
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations determine which buildings will be subject to the new more stringent safety regime established by the Building Safety Act 2022 (“the 2022 Act”). They do so by supplementing and completing the definitions of “higher-risk building” at section 120D of the Building Act 1984 (“the 1984 Act”) (inserted by section 31 of the 2022 Act) and section 65 of the 2022 Act. The 1984 Act makes provision about the design of, and building work carried out in respect of, “higher-risk buildings”. The 2022 Act makes provision about safety management in occupied “higher-risk buildings”.

Regulation 2 specifies descriptions of building considered “higher-risk buildings” for the purpose of section 120D of the 1984 Act.

Regulation 4 defines “building”. It sets out the circumstances in which structures that are joined will be considered one “building” and also the circumstances in which a section of a wider structure or set of structures will be considered a “building” for the purpose of the new regime.

Regulations 5 and 6 set out how the height and number of storeys of a building is to be determined.

Regulations 7 and 8 exclude certain types of building from the definition of a “higher-risk building”. The same types of building are excluded for both parts of the new regime apart from care homes and hospitals which are excluded from the definition of “higher-risk building” in the 2022 Act but not in the 1984 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.