apply to **all** building work – not just work on higher-risk buildings;

Explicit competence requirements to ensure that those carrying out design or building work are competent (or in training and appropriately supervised): Part 2A;

A new unified professional and regulatory structure for building control, registration of building control inspectors and building approvers (formerly approved inspectors);

Oversight of competence and performance of building control by the BSR;

The BSR is the building control body for all HRBs;

New Building Regulations and HRB Regulations came into force from **1 October 2023**.



Building Control for HRBs

Specific requirements for building control of HRBs, with the BSR as control body

- Gateways 2 – Design and 3 – Construction with approval required before construction
- Requirements to record, manage, notify and obtain approval of changes
- Requirements for the Golden Thread of information
- Mandatory occurrence reporting requirements
- Completion certificates & sign off of compliance by principal designer and contractor
- Notification of and transfer of information on change of client or principal designer or contractor

Enforcement during design and construction

Changes to the Building Act 1984 strengthen existing powers and introduce new powers for the Building Safety Regulator and for local authorities. Directors/managers can be found liable for any of the **criminal offences**

Section 35 of BA84 (breach of building regulations):

Triable either way – removes altogether the time limit for prosecutions under s35
Increased penalty – max. penalty of an unlimited fine and up to two years in prison

Section 36 of BA84 (notice for remedial action):

Extending the time limit for enforcement from one year to ten years

Compliance notices

For any breach of building regulations, requiring corrective action by a set date: failure to comply a **criminal offence**

Stop notices:

Can be served against a breach of specified building regulations (i.e. at Gateways), a breach of a compliance notice and any breach of building regulations which is likely to cause 'serious harm'. Requires all specified work is stopped until the contravention is rectified. Failure to comply will be a **criminal offence**.



Further Information and Reading



Further reading & resources

These links are almost essential reading to provide fuller context for the material presented:

A general update landing page leading to information relating to the Building Safety Act:

<https://www.gov.uk/government/collections/building-safety-bill>

The Act itself: <https://www.legislation.gov.uk/en/ukpga/2022/30/contents/enacted>

Building Regulations: [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#)

The Regulator has information at <https://www.hse.gov.uk/building-safety/index.htm>

For the latest on the Act and its implications for CIBSE members see

<https://www.cibse.org/policy-insight/key-policy-areas/building-safety-act>

Secondary Legislation

Various new regulations implement the Building Safety Act.

[The Higher-Risk Buildings \(Descriptions and Supplementary Provisions\) Regulations 2023](#)

determine which buildings are subject to the new, more stringent, safety regime

[Building Safety \(Registration of Higher-Risk Buildings and Review of Decisions\) \(England\) Regulations 2023](#)

implement the register of higher-risk buildings held by the building safety regulator and the process for making an application to register an HRB

[Higher-Risk Buildings \(Key Building Information etc.\) \(England\) Regulations 2023](#)

set out what constitutes 'key building information' in respect of higher-risk buildings; the duties and provisions in relation to submitting key building information; and how to determine for which parts of a higher-risk building an accountable person ("AP") is responsible under Part 4 of the Building Safety Act

[The Higher-Risk Buildings \(Keeping and Provision of Information etc.\) \(England\) Regulations 2024](#)

specify the information and documents that the principal accountable person and accountable persons must keep and share with those who have an interest in relation to a higher-risk building.

[The Building \(Public Bodies and Higher-Risk Building Work\) \(England\) Regulations 2023](#)

amend the Building Act 1984 for higher-risk building work carried out by any public bodies, so that it is controlled by the Building Safety Regulator.

How to measure it and whether to register it

How to register it and what initial information to provide

What further information to provide within 28 days of registration

The Golden Thread information and documents the PAP and other APs must keep and share with other parties in relation to a higher-risk building.

Other secondary legislation

Architects Act and Consequential Amendments

- [The Architects \(Fees, Electronic Communications and Miscellaneous Amendments\) Regulations 2022](#)
- [The Architects Act 1997 \(Amendment\) Regulations 2023](#)
- [The Building Safety Act 2022 \(Consequential Amendments and Prescribed Functions\) and Architects Act 1997 \(Amendment\) Regulations 2023](#)

Construction Products

- [The Construction Products \(Amendment\) Regulations 2022](#)

Leaseholder Protections

- [The Building Safety \(Leaseholder Protections\) \(England\) Regulations 2022](#)
- [The Building Safety \(Leaseholder Protections\) \(Information etc\) \(England\) Regulations 2022](#)
- [The Building Safety \(Leaseholder Protections etc.\) \(England\) \(Amendment\) Regulations 2023](#)

Responsible Actors Scheme

- [The Building Safety \(Responsible Actors Scheme and Prohibitions\) Regulations 2023](#)

Links to articles and further reading

This CIBSE Journal article summarises the package of regulations as a whole:

[Competence and Compliance](#)

This article summarises the new dutyholders and competence section, Part 2A

[Duties and Competence](#)

And this article covers the changes to building notices

[Take Notice](#)

Further CIBSE Journal articles on building safety

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Thank you for listening

Any questions?

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