

*This Statutory Instrument has been made in part in consequence of a defect in [S.I. 2022/1388](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2023 No. 229**

# **BUILDING AND BUILDINGS ARCHITECTS**

## **The Building Safety Act 2022 (Consequential Amendments and Prescribed Functions) and Architects Act 1997 (Amendment) Regulations 2023**

*Made* - - - - *27th February 2023*

*Laid before Parliament* *1st March 2023*

*Coming into force* - - *1st April 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3(5) and 166(1) of the Building Safety Act 2022<sup>(1)</sup> and paragraph 24 of Schedule 1 to the Architects Act 1997<sup>(2)</sup>.

In respect of the provision at regulation 4, in accordance with section 7(4) of the Building Safety Act 2022 the Secretary of State has consulted the regulator<sup>(3)</sup> and such other persons as the Secretary of State considers appropriate.

In respect of the provision at regulation 5, in accordance with paragraph 24(1) of Schedule 1 to the Architects Act 1997 the Secretary of State has consulted the Architects Registration Board and such other persons or bodies as the Secretary of State thinks fit.

### **Citation, commencement and extent**

**1.—(1)** These Regulations may be cited as the Building Safety Act 2022 (Consequential Amendments and Prescribed Functions) and Architects Act 1997 (Amendment) Regulations 2023 and come into force on 1st April 2023.

(2) Subject to paragraph (3), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Regulation 4 extends to England and Wales.

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(1) [2022 c. 30](#).

(2) [1997 c. 22](#).

(3) See section 2(1) of the Building Safety Act 2022 for the definition of “regulator” for the purposes of Part 2 of that Act.

### **Amendments to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009**

2.—(1) The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009(4) is amended as follows.

(2) In article 8 (amendments to section 14 of the Building Act 1984: the Building Regulations Advisory Committee for England) omit paragraphs (2), (3) and (4).

(3) Omit article 9 (transitional provision for members of the predecessor Building Regulations Advisory Committee).

(4) Omit article 10 (amendment to the Parliamentary Commissioner Act 1967 to refer to the Building Regulations Advisory Committee for England).

### **Amendment to the Freedom of Information (Additional Public Authorities) Order 2010**

3. In Part 2 of the Schedule to the Freedom of Information (Additional Public Authorities) Order 2010(5), omit the entry for the Building Regulations Advisory Committee for England.

### **Further functions of the regulator**

4. For the purposes of section 3(5) of the Building Safety Act 2022, the functions of the Health and Safety Executive as statutory consultee in relation to the fire safety of higher-risk buildings or proposed higher-risk buildings under, or under any instrument made under—

(a) the Town and Country Planning Act 1990(6), and

(b) section 54 of the Planning and Compulsory Purchase Act 2004(7),

are prescribed as functions of the regulator.

### **Amendment to the Architects Act 1997**

5. In Schedule 1 to the Architects Act 1997, omit paragraph 20.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Lee Rowley*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

27th February 2023

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(4) S.I. 2009/3019.

(5) S.I. 2010/937.

(6) 1990 c. 8.

(7) 2004 c. 5.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 9(3) of the Building Safety Act 2022 (c. 30) abolishes the Building Regulations Advisory Committee for England. The Building Regulations Advisory Committee for Wales will remain. Regulations 2 and 3 of these Regulations consequentially remove references to the Building Regulations Advisory Committee for England.

Regulation 4 prescribes as functions of the regulator, the Health and Safety Executive (“HSE”), certain functions of HSE as statutory consultee under town and country planning legislation. These are added to the functions of the regulator under or by virtue of the Building Act 1984 (c. 55) or the Building Safety Act 2022 to include them in the meaning of “building function” in Part 2 of the Building Safety Act 2022.

Regulation 5 amends Schedule 1 to the Architects Act 1997 to omit paragraph 20. The amendment is a consequence of amendments made to paragraph 19 of that Schedule by the Architects (Fees, Electronic Communications and Miscellaneous Amendments) Regulations 2022, S.I. 2022/1388.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.