
STATUTORY INSTRUMENTS

2023 No. 753

The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 and come into force on the day after they are made.

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

Commencement Information

11 Reg. 1 in force at 4.7.2023, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“the Act” means the Building Safety Act 2022;

“adjusted operating profits” has the meaning given in regulation [11\(4\)](#);

“financial year” means the financial year as determined in accordance with section 390 of the Companies Act 2006⁽¹⁾;

“prohibitions list” means the list published under regulation [20\(1\)\(b\)](#);

“relevant building” has the meaning given in regulation [3](#);

“the scheme” means the Responsible Actors Scheme established by regulation [5](#);

“Self Remediation Contract” has the meaning given in regulation [21\(1\)](#);

“Self Remediation Terms” has the meaning given in regulation [21\(1\)](#);

“specified period” means the financial years ending in 2017, 2018 and 2019;

“wound up” has the meaning given in the Self Remediation Terms.

(2) In these Regulations—

(a) “group” in relation to a person (“A”) means A and any body corporate which is associated with A (within the meaning given in section 131 of the Act) and for the purposes of regulations [7\(1\)\(b\)](#), [8\(1\)\(a\)](#) and [9\(1\)\(a\)](#) includes any body corporate which has been wound up, but which before it was wound up was associated with A;

- (b) a body corporate is to be treated as controlled by another body corporate in the circumstances set out in sections 131(2) to 131(6) of the Act;
 - (c) a person acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986(2) or as receiver in relation to A or any assets of A, or any body corporate in the same group as A or its assets, is not to be treated as being in the same group as A;
 - (d) a body corporate in which an insolvency practitioner in their capacity as an insolvency practitioner is a partner, a director or a shareholder, or with which such insolvency practitioner has any employment, consultancy or similar arrangement in that capacity is not to be treated as a member of the same group as A;
 - (e) a bank, financial institution, trust, fund or other entity—
 - (i) which is regularly engaged in or established for the purpose of making, purchasing or investing in loans, securities or other financial assets; and
 - (ii) which has made debt financing available to A or any other body corporate in the same group as A in the ordinary course of its business and on arm's length terms,
 is not to be treated as a member of the same group as A solely by reason of the provision and terms of such debt financing and any associated security or collateral arrangements.
- (3) For the purposes of regulations 7 to 9, a person is to be treated as being responsible for the development or refurbishment of a building if that person would be treated as playing a role as a developer or refurbisher in relation to that building in accordance with the definition of “Building” in the Self Remediation Terms and as if “PD Group Company” in that definition was substituted with “person”.

Commencement Information

12 Reg. 2 in force at 4.7.2023, see [reg. 1\(1\)](#)

Relevant buildings

- 3.—(1)** In these Regulations, a relevant building means a building which—
- (a) is a residential building,
 - (b) is at least 11 metres high and located in England, and
 - (c) has been developed or refurbished during the period starting on 5th April 1992 and ending on 4th April 2022 (“the relevant period”).
- (2) For the purposes of paragraph (1), a “residential building” is a self-contained building or self-contained part of a building, which—
- (a) contains, at the date these Regulations come into force, at least one dwelling held under the terms of a lease with a term exceeding 21 years or as commonhold land, or
 - (b) is owned by a registered provider of social housing.
- (3) A building does not cease to be a residential building because it also contains premises which are not dwellings.
- (4) In this regulation—
- (a) section 117 of the Act applies for the purposes of determining whether a building or part of a building is self-contained;

- (b) the height of a building will be determined in accordance with the definition of “Building” in the Self Remediation Terms.

Commencement Information

I3 Reg. 3 in force at 4.7.2023, see [reg. 1\(1\)](#)

Notices

4.—(1) Any notice or notification required to be given or issued under these Regulations must be in writing.

(2) Any such notice or notification may be given or issued in satisfaction of any requirement under these Regulations by—

(a) delivering or sending it to, or leaving it at—

(i) the addressee’s registered office, the addressee’s principal place of activity, or the addressee’s home address (as applicable); or

(ii) another address supplied by the addressee for the purposes of these Regulations or under the Self Remediation Contract, or

(b) electronic means, by sending it to an email address provided by the addressee for the purposes of these Regulations or under the Self Remediation Contract.

(3) Where no address is supplied or is otherwise available under paragraph (2), or if an address under paragraph (2) is outside the United Kingdom, any requirement to give or issue a notice or notification under these Regulations is to be treated as satisfied where reasonable steps are taken to deliver or send the notice.

Commencement Information

I4 Reg. 4 in force at 4.7.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, PART 1.