



Building Safety Act 2022

2022 CHAPTER 30

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Building industry schemes

126 Building industry schemes

- (1) The Secretary of State may by regulations—
 - (a) establish a scheme to be maintained by the Secretary of State, or a person designated by the Secretary of State and acting on the Secretary of State's behalf, and
 - (b) make provision about the scheme.
- (2) A scheme may be established for any purpose connected with—
 - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
 - (b) improving the standard of buildings,
including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.
- (3) Regulations that establish a scheme must prescribe—
 - (a) the descriptions of persons in the building industry who may be members of the scheme ("eligible persons"), and
 - (b) the conditions that an eligible person must meet in order to become, and remain, a member of the scheme ("membership conditions"),
and may provide for different categories of membership.
- (4) The membership conditions that may be prescribed include in particular conditions relating to—

Status: This is the original version (as it was originally enacted).

- (a) the remedying of defects in buildings with which an eligible person has a connection of a prescribed kind;
- (b) the making of financial contributions towards meeting costs associated with remedying defects in buildings (including buildings with which an eligible person has no connection);
- (c) the use (or use in prescribed cases) of construction products (or construction products of a prescribed description) of prescribed persons carrying out activities in relation to construction products;
- (d) the provision of information to the Secretary of State or any other person;
- (e) the competence or conduct of any individual connected with an eligible person (for example, any director or senior manager of an eligible person) or any person with whom an eligible person contracts;
- (f) whether persons with whom an eligible person contracts are members of a scheme.

In paragraph (e) “conduct” includes conduct occurring before the coming into force of this section.

- (5) The descriptions of persons prescribed by virtue of subsection (4)(c) may in particular be prescribed by reference to—
 - (a) being eligible to be members of a scheme and not being members of that scheme;
 - (b) their conduct in relation to remedying defects in buildings or contributing to costs associated with remedying defects in buildings.
- (6) The membership conditions that may be prescribed by virtue of subsection (4)(c) include in particular a condition requiring an eligible person to ensure that no prescribed product of prescribed persons carrying out activities in relation to construction products is used in prescribed cases.
- (7) The Secretary of State must ensure that a list of members of a scheme is kept and published (and may publish a list of persons who are eligible persons but are not members of a scheme).
- (8) Regulations may make provision about the keeping and publication of other lists.

127 Building industry schemes: supplementary

- (1) This section supplements section 126.
- (2) Regulations may make provision about—
 - (a) applications for membership of a scheme;
 - (b) renewal of membership at prescribed intervals;
 - (c) termination of a person’s membership;
 - (d) the suspension of a person from membership.
- (3) Regulations may provide for the charging of fees, in connection with—
 - (a) an application for membership;
 - (b) renewal of membership;
 - (c) a review;
 - (d) any other prescribed matter.
- (4) Regulations may provide for membership conditions to be framed by reference to—

Status: This is the original version (as it was originally enacted).

- (a) standards, or a document, from time to time published by any person;
 - (b) the opinion of the Secretary of State, or a designated person, in relation to any matter.
- (5) Regulations may make provision about the determination of disputes.
- (6) Regulations may make provision about the termination of a scheme.
- (7) In section 126 and this section—
- “building” means a building in England;
 - “building industry”: a reference to persons in the building industry is to persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, including persons carrying out activities in relation to construction products in England;
 - “construction product” has the meaning given by regulations;
 - “persons carrying out activities in relation to construction products” include (without limitation)—
 - (a) a manufacturer of construction products,
 - (b) a person who markets or supplies construction products to others, and
 - (c) a person who imports construction products into the United Kingdom for use, marketing or supply;
 - “prescribed” means prescribed by the regulations;
 - “regulations” means regulations under section 126;
 - “scheme” means a scheme established under section 126;
 - “standard” (except in subsection (4) of this section) is to be read in accordance with section 30.