



Building Act 1984

1984 CHAPTER 55

PART IV

GENERAL

[^{F1}Higher-risk buildings etc

[^{F1}120G Recommendations about regulations under [section 120D](#)

- (1) [Subsection \(2\)](#) applies if, in respect of any description of building that is not a higher-risk building, the regulator considers—
 - (a) that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description,
 - (b) that if the risk materialised as regards a building of that description it would have the potential to cause a major incident, and
 - (c) that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.
- (2) The regulator must—
 - (a) recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act, and
 - (b) give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.
- (3) If, following a recommendation, the Secretary of State decides not to make regulations under [section 120D](#) giving effect to the recommendation, the Secretary of State must publish a document setting out—
 - (a) the regulator's recommendation,
 - (b) the Secretary of State's decision not to make the regulations, and
 - (c) the reasons for that decision.

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- (4) If the regulator considers that a particular description of higher-risk building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England, it must make a recommendation to the Secretary of State to that effect.
- (5) In this section—
- “building safety risk” means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—
 - (a) the spread of fire;
 - (b) structural failure;
 - (c) any other matter prescribed by regulations under section 62 of the Building Safety Act 2022 in relation to all buildings, or in relation to a description of building that includes the building;
 - “major incident” means an incident resulting in—
 - (a) a significant number of deaths, or
 - (b) serious injury to a significant number of people.]

Textual Amendments

- F1** Ss. 120D-120I and cross-heading inserted (28.6.2022 so far as it relates to ss. 120D-120H, 9.12.2022 so far as it relates to s. 120I) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 31**, 170(4)(a)(c); S.I. 2022/561, **reg. 3(d)**; S.I. 2022/1287, **reg. 2(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A)(d) inserted by [2015 c. 7 s. 37\(2\)](#)
- s. 44(11) inserted by [2004 c. 22 s. 3\(8\)](#)
- s. 79A inserted by [2023 asc 3 Sch. 13 para. 65](#)
- s. 91B inserted by [2022 c. 30 Sch. 5 para. 56](#)
- s. 95(5) inserted by [2022 c. 30 s. 60\(2\)](#)
- s. 105C inserted by [2022 c. 30 s. 58](#)
- s. 116(3)-(6) inserted by [2022 c. 30 s. 45\(2\)\(d\)](#)
- s. 117(A1)(A2) inserted by [2022 c. 30 s. 45\(3\)\(b\)](#)
- s. 118(1A) inserted by [2022 c. 30 s. 45\(4\)\(b\)](#)
- s. 131A inserted by [2022 c. 30 s. 59](#)
- s. 131B inserted by [2022 c. 30 s. 60\(3\)](#)
- Sch. 1 para. 7A inserted by [2015 c. 7 s. 37\(4\)](#)