



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 3

#### BUILDING ACT 1984

##### *Building control approvers and building inspectors*

#### **45 Default powers of appropriate national authority**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 116 (power to transfer local authority functions to appropriate national authority)—
  - (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) in [subsection \(1\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “he” substitute “it”;
  - (c) in [subsection \(2\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for the words from “make an order” to the end substitute “make a transfer order in respect of the body in default.”;
  - (d) after [subsection \(2\)](#) insert—
    - “(3) The Secretary of State must consult the regulator before making an order under subsection (1) or (2).
    - (4) The Secretary of State may also make a transfer order in respect of a local authority if—
      - (a) under [section 58Z7\(2\)](#) the regulator recommends that the Secretary of State make a transfer order in respect of the authority, and

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*Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 45. (See end of Document for details)*

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- (b) the Secretary of State is satisfied that the way in which the authority exercises its functions under this Act—
- (i) falls short of the standards expected, and
  - (ii) puts, or may put, the safety of persons in or about buildings at risk,
- and is likely to continue to do so.
- (5) The Welsh Ministers may also make a transfer order in respect of a local authority if the Welsh Ministers are satisfied that the way in which the authority exercises its functions under this Act—
- (a) falls short of the standards expected, and
  - (b) puts, or may put, the safety of persons in or about buildings at risk,
- and is likely to continue to do so.
- (6) A “transfer order”, in respect of a local authority or joint board, is an order transferring to the appropriate national authority, or to another local authority, such functions of the authority or board as may be specified in the order.”
- (3) In section 117 (expenses)—
- (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) before subsection (1) insert—
    - “(A1) This section applies where the appropriate national authority has transferred functions to itself by a transfer order under section 116.
    - “(A2) Any expenses incurred by the Secretary of State in discharging the transferred functions are to be paid in the first instance out of money provided by Parliament.”;
  - (c) in [subsection \(1\)](#)—
    - (i) for the words before [paragraph \(a\)](#) substitute “The amount of any expenses certified by the appropriate national authority as having been incurred by the authority in discharging the transferred functions”;
    - (ii) in [paragraph \(a\)](#) for “him” substitute “the authority”;
    - (iii) in [paragraph \(b\)](#) for the words from “him” to the end substitute “the authority from the body as a debt due to the authority”;
  - (d) in [subsection \(2\)](#) for “Secretary of State” substitute “appropriate national authority”.
- (4) In section 118 (variation or revocation of transfer order)—
- (a) in [subsection \(1\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “an order under section 116(2)” substitute “a transfer order under section 116”;
    - (iii) for “he” substitute “it”;
  - (b) after [subsection \(1\)](#) insert—
    - “(1A) The Secretary of State must consult the regulator before making an order under subsection (1).”;

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- (c) in [subsection \(2\)](#)—
- (i) for “Secretary of State” substitute “appropriate national authority”;
  - (ii) for “him”, in the first place it occurs, substitute “it”;
  - (iii) for the words from “by him” to the end substitute “, by the person to whom the revoked order transferred functions, in discharging those functions.”

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**Commencement Information**

- I1** S. 45 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)
- I2** [S. 45](#) in force at 6.4.2024 except in relation to W. by [S.I. 2024/104](#), [reg. 2\(d\)](#) (with [reg. 3](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Building Safety Act 2022, Section 45.