
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out what constitutes ‘key building information’ in respect of higher-risk buildings; the duties and provisions in relation to submitting key building information; and sets out how to determine for which parts of a higher-risk building an accountable person (“AP”) is responsible under Part 4 of the Building Safety Act 2022 (“the 2022 Act”).

Regulation 2 sets out what information is prescribed under section 89(1) of the 2022 Act as ‘key building information’.

Regulations 3 to 18 set out what information is ‘key building information’. Amongst other things, it clarifies information that is required in relation to structures that do not form part of the higher-risk building but are attached or an outbuilding of it; information that is required in relation to the use of the building; information in relation to materials used and fixtures in certain parts; and information relating to structure and staircases.

Regulations 21 to 23 set out the duties on a principal accountable person (“PAP”) and AP. These duties include providing or enabling key building information to be submitted to the regulator and keeping information up to date. These regulations also provide a time frame for carrying out the duties by reference to an application for registration or upon the AP or PAP becoming aware of any changes to the information.

Regulations 24 and 27 make provision about the form and way key building information is given to the regulator. Regulation 24 mandates that the information should be submitted in electronic form. Regulation 25 includes provision for the regulator to make a direction specifying in further detail how the information is to be submitted.

Regulation 26 sets out what parts of a higher-risk building an AP is responsible for, for the purposes of section 74 of the 2022 Act, where there the building has only one AP.

Regulations 29 to 30 set out what parts of a higher-risk building an AP is responsible, for the purposes of section 74 of the 2022 Act, where the building has more than one AP. Regulation 28 provides that an AP who holds a legal estate in possession in or a repairing obligation in relation to common part as defined by section 72 of the 2022 Act is responsible for that part of the common parts. Regulation 29 provides which AP is responsible for a balcony on the exterior wall. Regulation 30 makes provision in relation to residential units that are let, or the AP has a right to let, under a long lease as defined by section 115 of the 2022 Act.

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