

This Statutory Instrument has been made in part to correct errors in S.I. 2023/315 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 907

BUILDING AND BUILDINGS, ENGLAND

**The Higher-Risk Buildings (Management of Safety Risks etc)
(England) Regulations 2023**

Made - - - - *9th August 2023*

Laid before Parliament *17th August 2023*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 25(2) and (3), 78(4) and (5), 80(1)(b) and (c) and (2), 81(6), 82(1)(a), 84(3), 85(3), 86(3), 87(1), (2) and (5), 88(1) and (2), 89(2), 90(3) and (4), 91(1)(b) and (c), (4)(c) and (6), 92(3), 93(2) and (3), 96(6), 100(1) and (2), 105 and 168(2) and (4) of, the Building Safety Act 2022(a).

In accordance with section 7(4) of the Building Safety Act 2022, the Secretary of State has consulted the regulator(b) and such other persons as the Secretary of State considers appropriate.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023.

(2) These Regulations come into force at the same time as section 83 of the 2022 Act comes into force.

(3) These Regulations extend to England and Wales and apply to England only.

Interpretation

2. In these Regulations—

“the 2022 Act” means the Building Safety Act 2022;

“AP” means accountable person(c);

(a) 2022 c. 30; see section 115 of the 2022 Act for the definition of “prescribed”.

(b) See sections 2 and 115 of the 2022 Act for the definition of “the regulator”.

(c) See section 72 of the 2022 Act for the definition of “accountable person”.

“PAP” means principal accountable person(a);

“the register” means the register of higher-risk buildings held by the regulator pursuant to section 78 of the 2022 Act.

PART 2

Higher-Risk Buildings

Building assessment certificates

3.—(1) The information about the mandatory occurrence reporting system prescribed for the purposes of section 80(1)(b) of the 2022 Act is information, whether contained in the safety case report or not, which demonstrates compliance with section 87(5) of the 2022 Act.

(2) The information demonstrating compliance with duties under section 89 of the 2022 Act prescribed for the purposes of section 80(1)(c) of the 2022 Act is a statement by the PAP confirming that each AP has complied with the obligations contained in regulations made under section 89 of the 2022 Act, including the obligation to notify the regulator of any change to information provided within 28 days of the PAP becoming aware of the change, in accordance with regulation 21 of the Higher-Risk Buildings (Key Building Information etc) (England) Regulations 2023(b).

(3) The regulator may make a direction as to the way in which an application under section 79(1) of the 2022 Act is to be made, which may include a requirement to make the application via a website address provided for that purpose by the regulator.

(4) The regulator must publish a direction under paragraph (3) on its website and make it available for inspection at its principal offices during normal office hours.

(5) An application under section 79(1) of the 2022 Act must include the following—

- (a) the address, postcode and, if applicable, name of the building;
- (b) the name of the PAP;
- (c) the registration number given to the building on the register;
- (d) a description of any changes to the information relating to the building contained on the register, including the date those changes occurred;
- (e) details of any compliance notice given under section 99 of the 2022 Act and in force in relation to the building.

(6) A building assessment certificate(c) must contain the following—

- (a) the address, postcode and, if applicable, name of the building;
- (b) the name of the PAP;
- (c) the names of any other AP;
- (d) the date of issue of the certificate;
- (e) the registration number given to the building on the register;
- (f) the signature of a person authorised by the regulator to sign the certificate;
- (g) a statement that, at the time of issue of the certificate, the regulator was satisfied that all relevant duties were being complied with.

(7) A notice under section 81(3)(b) and (4) of the 2022 Act—

- (a) must be copied to any person who is an AP for any part of the building to which the notice relates;

(a) See section 73 of the 2022 Act for the definition of “principal accountable person”.

(b) S.I. 2023/396.

(c) See section 81(1)(a) of the 2022 Act for the definition of “building assessment certificate”.

- (b) must contain the following—
 - (i) the date the decision to which the notice relates was made,
 - (ii) a brief description of the contravention of the duty that gave rise to the decision under section 81(3)(b) of the 2022 Act to refuse to issue a certificate,
 - (iii) if the notice is given under section 81(4) of the 2022 Act, the period within which the PAP may remedy the contravention,
 - (iv) information about the right to request a review of the decision.

(8) The information prescribed for the purposes of section 82(1)(a) of the 2022 Act is the address, telephone number and email address of the PAP and any other AP for the building.

(9) The form of a notice prescribed for the purposes of section 82(1)(a) of the 2022 Act is that the notice is in writing and legible when displayed.

Management of building safety risks: prescribed principles

4.—(1) The principles prescribed for the purposes of section 84(3) of the 2022 Act are to—

- (a) avoid building safety risks^(a);
- (b) evaluate building safety risks that cannot be avoided, including identifying the proportionate measures required to address, reduce, mitigate and control the risks;
- (c) combat building safety risks at source by introducing proportionate measures to address, reduce, mitigate and control the risk at the earliest opportunity;
- (d) ensure suitable and proportionate systems are in place for the effective inspection, testing and maintenance of the efficacy of measures taken;
- (e) give collective protective measures priority over individual protective measures;
- (f) adapt to technical progress;
- (g) where reasonable to do so, replace the dangerous with the non-dangerous or less dangerous;
- (h) consider the impacts on residents and carry out engagement with residents;
- (i) give appropriate instructions and information to employees and persons working on or in the building;
- (j) ensure that any person responsible for or assisting with compliance with a duty in or under Part 4 of the 2022 Act has the relevant competence.

(2) A person has the relevant competence—

- (a) where the person is an individual, if that person has the skills, knowledge, experience and behaviours necessary to perform the functions for which they are responsible in a satisfactory manner;
- (b) where the person is not an individual, if that person has the organisational capability to ensure that the functions for which it is responsible are performed in a satisfactory manner.

(3) An individual who is in training is deemed to have the relevant competence for a function if that individual is adequately supervised by a person with the relevant competence when performing the function.

Safety case reports

5.—(1) A PAP must include the following information in a safety case report^(b)—

- (a) the registration number given to the building on the register;

(a) See section 62 of the 2022 Act for the definition of “building safety risk”.

(b) See section 85(1) of the 2022 Act for the definition of “safety case report”.

- (b) a brief description of the building and its wider environment;
- (c) a description of the possible scenarios of building safety risks that have been identified by each AP through the risk assessment process under section 83 of the 2022 Act, the likelihood of those risks materialising and the assessment of the likely consequences if they do materialise;
- (d) a description of how the steps taken by each AP demonstrate compliance with the obligations under section 84 of the 2022 Act;
- (e) a description summarising the system for managing safety for the building including but not limited to details of—
 - (i) how safety measures are tested and maintained,
 - (ii) the policies and procedures in place for managing works to the building, including for assuring the competence of designers and contractors appointed, quality of materials used and assessment and management of building safety risks whilst works are in progress;
- (f) a description of emergency plans in place for the building including but not limited to—
 - (i) a description of equipment in place to allow emergency services to respond to an emergency,
 - (ii) details of the information provided to emergency services to support their emergency response planning,
 - (iii) a description of the expectation with regard to residents and how they are to respond to emergency situations.

(2) The safety case report must be kept in electronic form.

(3) A notification to the regulator under section 86(1) of the 2022 Act of a revised safety case report must include—

- (a) an overview of the main revisions to the safety case report; and
- (b) an explanation why the revision has been made.

(4) The regulator may make a direction as to the way in which a safety case report or a notification under section 86(1) of the 2022 Act is to be given, which may include a requirement to give the report or notification via a website address provided for that purpose by the regulator.

(5) The regulator must publish a direction under paragraph (4) on its website and make it available for inspection at its principal offices during normal office hours.

Mandatory reporting requirements

6.—(1) The circumstances prescribed for the purposes of section 87(1) of the 2022 Act are that a safety occurrence has taken place in the part of the building for which the AP is responsible.

(2) The information prescribed for the purposes of that subsection is as follows—

- (a) a notice that the safety occurrence has taken place, containing a brief description of the nature of the safety occurrence and the address of the building in which it took place;
- (b) a report containing—
 - (i) the date and time of the safety occurrence,
 - (ii) the date and time the safety occurrence was first notified to the regulator,
 - (iii) the date of submission of the report to the regulator,
 - (iv) the address of the building at which the safety occurrence took place,
 - (v) the name, address, telephone number and email address of the AP making the report,
 - (vi) the details of the safety occurrence, including—
 - (aa) whether any persons were injured or killed as a result of the safety occurrence,
 - (bb) details of any recent building work,

- (cc) details of how the safety occurrence was discovered,
 - (vii) a description of the measures taken to mitigate or remedy the safety occurrence,
 - (viii) details of any wider impact or other considerations.
- (3) The time prescribed for the purposes of that subsection is as follows—
- (a) the AP must give the notice mentioned in paragraph (2)(a) as soon as reasonably practicable after the occurrence has taken place;
 - (b) the AP must give the report mentioned in paragraph (2)(b) within the period of 10 days beginning with the day on which the safety occurrence came to the AP’s attention.
- (4) The requirements for a mandatory occurrence reporting system with which a PAP must comply for the purposes of section 87(5) of the 2022 Act are—
- (a) that there is a single reporting system for the building;
 - (b) that the system enables—
 - (i) the reporting and recording of incidents and situations by individuals to the AP;
 - (ii) the recording of incidents and situations identified by the AP;
 - (iii) the timely assessment of reports or records of incidents and situations to determine whether they constitute a safety occurrence;
 - (iv) the notification and reporting of safety occurrences to the regulator within the required periods;
 - (c) that the system is accessible to all residents and other users of the building;
 - (d) that there are regular reviews of the system to ensure that it remains effective.
- (5) In this regulation—
- “safety occurrence” means an incident or situation relating to the structural integrity of, or spread of fire in, a higher-risk building that meets the risk condition;
- “the risk condition” is met in relation to a part of a building if the use of that part of the building without the incident or situation being remedied would be likely to present a risk of a significant number of deaths, or serious injury to a significant number of people.

Keeping of information and documents

7.—(1) The standards prescribed for the keeping of information under section 88(1) of the 2022 Act are that the information—

- (a) is kept in an electronic format which ensures it is capable of being transferred electronically to other persons without the data in it being lost or corrupted;
- (b) is accurate;
- (c) is intelligible to the intended readers of the data, and any key needed to understand the data is provided with the data;
- (d) is kept in such a manner as to be accessible as soon as reasonably practicable in response to a request from any person specified in section 89(1) of the 2022 Act or prescribed by regulations made under that subsection;
- (e) is secure from unauthorised access; and
- (f) is only changed in accordance with procedures which record the person who made the change and the date of that change.

(2) The standards prescribed for the keeping of copies of documents under section 88(2) of the 2022 Act are that the documents—

- (a) are kept in an electronic format capable of being transferred to other persons without the data in them being lost or corrupted;
- (b) are kept in such a manner as to be accessible promptly in response to a request from any person specified in section 89(1) of the 2022 Act or prescribed by regulations made under that subsection;

- (c) are secure from unauthorised access; and
- (d) are only changed in accordance with procedures which record the person who made the change and the date of that change.

Provision of information to the regulator, residents etc

8.—(1) For the purposes of section 89(2)(a) of the 2022 Act, an AP must give information and copies of documents prescribed under section 89(1) of that Act to the persons specified in section 89(1)(a) or (b) or (subject to paragraph (2)), prescribed by regulations made under paragraph (e) of that subsection, as soon as reasonably practicable after the information or document has been created or updated, or where there is a requirement for the recipient to request the information or document, as soon as reasonably practicable after the request is made.

(2) In the case of a client whose project is carried out, whether in full or in part, in relation to a higher-risk building, the obligation to give the information and copies of documents arises as soon as reasonably practicable after the client gives written notice to the AP that a project is taking place in the building and which provides a name, address and email address for the supply of prescribed information and documents.

(3) In paragraph (2)—

“client” means any person for whom a project is carried out;

“project” means a project which includes or is intended to include any building work and includes all planning work, design work, management or other work involved in a project until the end of the construction phase.

(4) In paragraph (3)—

“building work” has the same meaning as in regulation 3 of the Building Regulations 2010(a).

“construction phase” means the period beginning when any building work on a project starts and ending when that project is completed.

(5) For the purposes of section 89(2)(b) and (c) of the 2022 Act, an AP must give information and copies of documents prescribed under section 89(1) of the 2022 Act electronically and in a format that the recipient can access to—

(a) other APs for the building; and

(b) subject to paragraph (6), any persons prescribed by regulations made under section 89(1)(e) of the 2022 Act.

(6) Nothing in paragraph (5) applies in relation to the owner of a residential unit in a higher-risk building where an AP of that building has given a contravention notice to any person residing in that residential unit (and accordingly section 29 of the 2022 Act applies in relation to the giving of information and copies of documents to such an owner).

(7) For the purposes of section 89(2)(a) of the 2022 Act, an AP must give information and documents prescribed under section 89(1) of the 2022 Act to any resident of the building—

(a) where a higher-risk building becomes occupied, as soon as reasonably practicable after the building becomes occupied, or if later, the time when the person became an AP for the building;

(b) where a new resident moves into a higher-risk building, as soon as reasonably practicable after the AP becomes aware that the resident has moved in;

(c) where prescribed information previously given to a resident has become out of date, as soon as reasonably practicable after the AP has become aware that the information has become out of date.

(8) For the purposes of section 89(2)(a) of the 2022 Act, an AP must give information and documents prescribed under section 89(1) of the 2022 Act to any non-resident owner of residential units—

(a) S.I. 2010/2214.

- (a) as soon as reasonably practicable after the AP becomes aware that the person has taken ownership of a residential unit in the building;
- (b) where the prescribed information is a copy of a contravention notice given to any person residing in the residential unit owned by the person, as soon as reasonably practicable after that notice has been given;
- (c) where prescribed information previously given to an owner of a residential unit has become out of date, as soon as reasonably practicable after the AP has become aware that the information is out of date.

(9) For the purposes of section 89(2)(b) and (c) of the 2022 Act, information and documents given to residents and non-resident owners of residential units must be—

- (a) in writing;
- (b) in a form which allows the recipients to understand the content and aims of the information or document given, including explanations of technical language used, or with plain English summaries of complex or technical provisions;
- (c) displayed in common parts of the building where the prescribed information consists of—
 - (i) the process for reporting a building safety risk as regards the building,
 - (ii) how to make a relevant complaint^(a),
 - (iii) the identity of and the address, telephone number and email address of—
 - (aa) the PAP for the building,
 - (bb) any other AP for the building,
 - (cc) any person who is a responsible person within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005^(b) in relation to the building,
 - (iv) any person the PAP has appointed for administrative purposes as a single point of contact in regard to resident communication to contact to request further building safety information,
 - (v) the list of types of further information that a resident can request and the process for making such a request.

(10) The obligation in paragraph (9)(c) to display prescribed information is without prejudice to the obligation to give prescribed information specified in that sub-paragraph to residents of the building in accordance with section 29 of the 2022 Act.

Provision of information etc on changes in AP

9.—(1) For the purposes of section 90(3)(a) of the 2022 Act, information and copies of documents prescribed under section 90(2) of the 2022 Act must be given as soon as reasonably practicable after the relevant time^(c).

(2) For the purposes of section 90(3)(b) of the 2022 Act, information and copies of documents prescribed under section 90(2) of the 2022 Act must be—

- (a) given electronically without the data in it being lost or corrupted;
- (b) intelligible to the recipient, with any key needed to understand the data being provided.

(3) The following information is prescribed for the purposes of section 90(4) of the 2022 Act—

- (a) the outgoing person's^(d) name;
- (b) the building or part of the building for which the outgoing person was responsible;
- (c) the registration number given to the building on the register;

(a) See section 93(4) of the 2022 Act for the definition of “relevant complaint”.

(b) S.I. 2005/1541.

(c) See section 90(1) for the definition of “the relevant time”.

(d) See section 90(1) for the definition of “outgoing person”.

- (d) the date that the outgoing person ceased to be responsible for the building or part of the building;
- (e) the name, address, telephone number and email address of any person who has become responsible for the building or part of the building for which the outgoing person has ceased to be responsible and a description of the part of the building for which any such person is responsible.

(4) The regulator may make a direction as to the way in information specified in paragraph (3) must be given to it, which may include a requirement to give the information or copy documents via a website address provided for that purpose by the regulator.

(5) The regulator must publish a direction under paragraph (4) on its website and make it available for inspection at its principal offices during normal office hours.

Residents' engagement strategy

10.—(1) For the purposes of section 91(1)(b) of the 2022 Act, the PAP must review the residents' engagement strategy^(a)—

- (a) at least every two years, and in any event within a reasonable period following the conclusion of a consultation under section 91(1)(c) of the 2022 Act;
- (b) within a reasonable period after a mandatory occurrence report in relation to the building is submitted to the regulator under section 87 of the 2022 Act;
- (c) within a reasonable period after the completion of significant material alterations to the building unless the impact of the significant material alterations has been considered as part of a review that has been carried out pursuant to sub-paragraph (a) or (b) within the previous two years.

(2) For the purposes of paragraph (2)(c), "significant material alterations" include—

- (a) work which increases or decreases the external height or width of the building;
- (b) work which changes the number of storeys the building has (including adding or removing a mezzanine or gallery floor);
- (c) work which changes the number of residential units contained in the building;
- (d) work which changes the number of, or width of, the staircases in the building or which changes the number of, or width of, any other escape routes within the building;
- (e) work to the external wall of the building excluding work which consists only of materials of a description specified in regulation 7(3) of the Building Regulations 2010 becoming part of the wall;
- (f) work which changes the internal layout of the building.

(3) The circumstances prescribed for the purposes of section 91(1)(c) of the 2022 Act are that—

- (a) a residents' engagement strategy has first been prepared pursuant to section 91(1)(a) of the 2022 Act; or
- (b) there has been a revision to the residents' engagement strategy, except where that revision was made in consequence of responses to a consultation under section 91(1)(c) of the 2022 Act.

(4) For the purposes of paragraph (3)(a), where a building becomes occupied in stages, the requirement under section 91(1)(c) of the 2022 Act to consult in prescribed circumstances is met if the PAP carries out consultation in stages corresponding to the occupation of the building, or if the PAP considers it appropriate, at a point where a majority of relevant persons^(b) are able to participate.

(5) The persons prescribed for the purposes of section 91(1)(c) of the 2022 Act are any APs for the building other than the PAP.

(a) See section 91(1)(a) of the 2022 Act for the definition of "residents' engagement strategy".

(b) See section 91(7) of the 2022 Act for the definition of "relevant persons".

(6) The persons prescribed for the purposes of section 91(4)(c) of the 2022 Act are any APs for the building other than the PAP.

(7) A residents' engagement strategy must contain the following—

- (a) a requirement that the PAP must inform residents when works resulting from a building safety decision(a) will be carried out, and the purpose of the works;
- (b) unless works are required to commence on an emergency basis and it would be impracticable to consult relevant persons(b), where works taking place for a period of more than one day arising from a building safety decision will limit access to any part of a building, or otherwise cause a nuisance to residents, a requirement that the PAP must consult relevant persons about—
 - (i) the days and times when works are to take place, and
 - (ii) how to mitigate disruption to relevant persons from the works;
- (c) a requirement that the PAP must give due consideration to the responses to any consultation;
- (d) provision for the keeping of records of reviews carried out by the PAP;
- (e) provision for setting out in writing to residents how consultations are to be carried out on the residents' engagement strategy and on building safety decisions.

(8) Consultations under section 91 of the 2022 Act must—

- (a) include appropriate and reasonable methodologies which may include digital, postal or in-person events;
- (b) involve the taking of reasonable steps to ensure that any relevant person likely to be affected by the matter to which the consultation relates is aware of the consultation;
- (c) be for a reasonable period, and in the case of a consultation on the residents' engagement strategy, for a period of no less than 3 weeks.

Requests for further information

11. For the purposes of section 92(3) of the 2022 Act the AP must provide information or copies of documents requested—

- (a) in writing; and
- (b) in a form which allows the recipients to understand the content and aims of the information or document given, including where reasonable to do so, explanations of technical language used, or with plain English summaries of complex or technical provisions.

PAP complaints procedures

12.—(1) The complaints system established by a PAP under section 93 of the 2022 Act (“the system”) must secure the matters specified in the following paragraphs.

(2) The PAP must publish a complaints policy which explains—

- (a) what amounts to a relevant complaint(c);
- (b) how a relevant complaint may be made;
- (c) how a relevant complaint will be dealt with;
- (d) how a complainant can make representations and comments on any findings during an investigation;
- (e) the expected timeframes for investigation and determination of a relevant complaint;

(a) See section 91(2) of the 2022 Act for the definition of “building safety decision”.

(b) See section 91(7) of the 2022 Act for the definition of “relevant persons”.

(c) See section 93(4) of the 2022 Act for a definition of “relevant complaint”.

- (f) the address, telephone number and email address of the regulator and details of the right and manner in which to take a relevant complaint to the regulator where an agreed outcome cannot be reached between the PAP and complainant;
 - (g) details of how compliance with the Equality Act 2010^(a) is secured, such as by giving examples of the types of reasonable adjustment which may be made;
 - (h) details of how personal data is processed.
- (3) Any complaint which is a relevant complaint, made to any AP for the building, is dealt with under the system.
- (4) There is an effective process for the prioritisation of relevant complaints taking account of the level of risk involved.
- (5) All complaints are dealt with in an impartial and fair manner under the system.
- (6) Any question as to whether a complaint is a relevant complaint is determined under the system or if necessary referred to the regulator for final determination of that question.
- (7) Any person is able to make a relevant complaint.
- (8) A complaint may be made via any reasonable method, including in particular any method agreed between the PAP and relevant persons, as that expression is defined in section 91 of the 2022 Act, as to the manner in which complaints should be made.
- (9) A complainant may be assisted by another person in the making of a complaint and in responding to the investigation of a complaint.
- (10) A complaint which is a relevant complaint is dealt with under the system, irrespective of whether the complaint identifies that it is a relevant complaint or specifies that it is a matter to be dealt with under the system.
- (11) Any complaint is acknowledged as soon as reasonably practicable.
- (12) If a complaint is accepted by the PAP as a relevant complaint, that the complainant is informed of that fact.
- (13) If a complaint is not accepted by the PAP as a relevant complaint, that the complainant is given reasons for that decision and informed of the right to take the issue to the regulator for final determination.
- (14) A relevant complaint may be rejected for consideration under the system if it consists of a complaint which has already been determined or which is under consideration following a complaint by the same complainant.
- (15) All complaints are dealt with in a timely manner and the complainant is given information about the timeframe for responding to and taking action in response to the complaint, including details of any changes to the timeframe communicated, with reasons for any such changes.
- (16) A procedure exists for reconsidering the first substantive response to a relevant complaint where the complainant requests reconsideration.
- (17) All responses to a complaint include details of how that response may be challenged including—
- (a) in the case of a first substantive response to a relevant complaint, details of how the complainant may ask the PAP to reconsider that response; and
 - (b) in the case of any subsequent substantive response to a relevant complaint, details of the right to refer the complaint to the regulator, and how the complainant can do so.
- (18) A procedure exists for referral of a complaint to the regulator where—
- (a) there is an absence of agreement between the PAP and any APs for the building as to the appropriate response to the complaint; and
 - (b) the complainant consents to the referral.

(a) 2010 c. 15.

(19) All responses to the complainant are in writing and in a form which allows the recipient to understand the content of the information given, including explanations of technical language used, or with plain English summaries of complex or technical provisions.

(20) A substantive response to a complaint—

- (a) addresses all material points relating to the relevant complaint;
- (b) gives reasons for decisions;
- (c) gives details of any action undertaken;
- (d) gives details of any action planned, including a timeframe for that action to begin and be completed.

Contravention notices

13.—(1) A contravention notice given under section 96(2) of the 2022 Act must contain—

- (a) details of any statutory provision which it is alleged the relevant person(a) has contravened;
- (b) details of any previous communication between the appropriate accountable person(b) and the relevant person relating to the alleged contravention;
- (c) details of any guidance issued by the regulator which is relevant to the alleged contravention;
- (d) where any steps are specified under section 96(3)(b) of the 2022 Act, an explanation why the appropriate accountable person considers that the steps should be taken;
- (e) where a sum is specified under section 96(4) of the 2022 Act, an explanation why the sum is required and evidence of the amount specified;
- (f) details of the complaints procedure operated by the PAP under section 93 of the 2022 Act available to the relevant person to dispute all or part of the contravention notice;
- (g) the name and contact details of the AP giving the contravention notice.

(2) A contravention notice must be—

- (a) in writing; and
- (b) in a form which allows the relevant person to understand the content and aims of the notice, including explanations of technical language used, or with plain English summaries of complex or technical provisions.

Compliance notices

14.—(1) A compliance notice given under section 99 of the 2022 Act must be in writing and state—

- (a) that it is a compliance notice given under section 99 of the 2022 Act;
- (b) the date on which the compliance notice is given;
- (c) the name and address of the AP to whom the compliance notice is given;
- (d) details of the relevant requirement(c) which it is alleged the AP has contravened;
- (e) details of the nature of the contravention;
- (f) the building or part of the building in which the contravention of the relevant requirement is alleged to have occurred;
- (g) if specified that the compliance notice is an urgent action notice(d), the reasons why the regulator considers it appropriate to so specify;

(a) See section 96(10) of the 2022 Act for the definition of “relevant person”.

(b) See section 96(10) of the 2022 Act for the definition of “appropriate accountable person”.

(c) See section 99(7) of the 2022 Act for the definition of “relevant requirement”.

(d) See section 99(4) of the 2022 Act for the definition of “urgent action notice”.

- (h) the consequences of contravention of the compliance notice;
- (i) that the compliance notice may be withdrawn by the regulator at any time;
- (j) details of the right to appeal to the tribunal^(a) under section 103(1) of the 2022 Act, including the following details—
 - (i) the period within which any appeal must be made,
 - (ii) the right to apply to the tribunal under section 103(4)(a) of the 2022 Act for a direction where it is specified in the notice that it is an urgent action notice,
 - (iii) the right to apply to the tribunal under section 103(5) of the 2022 Act for an extension of the period for the doing of any thing specified to be done in the compliance notice.

(2) A compliance notice may not relate to the contravention of more than one relevant requirement.

(3) Where the compliance notice relates to the contravention of a relevant requirement that is a requirement on the PAP, the regulator must give the compliance notice to the PAP, and give a copy of the compliance notice to all other APs for the building.

(4) Where the compliance notice relates to the contravention of a relevant requirement that is a requirement on an AP pertaining to the part of a building for which that AP is responsible, the regulator must give the compliance notice to that AP, and give a copy of the compliance notice to all other APs for the building, including the PAP.

(5) The regulator may withdraw a compliance notice at any time.

(6) Where the regulator withdraws a compliance notice, it must as soon as reasonably practicable give the recipient of the compliance notice a notice in writing to that effect.

Appeals against decisions to refuse to remove buildings from the register

15.—(1) A decision to refuse a request under regulation 7(1) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 (request to regulator to remove building from register)^(b) is prescribed for the purposes of section 105(1) of the 2022 Act.

(2) The person prescribed for the purposes of section 105(2) of the 2022 Act is an AP for the building or any person who would be an AP for the building if the building were a higher-risk building.

(3) The grounds of appeal prescribed for the purposes of section 105(3) of the 2022 Act are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable.

PART 3

Minor Amendments

Amendment of Regulations

16. The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 are amended as follows—

- (a) for regulation 2(1)(a), substitute—

^(a) Section 115 of the 2022 Act defines “the tribunal” as “the First-tier Tribunal”.
^(b) S.I. 2023/315.

- “(a) information with regard to a change to registration information or copy certificate in accordance with regulation 4;”;
- (b) in regulation 4(b), omit “of these Regulations”;
- (c) in regulation 5(a)—
 - (i) after “or” insert “a”,
 - (ii) after “pursuant” insert “to”;
- (d) in regulation 8—
 - (i) for paragraph (1) substitute—
 - “(1) Where the regulator makes a decision to remove a building from the register, or to refuse a request to remove a building from the register (“a removal decision”), the regulator must give a notice of the removal decision to all the APs for the building.”;
 - (ii) in paragraph (2)(b), after “removal” insert “decision”,
 - (iii) after paragraph (2) insert—
 - “(3) A notice under paragraph (2) must be served as soon as reasonably practicable after a removal decision is made, and in any event before effecting any removal.”;
- (e) in regulation 9(2), omit “of these Regulations”;
- (f) in regulation 13(2)(a), for “tenants under leases of dwellings in the building (“leaseholders”)” substitute “leaseholders”;
- (g) in regulation 23—
 - (i) in paragraph (1)(c), after “refuse” insert “a request”,
 - (ii) in paragraph (2)—
 - (aa) in sub-paragraph (a), for “under” substitute “of the regulator mentioned in”,
 - (bb) in sub-paragraph (b), for “under” substitute “of the regulator mentioned in”,
 - (iii) in paragraph (3), after “period” insert “for the purposes of section 25(2) of the 2022 Act”,
 - (iv) in paragraph (4), after “information” insert “for the purposes of section 25(3)(a) of the 2022 Act”.

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

9th August 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, make largely administrative provision in relation to the management of safety risks in higher-risk buildings. Higher-risk building is defined in sections 65 to 70 of the Building Safety Act 2022 (“the 2022 Act”).

In Part 2—

Regulation 3 makes provision in relation to building assessment certificates.

Regulation 4 prescribes the principles in accordance with which an accountable person must act in taking steps relating to building safety risks.

Regulation 5 makes provision in relation to safety case reports.

Regulation 6 makes provision in relation to requirements to make reports to the Building Safety Regulator relating to building safety risks.

Regulation 7 prescribes standards for the keeping of information and documents about higher-risk buildings.

Regulations 8 and 9 makes provision about the provision of information to the Building Safety Regulator and others.

Regulations 10 and 11 make provision about the involvement of residents of higher-risk buildings in relation to building safety risks.

Regulation 12 makes provision in relation to complaints procedures relating to building safety risks.

Regulation 13 makes provision in relation to contravention notices which may be served by accountable persons in relation to contravention of duties under section 95 of the 2022 Act.

Regulation 14 makes provision in relation to compliance notices which may be served on accountable persons by the Building Safety Regulator.

Regulation 15 creates a right of appeal to the First-tier Tribunal against a decision of the Building Safety Regulator to refuse to remove a building from the register of higher-risk buildings.

Part 3 makes minor amendments to the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023.

An impact assessment of the effect that this instrument will have on the costs to business is published with an explanatory memorandum alongside the instrument on www.legislation.gov.uk.

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