



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 5

#### OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

##### *Fire safety*

#### **156 Amendment of Regulatory Reform (Fire Safety) Order 2005**

- (1) The Regulatory Reform (Fire Safety) Order 2005 ([S.I. 2005/1541](#)) is amended as follows.
- (2) In article 5 (duties under the Order), for “22”, in each place it occurs, substitute “22B”.
- (3) In article 9 (risk assessment)—
  - (a) in paragraph (6) for the words from “record” to the end substitute “make a record of the assessment or review, which must in particular include the information prescribed by paragraph (7).”;
  - (b) in paragraph (7)(a) omit “significant”.
- (4) After article 9 insert—

##### **“9A Risk assessment: assistance**

- (1) The responsible person must not appoint a person to assist them with making or reviewing an assessment under article 9 unless that person is competent.
- (2) A person is to be regarded as competent for the purposes of this article where the person has sufficient training and experience or knowledge and other qualities to enable the person properly to assist in making or reviewing the assessment.
- (3) Where the responsible person appoints more than one person, the responsible person must make arrangements for ensuring adequate co-operation between them.”

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*Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 156. (See end of Document for details)*

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- (5) In article 11(2) (fire safety arrangements) omit the words from “where” to the end.
- (6) After article 21 insert—

**“21A Provision of information to residents of domestic premises**

- (1) This article applies in relation to a building containing two or more sets of domestic premises.
- (2) The responsible person must give residents of the domestic premises comprehensible and relevant information about the relevant fire safety matters.
- (3) The relevant fire safety matters are—
- (a) the risks to residents of the domestic premises identified by the risk assessment;
  - (b) the preventive and protective measures;
  - (c) the name of the responsible person and an address in the United Kingdom at which the responsible person, or someone acting on their behalf, will accept notices and other documents;
  - (d) the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under article 9;
  - (e) the identity of any persons nominated by the responsible person under article 13(3)(b);
  - (f) any risks of which the responsible person has been informed under article 22(1)(c);
  - (g) any other matters specified in regulations made by the relevant authority.
- (4) The information is to be provided at such times, and in such form, as may be specified in regulations made by the relevant authority.
- (5) The responsible person must keep records of the relevant fire safety matters.
- (6) The “relevant authority”—
- (a) in relation to premises in England, means the Secretary of State;
  - (b) in relation to premises in Wales, means the Welsh Ministers.
- (7) Regulations under this article are to be made by statutory instrument.
- (8) A statutory instrument containing regulations made by the Secretary of State under this article is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made by the Welsh Ministers under this article is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (7) In article 22 (co-operation and co-ordination)—
- (a) in the heading, at the end insert “between responsible persons”;
  - (b) before paragraph (1) insert—
- “(A1) A person who is a responsible person in relation to any premises must take such steps as are reasonably practicable to ascertain whether

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any other responsible person shares, or has duties in respect of, the premises.”;

- (c) in paragraph (1) before sub-paragraph (1)(a) insert—
- “(za) inform the other responsible persons concerned of that person’s name and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents;
  - (zb) inform the other responsible persons concerned of the part of the premises for which that person considers themselves to be a responsible person, and keep a record of that information;”.

(8) After article 22 insert—

**“22A Provision of information to new responsible person**

- (1) Paragraph (2) applies where a person (the “outgoing person”) ceases to be a responsible person for premises and another person (the “new responsible person”) becomes a responsible person for the premises in place of the outgoing person.
- (2) The outgoing person must give the new responsible person any relevant fire safety information held by the outgoing person.
- (3) “Relevant fire safety information” means—
  - (a) records kept under article 9(6) of assessments and reviews under article 9;
  - (b) the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under article 9;
  - (c) the name of any other person who is a responsible person in relation to the premises and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents (where known);
  - (d) where the premises consist of or include a higher-risk building, the identity of any other person who is an accountable person in relation to the premises (where known);
  - (e) any information given under regulation 38 of the Building Regulations 2010 (S.I. 2010/2214) (fire safety information);
  - (f) any other matters specified in regulations made by the relevant authority.
- (4) The information is to be provided at such times, and in such form, as may be specified in regulations made by the relevant authority.
- (5) A responsible person must keep records of relevant fire safety information.
- (6) In this article—
  - “accountable person” has the meaning given by section 72 of the Building Safety Act 2022;
  - “higher-risk building” has the meaning given by section 65 of that Act;
  - “relevant authority”—
    - (a) in relation to premises in England, means the Secretary of State;

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(b) in relation to premises in Wales, means the Welsh Ministers.

- (7) Regulations under this article are to be made by statutory instrument.
- (8) A statutory instrument containing regulations made by the Secretary of State under this article is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made by the Welsh Ministers under this article is subject to annulment in pursuance of a resolution of Senedd Cymru.

## 22B Co-operation with accountable persons

- (1) This article applies in relation to premises which consist of or include a residential unit in a higher-risk building.
- (2) The responsible person (“P”) must take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are accountable persons in relation to the premises.
- (3) If there are, P must co-operate with each accountable person for the purpose of the accountable person carrying out their duties under the Building Safety Act 2022.

(4) In this article—

“accountable person” has the meaning given by section 72 of the Building Safety Act 2022;

“higher-risk building” has the meaning given by section 65 of that Act;

“residential unit” has the meaning given by section 115 of that Act.”

(9) In article 29(5) (alterations notices), omit paragraphs (b) and (c).

(10) In article 32 (offences)—

- (a) in paragraph (1)(a) for “22” substitute “22B”;
- (b) in paragraph (4) omit “not exceeding level 3 on the standard scale”;
- (c) in paragraph (7) omit “not exceeding level 3 on the standard scale”.

(11) In article 50 (guidance)—

- (a) in paragraph (1) for “22” substitute “22B”;
- (b) in paragraph (1A)—
- (i) for “22” substitute “22B”;
- (ii) omit “in relation to a relevant building (or part of the building)”;
- (iii) in sub-paragraph (a) omit “risk based”;
- (iv) in sub-paragraph (b) omit “risk based”.

### Commencement Information

- I1** S. 156 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(xi\)\(c\)](#)
- I2** [S. 156\(1\)-\(3\)\(5\)-\(11\)](#) in force except in relation to W. at 1.10.2023 by [S.I. 2023/362](#), [reg. 4](#) (with [reg. 5\(2\)](#))

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**Changes to legislation:** There are currently no known outstanding effects for the Building Safety Act 2022, Section 156. (See end of Document for details)

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- I3** S. 156(1)-(3)(5)-(7)(9)-(11) in force at 1.10.2023 for W. by S.I. 2023/914, **reg. 3** (with reg. 6)
- I4** S. 156(8) in force at 1.10.2023 for specified purposes for W. by S.I. 2023/914, **reg. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Building Safety Act 2022, Section 156.