



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 4

#### HIGHER-RISK BUILDINGS

##### *Registration and certificates*

#### **76 Requirement for completion certificate before occupation**

- (1) This section applies if any of the following works are carried out—
  - (a) the construction of a higher-risk building;
  - (b) the creation of additional residential units in such a building;
  - (c) works to a building that cause it to become a higher-risk building.
- (2) If a relevant residential unit is occupied before a completion certificate relating to a relevant part of the building is issued, the relevant accountable person commits an offence.
- (3) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the residential unit being occupied before such a completion certificate was issued.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (5) In this section—

“completion certificate” means a certificate of a prescribed description that is issued under regulations made under section 1(1) of the Building Act 1984 (building regulations);

“occupied”: a residential unit is occupied if there is a resident of it;

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“relevant accountable person”, in relation to a residential unit, means the accountable person who is responsible for a relevant part of the building;

“relevant part” of a building, in relation to a residential unit, means a part of the building containing the residential unit;

“relevant residential unit” means—

- (a) in the case of works within [subsection \(1\)\(a\)](#), any residential unit in the building;
- (b) in the case of works within [subsection \(1\)\(b\)](#), any additional residential unit;
- (c) in the case of works within [subsection \(1\)\(c\)](#), any residential unit in the building except one that existed before the works began.

#### Commencement Information

- I1** S. 76 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I2** S. 76 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(p\)](#)

## 77 Occupation: registration requirement

- (1) The principal accountable person for a higher-risk building commits an offence if the building is occupied but not registered.
- (2) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the building being occupied but not registered.
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);
 and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.
- (4) In this section “registered” means registered under section 78.

#### Commencement Information

- I3** S. 77 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I4** S. 77 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(q\)](#)

## 78 Registration of higher-risk buildings

- (1) On an application by the principal accountable person for a higher-risk building the regulator may register the building.
- (2) The regulator must publish the register in such way as it considers appropriate.
- (3) The regulator may remove a building from the register if it appears to the regulator that—
  - (a) the building is not occupied, or

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- (b) the building is not a higher-risk building.
- (4) The Secretary of State may by regulations make provision about the register, including in particular provision about—
  - (a) the information to be contained in the register;
  - (b) the updating or other revision of information in the register;
  - (c) the procedure for removing buildings from the register.
- (5) The Secretary of State may by regulations make provision in relation to applications under this section, including in particular provision about—
  - (a) the form and content of an application;
  - (b) the information and documents that must accompany an application;
  - (c) the way in which an application, and anything that is to accompany it, is to be given;
  - (d) the circumstances in which an application may be withdrawn or treated as withdrawn;
  - (e) the way in which an application may be withdrawn.

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**Commencement Information**

- I5** S. 78 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I6** [S. 78\(1\)\(3\)\(4\)\(5\)](#) in force at 6.4.2023 in so far as not already in force by [S.I. 2023/362](#), [reg. 3\(1\)\(z4\)](#)
- I7** [S. 78\(2\)](#) in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993](#), [reg. 2\(r\)](#)

**79 Occupied building: duty to apply for building assessment certificate**

- (1) This section applies where the regulator directs the principal accountable person for an occupied higher-risk building to apply to the regulator for a building assessment certificate in relation to the building.
- (2) The principal accountable person for the building must make the application within the period of 28 days beginning with the day on which the direction is given.
- (3) A person who, without reasonable excuse, contravenes [subsection \(2\)](#) commits an offence.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.
- (5) In this section “building assessment certificate” means a certificate issued under section 81.

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**Commencement Information**

- I8** S. 79 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

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**19** S. 79 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, reg. 2(a)

## **80 Applications for building assessment certificates**

- (1) An application under section 79 must be accompanied by—
  - (a) a copy of the most recent safety case report for the building unless a copy of that report has been provided under section 86(2);
  - (b) prescribed information about the mandatory occurrence reporting system operated by the principal accountable person;
  - (c) prescribed information demonstrating compliance by each accountable person for the building with their duties under section 89;
  - (d) a copy of any residents’ engagement strategy.
- (2) The Secretary of State may by regulations make further provision about applications under section 79, including in particular provision about—
  - (a) the form and content of an application;
  - (b) the way in which an application, and anything which is to accompany it, is to be given;
  - (c) the circumstances in which an application may be withdrawn or treated as withdrawn;
  - (d) the way in which an application may be withdrawn.
- (3) In this section—
  - “mandatory occurrence reporting system” has the same meaning as in section 87;
  - “residents’ engagement strategy” has the same meaning as in section 91;
  - “safety case report” has the same meaning as in section 85.

### **Commencement Information**

**110** S. 80 in force at Royal Assent for specified purposes, see s. 170(2)(a)

**111** S. 80 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, reg. 2(b)

## **81 Building assessment certificates**

- (1) This section applies where—
  - (a) the principal accountable person for an occupied higher-risk building applies under section 79 for a certificate in relation to the building (a “building assessment certificate”),
  - (b) the application is made pursuant to a direction of the regulator under that section, and
  - (c) the building is registered under section 78.
- (2) The regulator must assess whether the relevant duties are being complied with (and may inspect the building in connection with that assessment).
- (3) The regulator—
  - (a) must give a building assessment certificate if satisfied that all relevant duties are being complied with;

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- (b) if not so satisfied, must (subject to [subsection \(4\)](#)) refuse the application and notify the principal accountable person of the refusal.
- (4) If the regulator considers that a contravention of a relevant duty can be remedied promptly—
- (a) the regulator may give a notice under [this subsection](#) to the principal accountable person containing a brief description of the contravention and specifying a period for remedying the contravention, and
  - (b) if it does so, and the contravention is remedied within that period, it may give a building assessment certificate (instead of refusing the application).
- (5) In this section “relevant duty” means a duty of an accountable person for the building under, or under prescribed regulations made under, any of the following—
- (a) section 83 (duty to assess building safety risks);
  - (b) section 84 (management of building safety risks);
  - (c) section 85 (duties relating to safety case report);
  - (d) section 87(5) (duties relating to mandatory occurrence reporting system);
  - (e) section 89 (provision of information to regulator, residents etc);
  - (f) section 91 (duty to produce a residents’ engagement strategy).
- (6) The Secretary of State may by regulations make further provision about building assessment certificates and notices under this section, including in particular provision about—
- (a) the period in relation to which a certificate may be given;
  - (b) the form and content of a certificate or notice;
  - (c) the way in which a certificate or notice is to be given.

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#### Commencement Information

**I12** S. 81 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**I13** S. 81 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(c\)](#)

## 82 Duty to display building assessment certificate etc

- (1) The principal accountable person for an occupied higher-risk building must ensure that the following are displayed together, in a conspicuous position in the building—
- (a) a notice in the prescribed form containing prescribed information about accountable persons for the building;
  - (b) the most recent building assessment certificate relating to the building;
  - (c) any relevant compliance notice (see [subsection \(5\)](#)).
- (2) Where a special measures order is in force in relation to an occupied higher-risk building—
- (a) [subsection \(1\)](#) has effect as if [paragraph \(b\)](#) were omitted, and
  - (b) the principal accountable person for the building must ensure that no building assessment certificate relating to the building is displayed in the building.
- (3) A person who, without reasonable excuse, contravenes [subsection \(1\)](#) or [\(2\)\(b\)](#) commits an offence.
- (4) A person guilty of an offence under this section is liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

(5) In this section—

“building assessment certificate” has the same meaning as in section 81;

“relevant compliance notice”: a compliance notice is “relevant” if—

- (a) it has been given to an accountable person for the building,
- (b) if it was not given to the principal accountable person for the building, the regulator has given a copy of it to the principal accountable person, and
- (c) the regulator has not notified the principal accountable person that the notice has been withdrawn.

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#### **Commencement Information**

**I14** S. 82 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**I15** S. 82 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(d\)](#)

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