



Building Safety Act 2022

2022 CHAPTER 30

PART 6

GENERAL

161 Liability of officers of body corporate etc

- (1) Where an offence under [Part 2](#) or [4](#) committed by a body corporate—
 - (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
 - (b) is attributable to any neglect on the part of any such person,that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In [subsection \(1\)](#) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) [Subsection \(1\)](#) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—
 - (a) in the case of a partnership, to a partner;
 - (b) in the case of an unincorporated body other than a partnership—
 - (i) where the body’s affairs are managed by its members, to a member of the body;
 - (ii) in any other case, to a member of the governing body.
- (4) Where—
 - (a) a relevant company is an accountable person for a higher-risk building (within the meaning of [Part 4](#)), and
 - (b) one or more (but not all) directors of the relevant company have been appointed for a building safety purpose and are entitled to remuneration from the company,

Status: This is the original version (as it was originally enacted).

this section, so far as relating to Part 4, does not apply in relation to a director who is not entitled to remuneration from the relevant company.

(5) In subsection (4)—

“building safety purpose” means the purpose of supporting the relevant company in complying with its duties under Part 4 or under regulations made under that Part;

“relevant company” means—

- (a) a resident management company within the meaning of section 111,
- (b) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), or
- (c) a company that is a commonhold association within the meaning of Part 1 of that Act (see section 34).

162 Review of regulatory regime

(1) The Secretary of State must appoint an independent person to carry out a review of—

- (a) the effectiveness of the regulator in—
 - (i) exercising its building functions,
 - (ii) securing the safety of people in or about buildings in relation to risks arising from buildings, and
 - (iii) improving the standard of buildings,
- (b) the adequacy and effectiveness of—
 - (i) provision made by or under [Parts 2 and 4](#) of this Act, and
 - (ii) provision made by or under the Building Act 1984 (except [section 105C](#)) that applies in relation to England,
- (c) the effectiveness of the regulation of construction products in the United Kingdom,
- (d) such matters connected with any of the matters mentioned in [paragraphs \(a\) to \(c\)](#) as the person considers appropriate, and
- (e) any other matter specified in the appointment.

(2) On completion of a review, the appointed person must make a written report to the Secretary of State—

- (a) setting out the result of the review, and
- (b) making such recommendations (if any) as the person considers appropriate.

(3) The Secretary of State must publish a copy of the report.

(4) The first appointment must be made within the period of 5 years beginning with the day on which this Act is passed.

(5) Any other appointment must be made within the period of 5 years beginning with the day on which the most recent appointment was made.

(6) In this section—

“building function” has the meaning given by section 3;

“independent” means appearing to the Secretary of State to be independent of—

- (a) the Secretary of State,
- (b) the regulator,

- (c) the profession of registered building inspectors,
 - (d) the built environment industry (as defined by section 30),
 - (e) persons carrying on activities connected with the manufacture, importation, marketing or supply of construction products (as defined by [paragraph 24 of Schedule 11](#)), and
 - (f) local authorities (as so defined);
- “the regulator” has the meaning given by section 2.

163 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by the Secretary of State, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

164 Crown application

- (1) The following provisions, and any provision made under them, bind the Crown—
 - (a) [Part 2](#);
 - (b) [Part 4](#) except sections 99, 100 and 103 (compliance notices);
 - (c) sections 116 to 125 and [Schedule 8](#) (remediation of certain defects);
 - (d) sections 136 to 142 and [Schedule 9](#) (new homes ombudsman scheme);
 - (e) sections 144 and 145 (new build home warranties);
 - (f) section 161.
- (2) No contravention by the Crown of a provision mentioned in [subsection \(1\)](#) makes the Crown criminally liable.
- (3) [Subsection \(2\)](#) does not affect the criminal liability of persons in the service of the Crown.

165 Application to Parliament

- (1) The following provisions do not apply in relation to the Parliamentary Estate—
 - (a) sections 99, 100 and 103 (compliance notices under [Part 4](#));
 - (b) [paragraphs 1 to 3 of Schedule 2](#) (powers of entry of authorised officers).
- (2) If the Palace of Westminster (or any part of it) is a higher-risk building within the meaning of [Part 4](#), for the purposes of that Part the accountable persons for the building are the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons, acting jointly.
- (3) No contravention by a Corporate Officer of a provision made by or under [Part 2](#) or [4](#) makes the Corporate Officer criminally liable.
- (4) [Subsection \(3\)](#) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).
- (5) In [subsection \(3\)](#) “Corporate Officer” means—
 - (a) the Corporate Officer of the House of Lords,

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

- (b) the Corporate Officer of the House of Commons, or
- (c) the Corporate Officers acting jointly.

(6) In this section “Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.

166 Power of Secretary of State to make consequential provision

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.
- (2) The regulations may amend, repeal or revoke provision made by or under—
 - (a) an Act passed before this Act;
 - (b) an Act passed later in the same session of Parliament as this Act.
- (3) Regulations under this section may not make provision that may be made under section 167.

167 Power of Welsh Ministers to make consequential provision

- (1) The Welsh Ministers may by regulations make provision, in relation to Wales, that is consequential on [Part 3](#) or section 156.
- (2) The regulations may amend, repeal or revoke provision made by or under—
 - (a) an Act passed before this Act;
 - (b) an Act passed later in the same session of Parliament as this Act;
 - (c) an Act or Measure of Senedd Cymru passed before this Act.
- (3) The regulations may make—
 - (a) transitional, transitory or saving provision;
 - (b) different provision for different purposes.
- (4) The regulations are to be made by statutory instrument.
- (5) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act, or by an Act or Measure of Senedd Cymru, may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (6) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.

168 Regulations

- (1) This section applies to regulations under any provision of this Act except—
 - (a) section 138(7)(b) (new homes ombudsman scheme: meaning of “developer”),
 - (b) section 167 (power of Welsh Ministers to make consequential provision),
 - (c) section 170 (commencement and transitional provision), and
 - (d) [Schedule 11](#) (construction products regulations).
- (2) A power to make regulations includes power to make—
 - (a) consequential, supplementary, incidental, transitional, transitory or saving provision;

- (b) different provision for different purposes or for different areas.
- (3) Regulations may describe a building by reference to its height, size, design, use, purpose or any other characteristic.
- (4) A power to make regulations about the way in which anything is to be given to the regulator (as defined by section 2) includes power to provide that the thing is to be given in a way specified in a direction made and published by the regulator in accordance with the regulations.
- (5) Regulations are to be made by statutory instrument.
- (6) A statutory instrument containing (whether alone or with other provision)—
 - (a) regulations under section 12, 62, 65(5), 68, 71, 72, 74, 123, 126, 128, 129 or 140 or paragraph 6 of Schedule 3 or paragraph 2(12), 13(10) or 15(4) of Schedule 7 or paragraph 3(5), 12 or 15 of Schedule 8,
 - (b) regulations made by virtue of section 65(3)(c),
 - (c) regulations under section 89 (except regulations only making provision of a kind mentioned in section 89(2)),
 - (d) regulations under section 90 (except regulations only making provision of a kind mentioned in section 90(3) or (4)),
 - (e) regulations under section 92 (except regulations only making provision of a kind mentioned in section 92(3)),
 - (f) regulations under sections 153 to 155, or
 - (g) regulations under section 166 that amend or repeal provision made by an Act, may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) Any other statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

169 Extent

- (1) Subject as follows, this Act extends to England and Wales only.
- (2) The following provisions extend to England and Wales, Scotland and Northern Ireland—
 - (a) Part 1;
 - (b) paragraphs 87 and 88 of Schedule 5 (and section 55 so far as relating to those paragraphs);
 - (c) sections 136 to 143 and Schedule 9 (new homes ombudsman scheme);
 - (d) section 146 and Schedule 11 (construction products);
 - (e) sections 152 to 155 (costs contribution orders);
 - (f) section 157 to 159 (architects);
 - (g) this Part except section 161, 164 and 167.
- (3) Section 2(2) and Schedule 1 (amendments of the Health and Safety at Work etc Act 1974) extend to England and Wales and Scotland.
- (4) The amendments made by Schedule 10 (amendments in connection with the new homes ombudsman scheme) have the same extent as the provision amended.

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

- (5) Sections 147 to 149 (liability relating to construction products) extend to England and Wales and Scotland.
- (6) Section 151 (liability relating to construction products: limitation in Scotland) extends to Scotland only.
- (7) The Secretary of State may by regulations—
 - (a) provide for the provisions mentioned in subsection (5) to extend also to Northern Ireland, and
 - (b) make provision (including provision amending this Act or any other enactment) in relation to the application of the provisions mentioned in subsection (5) in Northern Ireland.

170 Commencement and transitional provision

- (1) The following provisions come into force on the day on which this Act is passed—
 - (a) section 1;
 - (b) section 2(1);
 - (c) section 7;
 - (d) section 28;
 - (e) section 30;
 - (f) sections 61 to 70;
 - (g) section 115;
 - (h) [this Part](#) except sections 161 and 164.
- (2) [Parts 2](#) and [4](#), except the provisions mentioned in [subsection \(1\)](#), come into force—
 - (a) for the purposes of making regulations, on the day on which this Act is passed;
 - (b) for remaining purposes, on such day as the Secretary of State may by regulations appoint.
- (3) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
 - (a) sections 116 to 125 and [Schedule 8](#);
 - (b) section 134;
 - (c) section 135;
 - (d) section 146 and [Schedule 11](#);
 - (e) sections 147 to 155;
 - (f) sections 157 to 159.
- (4) As regards [Part 3](#) and section 156—
 - (a) the following provisions come into force on such day as the Welsh Ministers may by regulations appoint—
 - (i) section 31 so far as relating to section 120I of the Building Act 1984;
 - (ii) section 32(3) so far as relating to section 91ZD of that Act;
 - (iii) section 42 so far as relating to section [58Z2](#) and [58Z10](#) of that Act;
 - (iv) [paragraph 56](#) of [Schedule 5](#) (and section 55 so far as relating to that paragraph);
 - (v) [paragraph 77](#) of that Schedule so far as relating to section 120C of the Building Act 1984 (and section 55 so far as relating to that section);

- (b) the following provisions come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations appoint—
 - (i) section 32 except [subsection \(3\)](#) of that section;
 - (ii) section 33 except so far as relating to paragraph 1D(3) of Schedule 1 to the Building Act 1984;
 - (iii) sections 34 to 41;
 - (iv) section 42 except so far as relating to section 58Z2, 58Z7 or [58Z10](#) of the Building Act 1984;
 - (v) section 43 and [Schedule 4](#);
 - (vi) sections 44 to 52;
 - (vii) section 53 except [subsection \(1\)](#) of that section;
 - (viii) section 55 and [Schedule 5](#) except—
 - (A) paragraphs 38 and 87 to 89 of that Schedule (and section 55 so far as relating to those paragraphs);
 - (B) paragraph 77 of that Schedule so far as relating to section 120B of the Building Act 1984 (and section 55 so far as relating to that section);
 - (ix) section 56 and [Schedule 6](#) except paragraphs 7 and 29 of that Schedule (and section 56 so far as relating to those paragraphs);
 - (x) section 57;
 - (xi) section 156 except [subsection \(8\)](#) of that section so far as relating to Article 22B of the Regulatory Reform (Fire Safety) Order 2005;
 - (c) subject to that, [Part 3](#) and section 156 come into force on such day as the Secretary of State may by regulations appoint.
- (5) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
 - (6) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
 - (7) Regulations under [subsection \(4\)\(a\)](#) or [\(b\)](#) may make transitional or saving provision.
 - (8) The powers to make regulations under this section include power to make different provision for different purposes or for different areas.
 - (9) Regulations under this section are to be made by statutory instrument.

171 Short title

This Act may be cited as the Building Safety Act 2022.