

Draft Regulations laid before Parliament under section 120A(7)(b) of the Building Act 1984 and section 168(6)(b) 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 (Descriptions and Supplementary Provisions) Regulations 2023

Made - - - - *******
Coming into force - - *6th April 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 120A(2) and (3) and 120D(2), (3) and (4) of the Building Act 1984 (“the 1984 Act”)(**1**), and sections 65(2) and (3) and 168(2) and (3) of the Building Safety Act 2022 (“the 2022 Act”)(**2**).

In accordance with section 120E(1)(**3**) of the 1984 Act and section 66(1) of the 2022 Act, the Secretary of State has consulted the Health and Safety Executive(**4**) and such persons as the Secretary of State considers appropriate.

In accordance with section 120F(2)(**5**) of the 1984 Act the Secretary of State has asked the Health and Safety Executive for advice under section 120H(1)(**6**) of that Act and in accordance with section 67(2) of the 2022 Act the Secretary of State has asked the Health and Safety Executive 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(**7**).

In accordance with section 120A(7)(b) of the 1984 Act and section 168(6)(b) of the 2022 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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- (1) [1984 c. 55](#). Section 120A was inserted by Schedule 5 to the Building Safety Act [2022 \(c. 30\)](#) (“the 2022 Act”) and section 120D was inserted by section 31 of that Act.
- (2) [2022 c. 30](#).
- (3) Section 120E was inserted by section 31 of the 2022 Act.
- (4) The Health and Safety Executive is “the regulator”. See the definitions of “the regulator” at section 126 of the Building Act 1984 and section 115 of the 2022 Act.
- (5) Section 120F was inserted by section 31 of the 2022 Act.
- (6) Section 120H was inserted by section 31 of the 2022 Act.
- (7) The cost benefit analysis is available at <https://www.gov.uk/government/publications/the-higher-risk-buildings-descriptions-and-supplementary-provisions-regulations-2023-cost-benefit-analysis>. 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.