Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Miscellaneous and general

108 Guidance

(1) The regulator may issue guidance about any of the following matters—

(a) the performance of any duties under section 87 (mandatory reporting requirements);

(b) the performance of any duties under section 88 or 89 (duty to keep or give information);

(c) the performance of any duties under section 92 (duty to give further information to residents);

(d) the performance of any duties under section 93 (complaints procedure).

(2) The regulator may revise or withdraw any issued guidance.

(3) Where in any proceedings it is alleged that a person has contravened a provision mentioned in subsection (1)—

(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a contravention, and

(b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such contravention.

(4) In any proceedings, a document purporting to be guidance under this section is to be taken to be such guidance unless the contrary is proved.

(5) Guidance under this section may be issued, revised or withdrawn only with the consent of the Secretary of State.

Changes to legislation: *Building Safety Act 2022, Cross Heading: Miscellaneous and general is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) In this section any reference to a provision includes regulations made under the provision.

Commencement Information

I1 S. 108 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I2 S. 108 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z7)**

109 Cooperation and coordination

(1) Subsection (2) applies if there is more than one accountable person for an occupied higher-risk building.

(2) When carrying out their duties under, or under regulations made under, this Part, each accountable person must so far as possible—

(a) cooperate with every other accountable person for the building, and

(b) coordinate with every other accountable person for the building.

(3) Subsection (4) applies to an accountable person for an occupied higher-risk building if there are one or more other persons who are responsible persons within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005 in relation to the building.

(4) The accountable person must cooperate with each responsible person for the purpose of each responsible person carrying out their duties under the Order.

Commencement Information

I3 S. 109 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I4 S. 109 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z8)**

110 Managers appointed under Part 2 of the Landlord and Tenant Act 1987

(1) Section 24 of the Landlord and Tenant Act 1987 (appointment of a manager by a tribunal) is amended as follows.

(2) After subsection (2ZA) insert—

"(2ZB) Subsection (2)(a) does not apply in respect of a breach of a building safety obligation by an accountable person for a higher-risk building.

(2ZC) In this section—

"accountable person" has the meaning given in section 72 of the Building Safety Act 2022;

"building safety obligation" means an obligation of an accountable person under Part 4 of the Building Safety Act 2022 or regulations made under that Part;

"higher-risk building" has the meaning given in section 65 of the Building Safety Act 2022."

(3) After subsection (2D) (inserted by paragraph 8(3) of Schedule 7) insert—

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"(2E) An order under this section may not provide for a manager to carry out a function in relation to a higher-risk building where Part 4 of the Building Safety Act 2022 or regulations made under that Part provide for that function to be carried out by an accountable person for that building."

Commencement Information

I5 S. 110 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I6 S. 110 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z9)**

111 Building safety directors of resident management companies

(1) This section applies in relation to a resident management company that is an accountable person for a higher-risk building.

(2) The articles of association of the resident management company have effect as if they included such provision as may be prescribed relating to—

(a) eligibility for appointment as a director of the company, for a building safety purpose;

(b) the appointment of a director for such a purpose;

(c) the entitlement to remuneration of a director appointed for such a purpose;

(d) the removal of a director so appointed.

(3) Subsection (2) has effect—

(a) whether or not the provision is adopted by the company;

(b) whether the company was formed before or after the coming into force of this section;

(c) notwithstanding anything in the company's articles of association.

(4) In this section—

"building safety purpose" means the purpose of supporting the resident management company in complying with its duties under this Part or under regulations made under this Part;

"resident management company" has the meaning given by regulations made by the Secretary of State.

Commencement Information

I7 S. 111 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**

I8 S. 111 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, **reg. 2(v)**

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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. 120(4A) inserted by 2024 c. 22 s. 114(3)
- s. 123(2)(a)(b) and words substituted for words by 2024 c. 22 s. 115(2)
- s. 123(8)(9) inserted by 2024 c. 22 s. 115(4)
- s. 124(2A)(2B) inserted by 2024 c. 22 s. 116(3)
- s. 124(4)(aa) inserted by 2024 c. 22 s. 116(5)(b)
- Sch. 3 para. 3(5)(e) and word inserted by 2024 c. 22 Sch. 13 para. 7(b)