



# Building Act 1984

## 1984 CHAPTER 55

### PART IV

#### GENERAL

*[<sup>F1</sup>Higher-risk buildings etc*

#### **[<sup>F1</sup>120H Advice about regulations under [section 120D](#)**

- (1) [Subsections \(2\) to \(5\)](#) apply if the Secretary of State asks the regulator for advice as to whether a specified description of building should be a higher-risk building for the purposes of this Act as it applies in relation to England.
- (2) The regulator must consider whether the following conditions are met—
  - (a) the first condition is that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description;
  - (b) the second condition is that, if the risk materialised as regards a building of that description, it would have the potential to cause a major incident;
  - (c) the third condition is that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.
- (3) The regulator must—
  - (a) if the conditions mentioned in [subsection \(2\)](#) are met, recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England;
  - (b) otherwise, recommend to the Secretary of State that buildings of that description should not be higher-risk buildings for those purposes.
- (4) The regulator must give the Secretary of State a statement of its assessment of the issues it considered in relation to the recommendation under [subsection \(3\)](#).
- (5) If, following a recommendation under [subsection \(3\)\(a\)](#), the Secretary of State decides not to make regulations under [section 120D](#) giving effect to the recommendation, the Secretary of State must publish a document setting out—

---

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Building Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- (a) the regulator’s recommendation,
  - (b) the Secretary of State’s decision not to make the regulations, and
  - (c) the reasons for that decision.
- (6) If requested, the regulator must provide advice to the Secretary of State as to whether a specified description of building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England.
- (7) In this section—
- “building safety risk” has the meaning given by [section 120G](#);
  - “major incident” has the meaning given by that section;
  - “specified” means specified in the request.]

---

#### **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\(a\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Building Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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\(4\)](#)