

Draft Regulations laid before Parliament under section 120A(7) of the Building Act 1984 and section 168(6) of the Building Safety Act 2022, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

BUILDING AND BUILDINGS, ENGLAND

The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023

Made - - - - *******

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 120A(2)(b) and (3) and 120D(3) and (4)(c) of the Building Act 1984 (“the 1984 Act”)(1) and sections 65(2) and (3)(c), 74, 88, 89(1), (2), (3) and (4), 90(2) and (5), 92(1), (4) and (5) and 168(2), (3) and (4) of the Building Safety Act 2022 (“the 2022 Act”)(2).

In accordance with section 7(4) of the 2022 Act, the Secretary of State has consulted the regulator(3) and such other persons as the Secretary of State considers appropriate.

In accordance with section 120F(2) of the 1984 Act the Secretary of State has asked the regulator for advice under section 120H(1) of that Act and in accordance with section 67(2) of the 2022 Act the Secretary of State has asked the regulator for advice under section 70(1) of that Act.

In accordance with section 120F(3) of the 1984 Act and section 67(3) of the 2022 Act the Secretary of State has carried out a cost-benefit analysis and published it(4).

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with section 120A(7) of the 1984 Act and section 168(6) of the 2022 Act.

(1) 1984 c. 55. Section 120A was inserted by Schedule 5 to the Building Safety 2022 Act (“the 2022 Act”), and sections 120D, 120F and 120H were inserted by section 31 of the 2022 Act.

(2) 2022 c. 30.

(3) See section 115 of the Act 2022 for the meaning of “the regulator”.

(4) The cost-benefit analysis is available at <https://www.gov.uk/government/publications/amendment-to-the-higher-risk-buildings-regulations-2023-cost-benefit-analysis-statement> A paper copy can be requested by writing to the Building Safety Programme in the Department of Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023 and come into force at the same time as section 83 of the 2022 Act comes into force.

(2) These Regulations extend to England and Wales and apply in relation to England only.

Interpretation

2. In these Regulations—

“the 2022 Act” means the Building Safety Act 2022;

“the 2010 Regulations” means the Building Regulations 2010⁽⁵⁾;

“the Fire Safety Regulations” means the Fire Safety (England) Regulations 2022⁽⁶⁾;

“AP” means accountable person⁽⁷⁾;

“AP client” has the meaning given in regulation 18⁽⁶⁾;

“building work” has the same meaning as in regulation 3 of the 2010 Regulations;

“client” means any person for whom a project is carried out;

“construction phase” means the period beginning when any building work on a project starts and ending when that project is completed;

“evacuation information” has the meaning given in paragraph 7(3) of Schedule 1;

“fabric of the building” means a part of the building that forms, with other parts, the structure of the building including in particular any wall, roof, floor, stairs, doors, windows, plumbing, central heating systems, electrical wiring and lighting systems;

“fire and rescue authority” means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004⁽⁸⁾, for an area in England;

“fire risk assessment” means the record of an assessment by the RP further to the requirement in article 9 (risk assessment) of the Regulatory Reform (Fire Safety) Order 2005⁽⁹⁾;

“fire safety management measure” means any equipment, device or materials (whether or not a fixture or part of the fabric of the building) that—

(a) exists for any of the following purposes—

(i) preventing fire outbreak and spread in the building;

(ii) reducing the spread of smoke from fire;

(iii) reducing the severity of any fire outbreak and spread in the building;

(iv) aiding or enabling evacuation of the building;

(b) is located in any part of the higher-risk building, and

(c) is not a measure provided by a resident for their own use;

(5) [S.I. 2010/2214](#) as amended by [S.I. 2012/3119](#), [2013/1959](#), [2014/110](#), [2015/767](#), [2016/285](#), [2016/1274](#), [2018/1230](#), [2021/1391](#), [2022/608](#) and [2023/520](#). There are other amending instruments, but none is relevant to this instrument.

(6) [S.I. 2022/547](#).

(7) See section 72 of the 2022 Act for the meaning of “accountable person”.

(8) [2004 c. 21](#).

(9) [S.I. 2005/1541](#).

- “golden thread information” has the meaning given in regulation 4(3);
- “higher-risk building work” has the same meaning as in section 91ZA of the Building Act 1984(10);
- “material change of use” has the meaning given in regulation 5 of the 2010 Regulations;
- “PAP” means principal accountable person(11);
- “plans” has the same meaning as in section 126 of the Building Act 1984(12);
- “project” means a project which includes or is intended to include any higher-risk building work, or work to the wider building of a higher-risk building, and includes all planning work, design work, management or other work involved in a project until the end of the construction phase;
- “the register” means the register of higher-risk buildings held by the regulator pursuant to section 78 of the 2022 Act;
- “relevant landlord” means the owner of a residential unit(13) in a higher-risk building where an AP for that building has given a contravention notice(14) to any person residing in that residential unit;
- “relevant RP” means any person who is a RP for a higher-risk building and, where applicable, for the wider building of a higher-risk building, but who is not also an AP for the same higher-risk building;
- “resident client” means a client who is also a resident of the higher-risk building to which their project relates;
- “RP” means the responsible person under article 3 of the Regulatory Reform (Fire Safety) Order 2005;
- “scheme work” means work to which—
- (a) regulation 20 (provisions applicable to self-certification schemes) of the 2010 Regulations applies, or
 - (b) regulation 20A (provisions applicable to third party certification schemes) of the 2010 Regulations applies;
- “wider building” has the same meaning as in regulation 4(8) of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(15).

Direction to be made by regulator

- 3.—(1) The information prescribed by regulation 5 must be given to the regulator in a way specified in a direction made by the regulator.
- (2) A direction must specify the date on which it comes into effect, which must not be earlier than five working days after the date on which the regulator publishes it.
 - (3) The regulator must publish any direction under this regulation on its website.
 - (4) The regulator may, by a further direction, amend or revoke a direction made under this regulation.

(10) 1984 c. 55. Section 91ZA was inserted by section 32 of the 2022 Act. See section 65 of the 2022 Act for the meaning of “higher-risk building”.

(11) See section 73 of the 2022 Act for the meaning of “principal accountable person”.

(12) 1984 c. 55.

(13) See section 115 of the 2022 Act for the meaning of “residential unit”.

(14) See section 96(3) of the 2022 Act for the meaning of a “contravention notice”.

(15) S.I. 2023/275.

PART 2

Keeping information about higher-risk buildings

Golden thread information

4.—(1) The information and documents prescribed for the purposes of section 88(1) and (2) of the 2022 Act (together “the golden thread information”) are set out in Schedule 1(16).

(2) If there is more than one AP for a higher-risk building, each AP is responsible for keeping such of the information or copies of such of the documents set out in Schedule 1 as relate to the part of the building for which that AP is responsible(17).

PART 3

Prescribed persons and provision of information

Provision of information to the regulator

5.—(1) Where an appointment referred to in paragraph (2) is made in relation to an AP, the AP must provide the following information to the regulator—

- (a) their own name and the address of each higher-risk building for which they are responsible as an AP,
- (b) where the AP is a company, the company registration number,
- (c) the name and description of the appointment of that office-holder or person appointed as set out in paragraph (2), and
- (d) a postal address, and a telephone number or email address for that office-holder or person appointed as set out in paragraph (2).

(2) The appointments mentioned in paragraph (1) are—

- (a) the appointment of a monitor in relation to a moratorium that has taken effect pursuant to Part A1 of the Insolvency Act 1986(18);
- (b) the appointment of a supervisor in relation to a voluntary arrangement that has been approved pursuant to Part 1 or 8 of the Insolvency Act 1986;
- (c) the appointment of an administrator pursuant to Schedule B1 to the Insolvency Act 1986;
- (d) the appointment of a receiver under Part 3 of the Insolvency Act 1986(19) or section 109 of the Law of Property Act 1925(20);
- (e) the appointment of a liquidator under Part 4 or 5 (which make provision regarding winding up) of the Insolvency Act 1986;
- (f) the appointment of a trustee in bankruptcy(21) pursuant to Part 9 of the Insolvency Act 1986;

(16) The standards in accordance with which the information and documents must be kept are prescribed in the Higher-Risk Building (Management of Safety Risks) (England) Regulations 2023, S.I. 2023/907.

(17) See section 74 of the 2022 Act and regulations 26 to 30 of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023, S.I. 2023/315 as amended by regulation 21 of these Regulations.

(18) Part A1 was inserted by section 1(1) of the Corporate Insolvency and Governance Act 2020 (c. 12).

(19) See section 29 of the Insolvency Act 1986 for the definition of “receiver” and “administrative receiver” in relation to their appointment under that Act.

(20) 1925 c. 20.

(21) See sections 291A and 296 of the Insolvency Act 1986 in relation to the appointment of a trustee in bankruptcy.

- (g) the appointment of a housing administrator pursuant to the making of a housing administration order under section 99 of the Housing and Planning Act 2016⁽²²⁾.
- (3) In this regulation—
- “housing administrator” has the meaning given in section 95(2) of the Housing and Planning Act 2016;
- “liquidator” means a liquidator within the meaning of Part 4 or Part 5 of the Insolvency Act 1986⁽²³⁾;
- “monitor” has the meaning given in section A54(1) of the Insolvency Act 1986;
- “supervisor” has the meaning given in section 263(2) of the Insolvency Act 1986 (where the supervisor is the supervisor of an individual voluntary arrangement) and the meaning given in section 7(2) of the same Act (where the supervisor is the supervisor of a company voluntary arrangement).

Provision of information and documents to another AP for the higher-risk building

6.—(1) Subject to paragraph (2) and regulations 17 and 18, where there is more than one AP for a higher-risk building each AP for that building must provide to every other AP for that building the golden thread information that that AP is required to keep for that building.

- (2) The duty in paragraph (1) does not require an AP to—
- (a) provide to another AP any information or document obtained from that AP where that information or document is up to date, or
- (b) provide to another AP any information or document that is kept by the AP but to which the other AP has access and has been notified of this in writing by the AP.

Provision of information and documents to residents of the building

7.—(1) Subject to paragraph (2) and regulation 18, an AP for a higher-risk building must provide to each person who is aged 16 or over and who resides in the part of the building for which that AP is responsible the information or a copy of a document prescribed in Schedule 2.

- (2) The duty in paragraph (1) does not require an AP to provide information or documents to a person where the AP—
- (a) is not aware that the person resides in that part of the building, and
- (b) has taken all reasonable steps to make themselves aware of who resides in residential units in that part of the building.

Provision of information and documents to owners of residential units in the building

8. Subject to regulation 18, an AP for a higher-risk building must take all reasonable steps to provide to each owner of a residential unit in the part of the building for which that AP is responsible the information or a copy of a document prescribed in Schedule 2.

Provision of documents to relevant landlord etc

- 9.—(1) A relevant landlord is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

⁽²²⁾ 2016 c. 22.

⁽²³⁾ 1986 c. 45.

(2) Subject to regulation 17, where an AP has given a contravention notice⁽²⁴⁾ to a person who resides in, but is not the owner of, a residential unit in a higher-risk building, the AP must take all reasonable steps to provide a copy of that notice to the relevant landlord.

Provision of information and documents to client etc

10.—(1) Subject to paragraph (5) and regulations 15, 17 and 18, in relation to any project, the client for the project is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higherrisk building must provide to the client for a project which relates to the part of the building for which the AP is responsible any information that the AP must keep pursuant to section 88(1) of the 2022 Act which falls within any of the following provisions in Schedule 1 to these Regulations—

- (a) paragraph 6 (fire safety management) where the information relates to the part of the building specified in the notice;
- (b) paragraph 9 (structural risks) where the information relates to the part of the building specified in the notice except where the client has previously given the information to that AP and the information has not changed since it was given;
- (c) paragraph 10 (management of building safety risks) where the information relates to the part of the building specified in the notice;
- (d) paragraph 11 (building design) where the information relates to the part of the building specified in the notice.

(3) An AP for a higher-risk building must provide to the client for a project which relates to the part of the building for which the AP is responsible a copy of any document which that AP must keep pursuant to section 88(2) of the 2022 Act which falls within any of the following provisions in Schedule 1 to these Regulations—

- (a) paragraph 22 (fire safety management) where the document relates to the part of the building specified in the notice;
- (b) paragraph 24 (structural risks) where the document relates to the part of the building specified in the notice except where the client has previously given the document to that AP and it is the same version of the document as the version that was given;
- (c) paragraph 27(a) (plans) where the plan relates to the part of the building specified in the notice.

(4) For the purposes of paragraph (3)(c), it is sufficient for the AP to provide part or a collection of parts of a plan where that part or collection of parts relate to the entire part of the building specified in the notice for which an AP has responsibility.

(5) This regulation only applies in relation to a client where the client—

- (a) is not an AP for the building to which the project relates, and
- (b) has given notice in writing to the AP that—
 - (i) confirms that they are a client,
 - (ii) provides a brief description of the project including details of the parts of the higher-risk building to which it relates, and
 - (iii) provides their name, address, and (if available) email address.

(6) In this regulation “notice” means a notice given in accordance with paragraph (5)(b).

⁽²⁴⁾ See section 96 of the 2022 Act in relation to contravention notices.

Provision of information and documents to relevant RP etc

11.—(1) Subject to regulations 17 and 18, a relevant RP is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higher-risk building must provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is responsible and that the AP must keep pursuant to section 88 of the 2022 Act and which falls within the following provisions of Schedule 1 to these Regulations—

- (a) paragraphs 6(1) and 22 (fire safety management);
- (b) paragraph 7(2) (evacuation);
- (c) paragraph 27 (plans).

(3) An AP who is also the PAP for a building must provide to each relevant RP of that building—

- (a) a copy of the safety case report⁽²⁵⁾ for that building;
- (b) any information that an AP is required to keep pursuant to section 88 of the 2022 Act which falls within paragraph 7(1) (evacuation) of Schedule 1 to these Regulations.

(4) Paragraph (2) does not apply to any information that the relevant RP has previously given to the AP and that has not changed since it was given.

(5) Paragraph (2) does not apply to any document that the relevant RP has previously given to the AP and is the same version of the document as the version that was given.

Provision of information and documents to a fire and rescue authority etc

12.—(1) Subject to regulation 18, the fire and rescue authority for the area in which a higher-risk building is situated is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higher-risk building who is also the PAP for that building must provide to the fire and rescue authority for the area in which that building is situated—

- (a) the information that the PAP is required to keep pursuant to—
 - (i) paragraph 4(1) (key building information) of Schedule 1;
 - (ii) paragraph 7(1) (evacuation) of Schedule 1;
- (b) the documents that the PAP is required to keep pursuant to paragraph 20(1) (refusal of building assessment certification application) of Schedule 1;
- (c) the safety case report for that building.

(3) An AP for a higher-risk building must provide to the fire and rescue authority for the area in which that building is situated—

- (a) the information that the AP is required to keep pursuant to—
 - (i) paragraph 7(2) (evacuation) of Schedule 1;
 - (ii) paragraph 8 (Fire Safety Regulations information) of Schedule 1;
 - (iii) paragraph 11 (building design) of Schedule 1;
- (b) the documents that the AP is required to keep pursuant to—
 - (i) paragraph 23 (Fire Safety Regulations information) of Schedule 1;
 - (ii) paragraph 27(a) (plans) of Schedule 1;
 - (iii) paragraph 31 (contravention notices) of Schedule 1.

(25) See section 85(1) of the 2022 Act for the definition of “safety case report”.

(4) Where the fire and rescue authority for the area in which a higher-risk building is situated makes a written request to an AP for the higher-risk building to be provided with any information or a copy of a document that the AP is responsible for keeping as golden thread information, the AP must provide to that fire and rescue authority the information and a copy of the document requested.

Provision of information and documents etc on change in AP

13. Subject to regulation 17, the information and documents prescribed for the purposes of section 90(2) of the 2022 Act are the golden thread information that the outgoing person was, immediately before the relevant time⁽²⁶⁾, required to keep under regulation 4 by virtue of being an AP for the higher-risk building and, where applicable, was, immediately before the relevant time, required to keep under regulation 4 by virtue of being the PAP for the higher-risk building.

Resident engagement: requests for further information

14. Subject to regulations 16, 17 and 18, the information and documents prescribed for the purposes of section 92(1) of the 2022 Act are the information and documents specified in Schedule 3 to these Regulations.

PART 4

Limitations in relation to the duty to provide information or documents

Exception for security: provision of documents to a client

15.—(1) The duty under regulation 10(3)(b) does not apply to any security sensitive material in a document described in paragraph 24(1) (structural risks) of Schedule 1 that an AP would otherwise be required to provide to a resident client.

(2) Material is “security sensitive” where—

- (a) it relates to a building, to land or to any other thing found in or on a building or land, where that building, land or other thing is not part of the higher-risk building or contained in it, or
- (b) it is about a part of the higher-risk building for which the AP is responsible pursuant to section 74 (part of the building for which an AP is responsible) of the 2022 Act or it is about anything contained in such a part, and—
 - (i) it relates to a relevant safety item⁽²⁷⁾, and
 - (ii) it discloses how the item operates or how to interfere with its intended function.

Exception for security: requests for further information by a resident or owner of a residential unit

16.—(1) The duty under section 92(2) of the 2022 Act does not apply to any security sensitive information, or to any security sensitive material in a document, that falls within any of the following provisions of Schedule 1—

- (a) paragraph 16(1)(a) and 16(2)(a) (completion and partial completion of works);
- (b) paragraph 24(1) (structural risks);
- (c) paragraph 25 (building safety risk assessment);
- (d) paragraph 26 (management of building safety risks);

⁽²⁶⁾ See section 90(1) of the 2022 Act for the definition of “relevant time”.

⁽²⁷⁾ See section 95(4) of the 2022 for the meaning of “relevant safety item”.

- (e) paragraph 27 (plans).
- (2) Information or material is “security sensitive” where—
 - (a) it relates to a building, to land or to any other thing found in or on a building or land, where that building, land or other thing is not part of the higher-risk building or contained in it, or
 - (b) it is about a part of the higher-risk building for which the AP is responsible pursuant to section 74 (part of the building for which an AP is responsible) of the 2022 Act or it is about anything contained in such a part, and—
 - (i) it relates to a relevant safety item(28), and
 - (ii) it discloses how the item operates or how to interfere with its intended function.

Exception for commercial sensitivity

- 17.—(1) This regulation applies in relation to the following—
- (a) the duty of an AP under regulation 6 to provide information or documents to another AP,
 - (b) the duty of an AP under regulation 10 to provide information or documents to a client,
 - (c) the duty of an AP or a PAP under regulation 11 to provide information or documents to a relevant RP,
 - (d) the duty of an outgoing person under regulation 13 to provide information or documents to an AP or a PAP, and
 - (e) the duty of an AP under regulation 14 to provide information or documents to a resident or owner of a residential unit.
- (2) Subject to paragraphs (4) and (5), the duties specified in paragraph (1) do not apply to any information or material in a document that is commercially sensitive.
- (3) For the purposes of this regulation, information or material within a document is commercially sensitive where it is not in the public domain at the time that the AP or outgoing person complies with a duty referred to in paragraph (1), and where it discloses—
- (a) customer identities that are confidential to the AP, the outgoing person or a third party,
 - (b) marketing and product development strategies and analysis that are confidential to the AP, the outgoing person or a third party,
 - (c) supplier identities that are confidential to the AP, the outgoing person or a third party,
 - (d) cost, price or other quantitative data that is confidential and relates to the operations of the AP’s or outgoing person’s organisation or to the operations of a third party,
 - (e) data or information covered by commercial confidentiality or non-disclosure agreements, or
 - (f) any other trade secret of the AP, outgoing person, or a third party.
- (4) Paragraph (2) does not apply to any information or material in a document that is significant for managing building safety.
- (5) Paragraph (2) does not apply to a duty to provide—
- (a) a building assessment certificate(29) for a higher-risk building,
 - (b) the most recent written notice given by the regulator in accordance with section 81(3)(b)(30) (building assessment certificates) of the 2022 Act,

(28) See section 95(4) of the 2022 Act for the meaning of “relevant safety item”.

(29) See section 81(1)(a) of the 2022 Act for the definition of “building assessment certificate”.

(30) Section 81(3)(b) of the 2022 Act requires the regulator to notify the PAP of any refusal of an application for a building assessment certificate.

- (c) information kept under paragraph 3 (registration) of Schedule 1,
 - (d) information kept under paragraph 4 (key building information) of Schedule 1,
 - (e) any list kept under paragraph 6(1)(a) (fire safety management) of Schedule 1,
 - (f) information kept under paragraph 7 (evacuation) of Schedule 1,
 - (g) information kept under paragraph 8 (Fire Safety Regulations information) of Schedule 1,
 - (h) any list kept under paragraph 9(1) (structural risks) of Schedule 1,
 - (i) information kept under paragraph 11 (building design) of Schedule 1,
 - (j) information kept under paragraph 14 (complaints) of Schedule 1,
 - (k) any certificate kept under paragraph 16 (completion and partial completion of works) of Schedule 1,
 - (l) any document kept under paragraph 18 (registration) of Schedule 1,
 - (m) any document kept under paragraph 23 (Fire Safety Regulations information) of Schedule 1, or
 - (n) any document kept under paragraph 30 (complaints) of Schedule 1.
- (6) In this regulation—
- “AP client” means a client that—
- (a) is not a resident client, or
 - (b) is a resident client of a higher-risk building and is an AP for the same higher-risk building;
- “confidential” means—
- (a) in the case of information held by an AP, or any document or part of a document created by the AP, the information, document or part of a document in relation to which the AP has expressly recorded that it is to be treated as confidential;
 - (b) in the case of information or a document or part of a document provided to the AP by another person, the information, document or part of a document provided in relation to which that other person has notified that AP that it is to be treated as confidential;
- “information or material that is significant for managing building safety” means information or material given to—
- (a) a person who is not an AP for a higher-risk building but is a resident, an owner of a residential unit or a resident client of the higher-risk building, that is necessary to enable them to understand the building safety risks⁽³¹⁾ and how those risks to their higher-risk building are being managed by the PAP and any AP for their higher-risk building;
 - (b) an AP, a relevant RP, or an AP client, that is necessary to enable them to identify, assess or manage a building safety risk in the higher-risk building or to understand how this is being done by another person who has responsibilities in relation to fire or structural safety for that higher-risk building;
- “trade secret” means information, whether or not contained in a document or part of a document, which is not generally known or readily accessible to an AP, a RP or an AP client and has commercial value because it is secret.

Exception for personal data

- 18.**—(1) Subject to paragraph (6), this regulation applies in relation to—
- (a) the duties under regulations 6 to 8 and 10 to 12, and

⁽³¹⁾ See section 62(1) of the 2022 Act for the definition of “building safety risk”.

- (b) an AP's duty to a resident or owner of a residential unit under section 92(2) of the 2022 Act and pursuant to regulation 14.
- (2) Paragraph (4) applies where regulation 7, 8, 10 or 14 would require an AP to share personal data with someone, other than the data subject, who is—
 - (a) a resident,
 - (b) an owner of a residential unit, or
 - (c) a resident client who is not an AP for the same higher-risk building.
- (3) Paragraph (5) applies where regulation 6, 10, 11 or 12 would require an AP or PAP to share personal data with someone, other than the data subject, who is—
 - (a) another AP for the same higher-risk building,
 - (b) a relevant RP,
 - (c) an AP client, or
 - (d) a fire and rescue authority.
- (4) Where this paragraph applies, the AP is not required to provide any personal data that is not permitted personal data.
- (5) Where this paragraph applies, the AP or PAP is not required to provide any personal data unless it is—
 - (a) permitted personal data, or
 - (b) significant for managing building safety,

does not apply.

- (6) This regulation does not apply to any information or material in a document that an AP or PAP is required to give to a fire and rescue authority pursuant to regulation 12, where the information or document is—
 - (a) information kept under paragraph 6 (fire safety management) of Schedule 1;
 - (b) information kept under paragraph 7 (evacuation) of Schedule 1; or
 - (c) a document kept under paragraph 22 (fire safety management) of Schedule 1.

- (7) In this regulation—

“permitted personal data” means any personal data that a PAP must display in accordance with section 82(1) of the 2022 Act;

“significant for managing building safety” means any information or material within a document that is necessary to enable the AP, PAP, relevant RP, AP client or fire and rescue authority to identify, assess or manage a building safety risk in the higher-risk building or to understand how this is being done by another who has responsibilities in relation to fire or structural safety for that higher-risk building.

Limitation of liability for disclosure of information

19. Where an AP, PAP or outgoing person discloses information in accordance with Parts 3 and 4 of these Regulations, the disclosure of information does not breach—

- (a) any obligation of confidence owed by that AP, PAP or outgoing person in relation to that information;
- (b) any other restriction on the disclosure of information (however imposed outside of these Regulations).

PART 5

Amendment to the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

Exclusions from the definition of “higher-risk building”

20.—(1) The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023⁽³²⁾ are amended as follows.

(2) In regulation 7, for paragraph (2) substitute—

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

(a) a building that consists entirely of—

(i) a secure residential institution;

(ii) a hotel;

(iii) military barracks;

(iv) living accommodation provided by the Ministry of Defence;

(v) living accommodation for—

(aa) His Majesty’s forces;

(bb) any visiting force or international headquarters or defence organisation designated for the purpose of the International Headquarters and Defence Organisations Act 1964;

(b) a building, that is used for residential and non-residential purposes, in which all the living accommodation is provided by the Ministry of Defence.”.

(3) In regulation 8, for paragraph (2) substitute—

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

(a) a building that consists entirely of—

(i) a care home;

(ii) a hospital;

(iii) a secure residential institution;

(iv) a hotel;

(v) military barracks;

(vi) living accommodation provided by the Ministry of Defence;

(vii) living accommodation for—

(aa) His Majesty’s forces;

(bb) any visiting force or international headquarters or defence organisation designated for the purpose of the International Headquarters and Defence Organisations Act 1964;

(b) a building, that is used for residential and non-residential purposes, in which all the living accommodation is provided by the Ministry of Defence.”.

PART 6

Amendment to the Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023

Buildings with more than one AP

21.—(1) The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023(**33**) are amended as follows.

(2) In regulation 27 for “30” substitute “31”.

(3) After regulation 30 insert—

“**31.** An AP for a higher-risk building who is the PAP for that building is responsible for any part of that higher-risk building—

- (a) which is not the responsibility of another AP by virtue of regulations 28 to 30, and
- (b) to which the Regulatory Reform (Fire Safety Order) 2005 does not apply.”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Date

Name
Minister of State
Department for Levelling Up, Housing and
Communities

SCHEDULE 1

Regulation 4

Golden thread information

Information to be kept by accountable persons

1. The information described in paragraphs 2 to 14 is prescribed under section 88(1) of the 2022 Act.

Building compliance: scheme work

2. In relation to work to the higher-risk building that consists only of scheme work, the fire safety information which the client of that scheme work is required to give to any RP for that higher-risk building pursuant to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(34).

Registration

3.—(1) Where a higher-risk building has been registered(35), the most up to date registration information for that building.

(2) The information prescribed in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

(3) In sub-paragraph (1) “registration information” has the meaning given in regulation 1(3) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023(36).

Key building information

4.—(1) Where an application for registration in relation to a higher-risk building has been made and 28 days have elapsed since that application was made, the key building information for the building that is given by the PAP to the regulator pursuant to regulations 19 and 21 of the Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023.

(2) The information in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

Building assessment certification application

5.—(1) Where an application has been made for a building assessment certificate in relation to a higher-risk building—

- (a) the information that is contained in the most recent application made, pursuant to section 80 (applications for building assessment certificates) of the 2022 Act or regulations made under that section, and
- (b) any information that the PAP provides further to a request by the regulator, following receipt of that application, to support the regulator’s assessment under section 81 (building assessment certificates) of the 2022 Act.

(2) Any information prescribed in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

(34) [S.I. 2023/909](#).

(35) See section 78 of the 2022 Act as to the registration of higher-risk buildings.

(36) [S.I. 2023/315](#).

Fire safety management

6. A list identifying each fire safety management measure, and a record of where each of those measures is located.

Evacuation

- 7.—(1) Where an evacuation strategy has been produced in relation to a building—
- (a) the evacuation strategy and evacuation information for the part of the higher-risk building for which the AP is responsible; and
 - (b) only where the AP is also the PAP for the higher-risk building, the evacuation strategy and evacuation information for the higher-risk building as a whole.

(2) In sub-paragraph (1)—

“evacuation information” means information for a person in a higher-risk building about the steps to take to prevent and mitigate risks to themselves and other persons in relation to the spread of fire or structural failure in any part of that building which includes—

- (a) a description of the procedures to be followed and steps to be taken by persons in the building,
- (b) a description of when and in what circumstances a person should evacuate the building, and
- (c) information about any fire safety management measure that may assist a person to evacuate the building;

“evacuation strategy” has the same meaning as in regulation 9 of the Fire Safety Regulations⁽³⁷⁾.

Fire Safety Regulations information

8. Where regulation 4 of the Fire Safety Regulations imposes a requirement in relation to a higher-risk building, any information required under regulation 4(3)(a) and (b) of those Regulations.

Structural risks

9.—(1) A list identifying each structural safety measure in the building.

(2) In sub-paragraph (1) “structural safety measure” means, in relation to a building safety risk of a type referred to in section 62(1)(b) of the 2022 Act in respect of the building or any part of it, anything that—

- (a) has been put in place for the purpose of preventing or reducing the severity of any structural failure in the higher-risk building, and
- (b) has not been provided by a resident for their own use.

Management of building safety risks

10. In relation to the management of any building safety risk where it relates to the part of the building for which the AP is responsible—

- (a) the schedule of any maintenance and repairs that are planned in relation to any equipment, device or materials (whether or not a fixture or part of the fabric of the building), by or on

(37) For an explanation of “evacuation strategy” see paragraph “What we have done” in the “Fact sheet: information to residents (regulation 9)” at <https://www.gov.uk/government/publications/fire-safety-england-regulations-2022/fact-sheet-information-to-residents-regulation-9>.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023 ISBN 978-0-348-25350-4

behalf of any AP for the building pursuant, whether in full or in part, to complying with section 84(1) (management of building safety risks) of the 2022 Act;

- (b) where an inspection has been undertaken in relation to any building safety risk to the higher-risk building and a report of the outcome of the inspection has been produced, the most recent report.

Building design

11. Any information recorded as part of the planning, design or construction of the higher-risk building (or part of the building), which relates to the approach taken in designing the building (or part of the building), including in particular—

- (a) any design code applied, as provided for in the National Planning Policy Framework (published on 27 March 2012 and as updated on 20 July 2021⁽³⁸⁾);
- (b) any British or International building standard applied to and complied with in its construction;
- (c) any description as to the intention of the design used in its construction.

Mandatory reporting requirements

12. In relation to a report under a mandatory occurrence reporting system⁽³⁹⁾ for the higher-risk building where no more than 7 years have passed since the day that the AP created or received the report—

- (a) any information provided to the regulator by the AP in accordance with section 87(1) (mandatory reporting requirements) of the 2022 Act or regulations made under that section, and
- (b) a description in summary of any steps taken by the AP in response to that report.

Resident engagement

13. Any information which an AP is required to give to a resident of the higher-risk building or an owner of a residential unit in the higher-risk building, pursuant to regulations 7 or 8 and Schedule 2.

Complaints

14. In relation to a relevant complaint⁽⁴⁰⁾ made to a PAP where no more than 7 years have passed since the day that the PAP received the complaint, a description, in summary of—

- (a) the information contained in the complaint,
- (b) any steps taken by any AP for the higher-risk building in response to the complaint,
- (c) any involvement of the regulator in relation to or in response to the complaint, and
- (d) the outcome of the complaint.

Documents to be kept by accountable person

15. The documents specified in paragraphs 16 to 31 are prescribed under section 88(2) of the Act.

⁽³⁸⁾ A copy of the National Planning Policy Framework is available from <https://www.gov.uk/government/publications/national-planning-policy-framework--2> or is available for inspection at the principal office of the Department of Levelling Up, Housing and Communities at 2 Marsham Street, London SW1P 4DF during normal office hours.

⁽³⁹⁾ See section 87(6) of the 2022 Act for the definition of “mandatory occurrence reporting system”.

⁽⁴⁰⁾ See section 93(4) of the 2022 Act for the definition of “relevant complaint”.

Completion and partial completion of works

16.—(1) Where a completion certificate application by a client has been approved by the regulator, the documents are—

- (a) the completion certificate application and any document which accompanied the application, and
- (b) the completion certificate.

(2) Where a partial completion certificate application by a client has been approved by the regulator, the documents are—

- (a) the partial completion certificate application and any document which accompanied the application, and
- (b) the partial completion certificate.

(3) In sub-paragraphs (1) and (2) “completion certificate application” and “partial completion certificate application” have the same meanings as in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023⁽⁴¹⁾.

Building compliance: scheme work

17.—(1) Subject to sub-paragraph (2), in relation to work to the higher-risk building that consists only of scheme work, the document is any certificate that the person carrying out the work is required to give to the client as “the occupier”, in accordance with regulations 20(3)(a) and 20A(4)(a) of the 2010 Regulations.

(2) Where the work to the higher-risk building updates previous work of the same nature to the same part of the building, the certificate which is given in relation to that updating work is the prescribed document and the previous certificate is not.

Registration

18.—(1) Where a higher-risk building has been registered, the document is any certificate that the PAP for the building is required to give to the regulator pursuant to regulations 4(b) and 18(1)(d) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023.

(2) For the purposes of sub-paragraph (1), where more than one certificate has been given for the same part of the higher-risk building, only the most recent certificate is prescribed.

(3) The document prescribed in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

Building assessment certification application

19.—(1) Where an application has been made for a building assessment certificate in relation to a higher-risk building, the documents are—

- (a) any document that accompanied the most recent application made in accordance with section 80 (applications for building assessment certificates) of the 2022 Act or regulations made under it, and
- (b) any document that the PAP provided further to a request by the regulator, following receipt of that application, to support the regulator’s assessment under section 81 (building assessment certificates) of the 2022 Act.

⁽⁴¹⁾ See regulation 40 (completion certificate applications) and regulation 45 (partial completion applications).

(2) Any document prescribed in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

Refusal of building assessment certification application

20.—(1) Where the regulator has given a notice in relation to a higher-risk building under section 81(3)(b) (building assessment certificates) of the 2022 Act and no more than 7 years have passed since the day that the PAP for the building received it, the document is that notice.

(2) The document in sub-paragraph (1) is only prescribed for the AP that is also the PAP for the higher-risk building.

Building assessment certificate

21. Where the AP is also the PAP for a higher-risk building, the document is the most recent building assessment certificate in relation to the higher-risk building.

Fire safety management

22. The documents are the most recent version of any document created or received by an AP, in relation to the part of the higher-risk building for which it is responsible, where that document was created for the purpose of—

- (a) complying with article 9 of the Regulatory Reform (Fire Safety) Order 2005, and
- (b) managing the risk of fire spread in any part of the higher-risk building.

Fire Safety Regulations information

23.—(1) Where regulation 5 or 6 of the Fire Safety Regulations imposes a requirement in relation to a higher-risk building, the documents are—

- (a) the record of the design and materials of the external walls required by regulation 5 of those Regulations, and
- (b) the floor plans (including the single page building plan) required by regulation 6 of those Regulations.

(2) Where a new version of a document referred to in sub-paragraph (1) is produced the previous version ceases to be prescribed under sub-paragraph (1).

Structural risks

24.—(1) The documents are—

- (a) any statement or report giving an assurance that an assessment of structural risks for a higher-risk building, whether for the whole or any part of the building is not necessary;
- (b) any statement, assessment or report evaluating the structural risks to the higher-risk building, where any assessment of structural risks to a higher-risk building has been undertaken, whether for the whole or any part of the building.

(2) For the purposes of sub-paragraph (1), it is sufficient to keep only the most recent statement, assessment or report where—

- (a) there is more than one report in relation to the same part of the higher-risk building, and
- (b) the most recent report contains all the information necessary to enable any AP for the higher-risk building to identify, assess or manage building safety risks under Part 4 of the 2022 Act in respect of that building.

Building safety risk assessment

25. Any report that contains an up to date assessment of any building safety risk to the higher-risk building as a whole or to any part of that building for which the AP is responsible.

Management of building safety risks

26. In relation to the management of any building safety risk that relates to the part of a higher-risk building for which the AP is responsible, the documents are—

- (a) the safety case report⁽⁴²⁾ for the building,
- (b) a record of any maintenance of and any repairs undertaken to any equipment, device or materials (whether or not a fixture or part of the fabric of the building), which were planned by or on behalf of any AP for the building to comply with section 84(1) (management of building safety risks) of the 2022 Act, where no more than 7 years have passed since the day on which the record was created, and
- (c) the most recent version of any document, relating to a building safety risk to the higher-risk building, that was created for the purpose, whether in full or in part, of enabling the effective planning, organisation, monitoring, control and review of steps taken with regard to managing building safety risks in the higher-risk building pursuant to section 84(5) of the 2022 Act.

Plans

27. Any plan, in relation to a higher-risk building for which the AP is responsible, of—

- (a) the current construction of the building;
- (b) the building when it was first constructed.

Mandatory reporting requirements

28. In relation to a report under a mandatory occurrence reporting system for the higher-risk building where no more than 7 years have passed since the day that the report was received or created by the AP, the documents are any document which describes the detailed arrangements for such reporting.

Resident engagement

29. Any document which an AP is required to give to a resident of the higher-risk building or an owner of a residential unit in the higher-risk building, pursuant to regulations 7 or 8 and Schedule 2.

Complaints

30.—(1) In relation to recurring complaints, where no more than 7 years have passed since the day that the most recent complaint was received by the PAP, the documents are any log that records either or both of the following—

- (a) the subject and nature of the recurring complaint, and
- (b) the date that the recurring complaint was made.

(2) In sub-paragraph (1) “recurring complaint” means any relevant complaint⁽⁴³⁾ made to a PAP that is made in relation to the same person or in relation to the same, or substantially the same, issue as an earlier complaint.

⁽⁴²⁾ See section 85(1) of the 2022 Act for the definition of “safety case report”.

⁽⁴³⁾ See section 93 of the 2022 Act for the meaning of “relevant complaint”.

Contravention notices

31. Any contravention notice given by an AP pursuant to section 96 (contravention notices) of the 2022 Act where no more than 5 years have passed since the day that the notice was given.

SCHEDULE 2

Regulations 7 and 8

AP provision of information and documents to a resident or an owner of a residential unit

Information relating to the prevention and mitigation of building safety risks

1.—(1) A summary, which is to include an evaluation of the level of risk to residents of the higher-risk building, of the most up to date fire risk assessment for each part of the higher-risk building.

(2) A summary of the safety case report which must include the following information—

- (a) a description of any assessment of a building safety risk in the report,
- (b) a description of the steps taken or planned to be taken to manage any identified building safety risk, and
- (c) an evaluation of how effectively any identified building safety risk is being or is planned to be managed.

(3) The following information—

- (a) how a resident and owners of residential units may take active steps in relation to their residential unit to—
 - (i) prevent a building safety risk materialising, and
 - (ii) reduce the severity of any incident resulting from the risk materialising,
- (b) how and to whom a resident or owner of a residential unit may report a building safety risk relating to their building, and
- (c) the duties on residents and owners of residential units under section 95 (duties on residents and owners) of the 2022 Act.

(4) Information in relation to a higher-risk building setting out—

- (a) the location of any fire escape routes, fire doors and other aids;
- (b) a list of the fire and smoke control equipment for that building, save for that provided by a resident for their own use;
- (c) where the fire and smoke control equipment is located;
- (d) instructions for use of the fire and smoke control equipment by residents, where it is intended for use by residents;
- (e) evacuation information for the building.

(5) In this paragraph “aid” means any of the following—

- (a) a fire or smoke alarm;
- (b) emergency lighting;
- (c) a fire alarm activation device;
- (d) any other piece of equipment provided by an RP or AP for the higher-risk building and kept in the building for the primary purpose of assisting evacuation of the higher-risk building in the event of a building safety related emergency.

Information relating to the duty-holders, regulator and other persons

2.—(1) A summary explaining the role and duties of each relevant person in relation to the higher-risk building.

- (2) An explanation of how the responsibilities of each of those relevant persons differ.
- (3) The name and telephone number of each of those relevant persons.
- (4) The email address and a postal address in England and Wales at which notices (including notices in proceedings) may be served on each of those relevant persons.
- (5) For the purposes of this paragraph, the following are relevant persons—
 - (a) the regulator,
 - (b) the PAP for the higher-risk building,
 - (c) the AP responsible for the part of the higher-risk building in which the resident’s or owner’s residential unit is located,
 - (d) any RP responsible for any part of the higher-risk building, and
 - (e) any person the PAP has appointed for administrative purposes as a single point of contact in regard to resident communication.

Information and documents relating to the rights of residents and owners of residential units

3.—(1) The most up to date version of the residents’ engagement strategy⁽⁴⁴⁾.

(2) An up to date list of the information and documents that an AP is required to provide to a resident of a residential unit and an owner of a residential unit in accordance with section 89 of the 2022 Act and any regulations made under that section.

(3) Details of the information and documents copies of which a resident or an owner of a residential unit may request in accordance with section 92 of the 2022 Act, including—

- (a) a list of information that may be requested,
- (b) a list of the documents copies of which may be requested, and
- (c) the procedure that the resident or owner must follow when making a request.

(4) Information to explain the AP’s legal duty to provide requested information and requested copies of documents in a form that is accessible⁽⁴⁵⁾.

(5) Where information or a copy of a document is requested pursuant to section 92(1) of the 2022 Act but is not provided by the AP, the reason for not providing the information or a copy of the document.

(6) The up to date complaints system procedure established and operated for the higher-risk building by the PAP pursuant to section 93 (complaints procedure operated by PAP) of the 2022 Act, setting out—

- (a) the circumstances in which a relevant complaint⁽⁴⁶⁾ to the PAP may be made,
- (b) the procedure for making a complaint,
- (c) what steps the PAP is required to take to resolve any issues raised in a complaint,
- (d) how the person making a complaint (“the complainant”) will be kept informed of the steps being taken by or on behalf of the PAP to resolve any issue raised in their complaint, and

⁽⁴⁴⁾ See section 91(1) of 2022 Act for the definition of a “residents’ engagement strategy”.

⁽⁴⁵⁾ See requirements under regulation 11 of the Higher-Risk Buildings (Management of Safety Risks) (England) Regulations 2023 (S.I. 2023/907) and section 20 of the Equality Act 2010 (c. 15).

⁽⁴⁶⁾ See section 93 of the 2022 Act for the definition of “relevant complaint”.

- (e) what further action the complainant may take if they are not satisfied that the steps taken by the PAP have resolved an issue raised in their complaint.

(7) A summary of the circumstances in which a resident or owner may make a relevant complaint to the regulator and any policy the regulator has published in relation to its complaints procedure established pursuant to section 94 (complaints procedure operated by the regulator) of the 2022 Act.

SCHEDULE 3

Regulation 14

Resident engagement: requests for further information

Information and documents prescribed

- 1.—(1) The information prescribed is—
- (a) where any information is set out partially in the safety case report⁽⁴⁷⁾, the full information to which that partial information relates,
 - (b) any assessment in the safety case report of the building safety risks made under section 83 (assessment of building safety risks) of the 2022 Act by an AP for the higher-risk building,
 - (c) any information in relation to steps taken under section 84 (management of building safety risks) of that Act by an AP for the higher-risk building, and
 - (d) a summary of any representations made to the most recent consultation carried out pursuant to section 91(1)(c) (residents’ engagement strategy) of the 2022 Act.
- (2) The documents prescribed are—
- (a) up to date fire risk assessments for each part of the higher-risk building;
 - (b) the most up to date version of the safety case report for the building;
 - (c) where in the most up to date version of the safety case report—
 - (i) an extract of any evidence is relied on in the report, the document containing the whole of that evidence;
 - (ii) any document is referenced in the report, that document;
 - (d) a copy of any order and written reasons of any determination made by the tribunal⁽⁴⁸⁾ in relation to any PAP for the higher-risk building, pursuant to section 75(1)(b) and (2) (determinations by the tribunal) of the 2022 Act;
 - (e) any record of a decision, together with reasons for the decision, about whether to revise the resident engagement strategy pursuant to section 91(1)(b) (residents’ engagement strategy) of the 2022 Act.

⁽⁴⁷⁾ See section 85(1) of the 2022 Act for the definition of “safety case report”.

⁽⁴⁸⁾ See section 115 of the 2022 Act for definition of “the tribunal”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is part of a set of Regulations which implement Part 4 of the Building Safety Act 2022 (“the 2022 Act”). These Regulations make provision about what information and documents the principal accountable person (“PAP”) and any other accountable person (“AP”) for a higher-risk building must keep in relation to that higher-risk building. The term “higher-risk building” is defined in section 65(1) of the 2022 Act as a building in England that is at least 18 metres in height, or has at least 7 storeys, and contains at least 2 residential units. The definition is supplemented by the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 ([S.I. 2023/275](#)).

An AP is a duty-holder responsible for the building safety of an occupied higher-risk building further to provisions in Part 4 of the 2022 Act. An AP is a PAP where there is only one AP for a higher-risk building; where there is more than one AP, the PAP is the AP responsible for the structure and exterior of the higher-risk building, as set out in section 73(1) of the 2022 Act.

The information and documents that must be kept by an AP for a higher-risk building, as provided for in Schedule 1 to the Regulations, are together known as the “golden thread information”. These Regulations make provision about which information or copies of documents from the golden thread information a PAP or an AP must share with various persons who have an interest in the higher-risk building. The persons in question are listed in section 89(1) of the 2022 Act and are the building safety regulator (“the regulator”), any other APs for the same higher-risk building and the residents of and owners of flats in the higher-risk building. These Regulations prescribe further persons to whom an AP must provide information or copies of documents from the golden thread information, namely the clients for projects of building work in the higher-risk building and any wider building (as defined by regulation 4(8) of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023) in relation to that higher-risk building; the landlord of any tenant in the higher-risk building to whom a contravention notice⁽⁴⁹⁾ has been given; the Responsible Persons for the higher-risk building and for any wider building in relation to that higher-risk building who are not also APs; and the fire and rescue authority for the area in which the higher-risk building is located. These Regulations also makes provision about what information and copies of documents must be provided to an incoming AP or PAP upon a change of an AP or PAP in the higher-risk building, pursuant to section 90(2) of the 2022 Act.

The Higher-Risk Buildings (Management of Safety Risks) (England) Regulations 2023 ([S.I. 2023/907](#)) make provision for the standards in accordance with which an AP must keep golden thread information and explain when the golden thread information must be given and in what form.

Regulation 3 in Part 1 sets out how a direction by the regulator will provide how information is to be given to the regulator pursuant to regulation 5.

Regulation 4 in Part 2 refers to the provision at Schedule 1 of the prescribed information and copies of documents that are required to be kept by an AP for a higher-risk building. This regulation also provides that this information and these documents together are to be known as the golden thread information.

In Part 3, regulations 5, 6, 9, and 10 to 13 set out the information and documents that a PAP or an AP is required to give to various non-resident persons with an interest in or duties in relation to the higher-risk building, including where a new AP takes over responsibility for part of a higher-risk building.

⁽⁴⁹⁾ See section 96 of the 2022 Act for provision relating to contravention notices.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023* ISBN 978-0-348-25350-4

Regulations 7 and 8 make provision for residents and owners of flats in the higher-risk building to be given certain information and copies of documents by an AP in accordance with what is set out in Schedule 2. Regulation 14 and Schedule 3 together set out the information and documents that an AP is required to provide to a resident and owner of a flat in a higher-risk building where a request has been made by that resident or flat owner for that information or document.

Part 4 sets out where an AP may rely on an exception to certain duties to provide specified information or a specific part of a document pursuant to certain provisions in these Regulations. These exceptions relate to the content and substance of the information or document and make detailed provision in relation to material that may pose a security risk if disclosed, commercially sensitive or confidential material, and material that contains personal data. Regulation 19 sets out the circumstances where the AP's liability for breach of any duty of confidence or other restriction on the disclosure of information, howsoever imposed, is excepted where it occurs as a result of compliance with Parts 3 and 4 of these Regulations.

Part 5 amends the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 (S.I. 2023/275). The amendments alter which buildings with uses related to the military are exempt from being higher-risk buildings.

Part 6 amends the Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023 to provide for the PAP being responsible for part of a building for which those Regulations do not already assign responsibility, by reference to parts of a higher-risk building to which the Regulatory Reform (Fire Safety Order) 2005 (S.I. 2005/1541) does not apply.

A full impact assessment of the effect that this instrument, together with the Building (Higher-Risk Buildings) (Management of Safety Risks) (England) Regulations 2023 (S.I. 2023/907), will have on the costs to business is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.