



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 2

#### THE REGULATOR AND ITS FUNCTIONS

##### *The regulator and its general functions*

## 2 The building safety regulator

- (1) In [this Part](#) “the regulator” means the Health and Safety Executive.
- (2) [Schedule 1](#) contains amendments of provisions of the Health and Safety at Work etc Act 1974 that relate to the regulator.

#### Commencement Information

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|-----------|--|
| <b>I1</b> | S. 2(1) in force at Royal Assent, see <a href="#">s. 170(1)(b)</a>   |
| <b>I2</b> | S. 2(2) in force at Royal Assent for specified purposes, see <a href="#">s. 170(2)(a)</a>  |
| <b>I3</b> | <a href="#">S. 2(2)</a> in force at 28.6.2022 in so far as not already in force by <a href="#">S.I. 2022/561</a> , <a href="#">regs. 1(2)</a> , <a href="#">3(a)</a> |

## 3 The regulator: objectives and regulatory principles

- (1) The regulator must exercise its building functions with a view to—
  - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, and
  - (b) improving the standard of buildings.
- (2) In exercising a building function (other than an excepted function), the regulator must have regard to the following principles—
  - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
  - (b) regulatory activities should be targeted only at cases in which action is needed.

*Status: Point in time view as at 28/07/2022.*

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- (3) The duty in [subsection \(2\)](#) is subject to any other requirement affecting the exercise of the function.
- (4) In [subsection \(2\)](#) “excepted function” means—
- (a) a function under any of sections 4 to 6, or
  - (b) a function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to any such function.
- (5) In [this Part](#) “building function” means—
- (a) any function of the regulator under, or under an instrument made under, this Act or the Building Act 1984;
  - (b) any prescribed function of the regulator;
  - (c) any function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to a function within [paragraph \(a\)](#) or [\(b\)](#).

#### Commencement Information

- I4** S. 3 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I5** S. 3 in force at 28.6.2022 in so far as not already in force by [S.I. 2022/561](#), [regs. 1\(2\)](#), [3\(b\)](#)

## 4 Duty to facilitate building safety: higher-risk buildings

- (1) The regulator must provide such assistance and encouragement to relevant persons as it considers appropriate with a view to facilitating their securing the safety of people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (2) The assistance and encouragement that must be provided under [subsection \(1\)](#) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (3) For this purpose “relevant persons” means—
- (a) residents of higher-risk buildings within the meaning of [Part 4](#),
  - (b) owners of residential units in such buildings,
  - (c) persons who are accountable persons within the meaning of [Part 4](#), and
  - (d) persons upon whom duties are imposed by virtue of [paragraph 5B](#) of Schedule 1 to the Building Act 1984 (dutyholders).
- (4) In [subsections \(1\)](#) and [\(2\)](#)—
- “building safety risk” has the meaning given by section 62;
- “disabled”: see section 30;
- “higher-risk building” means—
- (a) a higher-risk building within the meaning of [Part 4](#) (see section 65), or
  - (b) a higher-risk building within the meaning of the Building Act 1984.
- (5) [Parts 3](#) and [4](#) confer further functions on the regulator in relation to higher-risk buildings.

*Status: Point in time view as at 28/07/2022.*

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#### Commencement Information

**I6** S. 4 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 5 Duty to keep safety and standard of buildings under review

The regulator must keep under review—

- (a) the safety of people in or about buildings in relation to risks as regards buildings, and
- (b) the standard of buildings.

#### Commencement Information

**I7** S. 5 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 6 Facilitating improvement in competence of industry and building inspectors

(1) The regulator must provide such assistance and encouragement as it considers appropriate to—

- (a) persons in the built environment industry, and
- (b) registered building inspectors,

with a view to facilitating their improving the competence of persons in that industry or members of that profession (as the case may be).

(2) For the meaning of “the built environment industry” and “registered building inspector” see section 30.

#### Commencement Information

**I8** S. 6 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 7 Proposals and consultation relating to regulations

(1) This section applies to regulations under—

- (a) [this Part](#), or
- (b) any provision of [Part 4](#) except section 62, 65 or 68.

(2) The regulator may at any time make proposals to the Secretary of State for the making of regulations.

(3) Before making a proposal, the regulator must consult such persons as it considers appropriate.

(4) Before making regulations, other than regulations proposed by the regulator, the Secretary of State must consult—

- (a) the regulator, and
- (b) such other persons as the Secretary of State considers appropriate.

*Status: Point in time view as at 28/07/2022.*

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**Commencement Information**

**I9** S. 7 in force at Royal Assent, see [s. 170\(1\)\(c\)](#)

**8 Duty to establish system for giving of building safety information**

- (1) The regulator must make arrangements for a person to establish and operate a voluntary occurrence reporting system.
- (2) A “voluntary occurrence reporting system” is a system to facilitate the voluntary giving of information about building safety to the person who operates the system.

**Commencement Information**

**I10** S. 8 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

*Committees*

**9 Building Advisory Committee**

- (1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee to be known as the Building Advisory Committee, with the following function.
- (2) That function is to give advice and information to the regulator about matters connected with any of the regulator’s building functions except its functions relating to the competence of—
  - (a) persons in the built environment industry, and
  - (b) registered building inspectors.
- (3) The Building Regulations Advisory Committee for England, established under section 14 of the Building Act 1984, is abolished.

**Commencement Information**

**I11** S. 9 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**10 Committee on industry competence**

- (1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee concerned with the competence of persons in the built environment industry (“industry competence”), with the following functions (and any other function that the regulator considers appropriate).
- (2) The functions are—
  - (a) monitoring industry competence;
  - (b) advising the regulator in relation to industry competence;

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- (c) advising persons in the built environment industry in relation to industry competence;
- (d) facilitating persons in the built environment industry to improve industry competence;
- (e) providing guidance to the public (or a section of the public) about ways of assessing the competence of persons in the built environment industry;
- (f) carrying out analysis and research in connection with a function mentioned in any of [paragraphs \(a\) to \(e\)](#).

#### Commencement Information

**I12** S. 10 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 11 Residents' panel

- (1) The regulator must exercise its powers under section 11A(3) of the Health and Safety at Work etc Act 1974 to establish and maintain a committee with the functions mentioned in this section (and any other function that the regulator considers appropriate).
- (2) The committee is to consist of—
  - (a) such residents of higher-risk buildings as the regulator considers appropriate, and
  - (b) such relevant persons (if any) as it considers appropriate.
- (3) The regulator must take all reasonable steps to ensure that the committee includes—
  - (a) one or more residents of a higher-risk building who are disabled,
  - (b) a body that represents, supports or promotes the interests of any description of disabled people that includes residents of higher-risk buildings, or
  - (c) a member of a body within [paragraph \(b\)](#).
- (4) The committee is to give advice to the regulator about such matters connected with the regulator's building functions and relating to higher-risk buildings as the regulator may specify.
- (5) The regulator must consult the committee before issuing or revising any of the following—
  - (a) guidance to residents of higher-risk buildings about any of their rights or obligations under [Part 4](#) or regulations made under that Part;
  - (b) guidance relating to any duty under regulations made under section 89 to give information or documents to residents of higher-risk buildings or owners of residential units in such buildings;
  - (c) guidance relating to any of sections 91 to 93 or 95 or regulations made under any of those sections (engagement with residents etc, and residents' duties).
- (6) If the committee has not been established at a time when the regulator has prepared guidance to which [subsection \(5\)](#) applies—
  - (a) that subsection has effect as if it did not require the committee to be consulted before the guidance is issued, and
  - (b) the committee must be consulted in relation to the issued guidance as soon as reasonably practicable.

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(7) See also—

- (a) section 17(3) (duty to consult committee about regulator’s strategic plan);
- (b) section 94(2) (duty to consult committee about regulator’s complaints system).

(8) In this section—

“higher-risk building” has the same meaning as in [Part 4](#) (see section 65);

“relevant person” means—

- (a) an owner of a residential unit in a higher-risk building,
- (b) a body that represents, supports or promotes—
  - (i) the interests of any description of residents of higher-risk buildings or owners of residential units in such buildings, or
  - (ii) the interests of any description of persons that includes a description of such residents or owners, or
- (c) a member of a body within paragraph (b).

**Commencement Information**

**I13** S. 11 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**12 Committees: power to amend or repeal**

- (1) The Secretary of State may by regulations amend or repeal any of sections 9 to 11 (provision about specific committees).
- (2) But regulations repealing section 9, 10 or 11 may be made only if the regulator has made a proposal to the Secretary of State for the making of such regulations (as to which see section 7(2)).
- (3) Regulations under this section may make consequential amendments of this Act.

**Commencement Information**

**I14** S. 12 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

*Staffing etc*

**13 Local authorities and fire and rescue authorities: assistance etc to regulator**

- (1) A relevant authority may at the request of the regulator do anything for the purpose of—
  - (a) facilitating the exercise by the regulator of a relevant function, or
  - (b) enabling the relevant authority to facilitate the exercise by the regulator of a relevant function.
- (2) The regulator may, for a purpose mentioned in [paragraph \(a\)](#) or [\(b\)](#) of [subsection \(1\)](#), direct a relevant authority to do anything specified in the direction.

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- (3) The direction may specify the way in which, and the time by which, the thing is to be done.
- (4) A direction—
  - (a) may be given only if the regulator considers that it is expedient for the authority to do the specified thing, and
  - (b) must state how, in the regulator’s opinion, the doing of the thing will facilitate the exercise of a relevant function or enable the authority to facilitate that exercise.
- (5) A direction may be given only with the consent of the Secretary of State.
- (6) Before giving a direction, the regulator must—
  - (a) make a written request under [subsection \(1\)](#) for the authority to do the thing, and
  - (b) have regard to any written representations made by the authority in the period specified in the request.
- (7) A request under [subsection \(6\)\(a\)](#) must—
  - (a) state that the regulator may seek consent to give a direction under this section if the request is not complied with,
  - (b) state how, in the regulator’s opinion, the doing of the thing will facilitate the exercise of a relevant function or enable the authority to facilitate that exercise, and
  - (c) specify a reasonable period for the authority to make any representations as to why it should not do the thing requested.
- (8) In this section—

“relevant authority” means a local authority or fire and rescue authority;  
“relevant function” means—

  - (a) a function of the regulator relating to—
    - (i) the regulation of higher-risk buildings (within the meaning of the Building Act 1984 or [Part 4](#) of this Act), or
    - (ii) higher-risk building work (as defined by [section 91ZA](#) of the Building Act 1984), or
  - (b) in the case of a local authority, a function of the regulator relating to the regulation of any work for which the regulator is the building control authority by virtue of [section 91ZB](#) of the Building Act 1984.
- (9) A direction or consent under this section must be in writing.

#### Commencement Information

**I15** S. 13 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 14 FSO authorised persons: assistance etc to regulator

- (1) An FSO authorised person may at the request of the regulator do anything for the purpose of—
  - (a) facilitating the exercise by the regulator of a relevant function, or

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- (b) enabling FSO authorised persons to facilitate the exercise by the regulator of a relevant function.

(2) In this section—

“FSO authorised person” means a person authorised as mentioned in article 25(1)(e) of the Regulatory Reform (Fire Safety) Order 2005;

“relevant function” means a function of the regulator relating to—

- (a) the regulation of higher-risk buildings (within the meaning of the Building Act 1984 or [Part 4](#) of this Act), or  
 (b) higher-risk building work (as defined by [section 91ZA](#) of the Building Act 1984).

#### Commencement Information

**I16** S. 14 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 15 Provision of assistance etc: supplementary

- (1) This section supplements sections 13 and 14.
- (2) A relevant authority must ensure that any of its staff involved in providing relevant assistance to the regulator have the appropriate skills, knowledge, experience and behaviours.
- (3) For this purpose “relevant assistance” means anything done by the authority pursuant to a request or direction, for the purpose of facilitating the exercise by the regulator of a relevant function.
- (4) The Secretary of State may by regulations make provision about the reimbursement by the regulator of expenditure incurred by relevant authorities in complying with requests or directions.
- (5) The Secretary of State may pay a relevant authority such amount as the Secretary of State considers appropriate in respect of things done by the relevant authority in complying with a request or direction.
- (6) The Secretary of State may by regulations make further provision in relation to requests and directions, including in particular provision about—
- (a) things done by a relevant authority in connection with a request or direction;  
 (b) things done by an FSO authorised person in connection with a request.
- (7) In this section—
- “direction” means a direction given under section 13;  
 “FSO authorised person” has the meaning given by section 14;  
 “relevant authority” has the meaning given by section 13;  
 “relevant function” has the meaning given by section 13;  
 “request” means a request made under section 13 or 14.

#### Commencement Information

**I17** S. 15 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)



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## 16 Guidance about the provision of assistance

- (1) The regulator may issue guidance to—
  - (a) relevant authorities about their functions under section 13;
  - (b) FSO authorised persons about their functions under section 14.
- (2) The regulator may revise or withdraw any issued guidance.
- (3) A relevant authority must have regard to any guidance under this section when exercising its functions under section 13.
- (4) An FSO authorised person must have regard to any guidance under this section when exercising their functions under section 14.
- (5) Guidance under this section may be issued, revised or withdrawn only with the consent of the Secretary of State.
- (6) In this section—
  - “FSO authorised person” has the meaning given by section 14;
  - “relevant authority” has the meaning given by section 13.

### Commencement Information

**I18** S. 16 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## *Plans and reports*

## 17 Strategic plan

- (1) The regulator must—
  - (a) prepare a strategic plan, and
  - (b) submit it to the Secretary of State for approval.
- (2) A “strategic plan” is a plan setting out how the regulator proposes to carry out its building functions in the period to which the plan relates.
- (3) Before submitting it, the regulator must consult—
  - (a) the committee mentioned in section 11 (residents’ panel), and
  - (b) such other persons as the regulator considers appropriate.
- (4) The Secretary of State may approve the plan, with or without modifications.
- (5) Before approving the plan with modifications, the Secretary of State must consult the regulator.
- (6) The regulator must publish the approved plan, and act in accordance with it.
- (7) The first plan—
  - (a) must be submitted as soon as reasonably practicable after this section comes into force, and
  - (b) must relate to a period ending with the third 31 March to occur after the day on which it is submitted.

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- (8) If the committee mentioned in section 11 has not been established at the time the first plan is prepared—
- (a) [subsection \(3\)](#) has effect as if it did not require the committee to be consulted before the plan is submitted, and
  - (b) the committee must be consulted in relation to the first approved plan as soon as reasonably practicable.
- (9) Any other plan—
- (a) must be submitted before the end of the period to which the most recent approved plan relates (“the current period”), and
  - (b) must relate to the period of three years, or such other period as the Secretary of State and the regulator may agree, beginning immediately after the end of the current period.

#### Commencement Information

**I19** S. 17 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**I20** S. 17 in force at 28.6.2022 in so far as not already in force by [S.I. 2022/561](#), [regs. 1\(2\)](#), [3\(c\)](#) (with [reg. 6](#))

## 18 Revised strategic plans

- (1) This section supplements section 17.
- (2) The regulator may at any time in the period to which a plan relates—
- (a) prepare a revised plan relating to the remainder of that period (or to such other period as the Secretary of State and the regulator may agree), and
  - (b) submit it to the Secretary of State for approval.
- (3) The Secretary of State may at any time during the period to which a plan relates require the regulator to submit a revised plan for approval.
- (4) Where such a requirement is made, the revised plan—
- (a) must be submitted as soon as reasonably practicable, and
  - (b) must relate to the remainder of the period to which the current plan relates (or to such other period as the Secretary of State and the regulator may agree).
- (5) Section [17\(3\)](#) to [\(6\)](#) apply in relation to a revised plan.
- (6) If approved, the revised plan replaces the current plan.
- (7) In this section—
- “current plan” means the first plan mentioned in [subsection \(2\)](#) or [\(3\)](#) (as the case may be);
- “plan” means a strategic plan as defined by section 17.

#### Commencement Information

**I21** S. 18 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**I22** S. 18 in force at 28.6.2022 in so far as not already in force by [S.I. 2022/561](#), [regs. 1\(2\)](#), [3\(c\)](#) (with [reg. 6](#))

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## 19 Annual report about information provided under mandatory reporting requirements

- (1) As soon as reasonably practicable after the end of each financial year, the regulator must prepare and publish a report about the information provided to it during that year pursuant to the mandatory reporting requirements.
- (2) For this purpose, information is provided pursuant to the “mandatory reporting requirements” if it is provided under—
  - (a) section 87 (duty of accountable person to report to regulator), or
  - (b) any provision of building regulations that is prescribed by the regulations for the purposes of this section.
- (3) A report under this section must not contain personal data.

### Commencement Information

**I23** S. 19 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 20 Statement of regulator’s engagement with residents etc

- (1) The regulator must, at least once each financial year, publish a statement about its engagement with—
  - (a) the committee mentioned in section 11 (residents’ panel),
  - (b) residents of higher-risk buildings,
  - (c) owners of residential units in higher-risk buildings, and
  - (d) bodies that represent, support or promote—
    - (i) the interests of any description of residents of higher-risk buildings or owners of residential units in such buildings, or
    - (ii) the interests of persons including any description of such residents or owners.
- (2) A statement under subsection (1) must, in particular, include information about the regulator’s engagement with residents of higher-risk buildings who are disabled.
- (3) A statement under [subsection \(1\)](#) may be published by including it in the regulator’s annual report.
- (4) In this section—

“annual report” means the report made under paragraph 10(3) of Schedule 2 to the Health and Safety at Work etc Act 1974;

“higher-risk building” means—

  - (a) a higher-risk building within the meaning of Part 4, or
  - (b) a higher-risk building within the meaning of the Building Act 1984.

### Commencement Information

**I24** S. 20 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

*Status: Point in time view as at 28/07/2022.*

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## 21 Report on certain safety-related matters

- (1) Before the end of the period of three years beginning when this section comes into force, the regulator must—
  - (a) carry out a cost-benefit analysis of making regular inspections of, and testing and reporting on, the condition of electrical installations in relevant buildings;
  - (b) consider what further provision under the Building Act 1984, or in guidance under that Act, may be made about—
    - (i) stairs and ramps in relevant buildings,
    - (ii) emergency egress of disabled persons from relevant buildings, and
    - (iii) automatic water fire suppression systems in relevant buildings,
 with a view to improving the safety of persons in or about relevant buildings, and carry out a cost-benefit analysis of the making of that provision.
- (2) Before the end of that period, the regulator must—
  - (a) prepare one or more reports about the analysis mentioned in subsection (1) (which may also contain recommendations), and
  - (b) give them to the Secretary of State.
- (3) The Secretary of State must publish any report received under subsection (2).
- (4) In this section “cost-benefit analysis” means—
  - (a) an analysis of the costs together with an analysis of the benefits that will arise if the things mentioned in subsection (1)(a) are done or the provision mentioned in subsection (1)(b) is made, and
  - (b) an estimate of those costs and of those benefits (subject to subsection (5)).
- (5) If, in the opinion of the regulator—
  - (a) the costs or benefits cannot reasonably be estimated, or
  - (b) it is not reasonably practicable to produce an estimate,
 the cost-benefit analysis need not estimate them, but must include a statement of the regulator’s opinion and an explanation of it.
- (6) In this section—
 

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

“relevant building” means a residential building or any other kind of building that the regulator considers appropriate.

### Commencement Information

**I25** S. 21 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### *Enforcement*

## 22 Authorised officers

- (1) The regulator may authorise a person in relation to specified paragraphs of [Schedule 2](#) (investigatory powers), for the purposes of any specified relevant building function.

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- (2) A person may be authorised in relation to a paragraph of [the Schedule](#) only if they appear to the regulator to be suitably qualified to exercise any power conferred by virtue of that paragraph or do anything else mentioned in that paragraph.
- (3) An authorisation—
  - (a) must be in writing;
  - (b) may be varied or revoked by an instrument in writing.
- (4) When exercising or seeking to exercise a power conferred by virtue of [Schedule 2](#), an authorised officer must if asked produce the authorisation (including any instrument varying it) or a duly authenticated copy.
- (5) In this section—
  - “authorised officer” means a person in respect of whom an authorisation under this section is in force;
  - “relevant building function” means any function of the regulator under, or under an instrument made under—
    - (a) [Part 4](#) of this Act (higher-risk buildings), or
    - (b) the Building Act 1984;
  - “specified” means specified in the authorisation.

#### Commencement Information

**I26** S. 22 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 23 Authorised officers: offences

- (1) A person who intentionally obstructs a person who is an authorised officer exercising a relevant building function commits an offence.
- (2) A person who, with intent to deceive, impersonates an authorised officer commits an offence.
- (3) In this section—
  - “authorised officer” means a person in respect of whom an authorisation under section 22 is in force;
  - “relevant building function” has the meaning given by that section.
- (4) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person guilty of an offence under [subsection \(2\)](#) is liable on summary conviction to a fine.

#### Commencement Information

**I27** S. 23 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

*Status: Point in time view as at 28/07/2022.*

*Changes to legislation: Building Safety Act 2022, Part 2 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 24 Provision of false or misleading information to regulator

- (1) A person commits an offence if they provide false or misleading information to the regulator—
  - (a) in purported compliance with a building enactment or a requirement imposed by virtue of such an enactment,
  - (b) in connection with an application made to the regulator under a building enactment, or
  - (c) for the purpose of avoiding enforcement action being taken or continued, and the person knows that, or is reckless as to whether, the information is false or misleading.
- (2) In this section—
 

“building enactment” means any provision of, or of an instrument made under—

  - (a) [Part 2 or 4](#) of this Act, or
  - (b) the Building Act 1984;

“enforcement action” means action taken with a view to, or in connection with—

  - (a) securing compliance with a building enactment or a requirement imposed by virtue of such an enactment, or
  - (b) the imposition of a sanction in respect of a contravention of any such enactment or requirement.
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

### Commencement Information

**I28** S. 24 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## *Reviews and appeals*

## 25 Review by regulator of certain decisions made by it

- (1) This section applies in relation to a prescribed decision of the regulator.
- (2) A prescribed person may, before the end of a period prescribed for the purposes of this subsection, give a notice to the regulator requiring it to carry out a review of the decision in accordance with this section.
- (3) A notice under [subsection \(2\)](#) must—
  - (a) contain prescribed information,
  - (b) be in the prescribed form, and
  - (c) be given in the prescribed way.
- (4) The nature and extent of the review are to be such as appear to the regulator to be appropriate in the circumstances.

*Status: Point in time view as at 28/07/2022.*

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- (5) The review must take account of any representations made, or information given, by the person at a stage which gives the regulator a reasonable opportunity to consider the representations or information (and may take account of any other information).
- (6) On the conclusion of the review the regulator must either uphold or vary the decision.
- (7) The regulator must notify the person of the outcome of the review and its reasoning before the end of a period prescribed for the purposes of this subsection or such other period as may be agreed in writing (“the relevant period”).
- (8) Where the regulator is required to undertake a review but does not notify the person by the end of the relevant period—
  - (a) the review is treated as having concluded at the end of that period, and the regulator is treated as having upheld the decision, and
  - (b) the regulator must, as soon as reasonably practicable after the end of that period, notify the person of that fact.
- (9) The decisions that may be prescribed under [subsection \(1\)](#) are any decisions of the regulator under, or under an instrument made under, this Act or the Building Act 1984 except—
  - (a) a decision made on an appeal to the regulator, or
  - (b) a decision to do any of the following—
    - (i) give a compliance notice under section 99 of this Act;
    - (ii) give a notice under section 35B, 35C or 36 of the Building Act 1984 (notices in respect of contraventions of building regulations etc);
    - (iii) make a disciplinary order under [section 58I](#) or [58U](#), or an order under [section 58J](#) or [58V](#), of that Act (misconduct of registered building inspector or building control approver);
    - (iv) give a notice under [section 58Z4](#) or [58Z5](#), or act under [section 58Z6](#) or [58Z7](#), of that Act (contravention of operational standards rules).

#### Commencement Information

**I29** S. 25 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 26 Right of appeal: requirement for review before appeal

- (1) This section applies to a right of appeal against a decision of a kind prescribed under [subsection \(1\)](#) of section 25.
- (2) The right of appeal may be exercised only if the decision has been reviewed under that section.
- (3) If on the conclusion of the review the decision is varied, the right of appeal is in respect of the decision as varied (and not the original decision).
- (4) For the purpose of any time limit as regards the exercise of the right of appeal—
  - (a) the decision is treated as made on the day on which the review concludes, and
  - (b) a person is treated as notified of the decision on the day on which they are notified of the outcome of the review.

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**Commencement Information**

**I30** S. 26 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

*Supplementary and general*

**27 Cooperation and information sharing**

- (1) [Schedule 3](#)—
  - (a) imposes duties of cooperation on the regulator and other persons, and
  - (b) confers powers to share information on the regulator and other persons.
- (2) Except as provided by [subsection \(3\)](#), the disclosure of information under [Schedule 3](#) does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (3) [Schedule 3](#) does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by the Schedule).

**Commencement Information**

**I31** S. 27 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**28 Fees and charges**

- (1) The Secretary of State may by regulations make provision authorising the regulator—
  - (a) to charge fees, and
  - (b) to recover charges,
 for or in connection with the performance of a relevant function.
- (2) The regulations may—
  - (a) prescribe a fee or charge, or
  - (b) provide for the amount of a fee or charge to be determined by the regulator in accordance with the regulations.
- (3) The regulations may in particular—
  - (a) provide that the amount of any charge is to be determined by the regulator in accordance with a scheme made and published by it, and
  - (b) make provision about such schemes, including the principles to be embodied in such schemes.
- (4) The regulations may make provision about the effect of failing to pay a fee or charge in accordance with the regulations.
- (5) In this section “relevant function” means —
  - (a) any function of the regulator under, or under regulations made under, [this Part](#) or [Part 4](#), or



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- (b) any function of the regulator under the Health and Safety at Work etc Act 1974 that is a building function.
- (6) The regulator may—
  - (a) with the consent of the Secretary of State, provide services to a person in connection with any matter relating to buildings;
  - (b) charge fees for such services at a rate agreed with the person.
- (7) Nothing in [subsection \(6\)](#) limits any other power of the regulator to charge for a service provided by it.

#### Commencement Information

**I32** S. 28 in force at Royal Assent, see [s. 170\(1\)\(d\)](#)

## 29 Service of documents

- (1) This section applies to a document required or authorised under this Part or [Part 4](#), or regulations under either Part, to be given to a person; but this is subject to [subsection \(11\)](#).
- (2) The document may be given by—
  - (a) delivering it by hand to the person,
  - (b) leaving it at the person’s proper address,
  - (c) sending it by post to the person at their proper address, or
  - (d) sending it by email to an electronic address at which the person has agreed to receive documents or has agreed to receive the document.
- (3) The document may—
  - (a) in the case of a body corporate, be given in accordance with [subsection \(2\)](#) to an officer of the body;
  - (b) in the case of a partnership, be given in accordance with [subsection \(2\)](#) to a partner.
- (4) For the purposes of this section, the “proper address” of a person (except an authorised officer of the regulator) is—
  - (a) in the case of a document to be given by or on behalf of the regulator to a person who has provided an address for service to the regulator, that address;
  - (b) subject to that—
    - (i) in the case of a body corporate (including a document given to an officer of the body), the address of its registered or principal office;
    - (ii) in the case of a partnership (including a document given to a partner), the address of its principal office;
    - (iii) in the case of any other person, their last known address.
- (5) For the purposes of this section, the “proper address” of an authorised officer of the regulator is—
  - (a) the address specified by the officer, or
  - (b) if no address is specified, the address of the regulator’s principal office.
- (6) If—

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- (a) the document is to be given to the person as the owner of any premises, a resident of any premises, or the accountable person of a higher-risk building, and
  - (b) the person's name and proper address is not known, despite reasonable steps having been taken to ascertain it,
- the document may be given by addressing it to the owner or resident of the premises (naming the premises) or the accountable person of the building (naming the building) and fixing it to a conspicuous part of the premises or building.
- (7) A document left as mentioned in [subsection \(2\)\(b\)](#) is treated as given when it was left.
  - (8) A document sent as mentioned in [subsection \(2\)\(c\)](#) is treated as given 48 hours after it was sent, unless the contrary is proved.
  - (9) A document sent as mentioned in [subsection \(2\)\(d\)](#) is treated as given 24 hours after it was sent, unless the contrary is proved.
  - (10) A document fixed as mentioned in [subsection \(6\)](#) is treated as given 48 hours after it was fixed.
  - (11) This section does not apply to the giving of a document for which other provision is made by or under this Part or [Part 4](#).
  - (12) In this section—
    - “accountable person” has the same meaning as in [Part 4](#) (see section 72);
    - “agreed” means agreed in writing;
    - “authorised officer” means a person in respect of whom an authorisation under section 22 is in force;
    - “giving”: references to giving include similar expressions (such as serving);
    - “specified” means specified in writing.

#### **Commencement Information**

**I33** S. 29 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### **30 Interpretation of [Part 2](#)**

- (1) In [this Part](#)—
  - “building” (except in section 28(6)) means any permanent or temporary building in England except a building of a prescribed description;
  - “building function” has the meaning given by section 3;
  - “the built environment industry” means—
    - (a) persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, and
    - (b) employees of such persons;
 and references to a person “in” the industry are to any such person or employee;
  - “contravention” includes a failure to comply;
  - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

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“disabled”: a person is disabled if the person has a physical or mental impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities;

“financial year” means a year ending with 31 March;

“fire and rescue authority” means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004, for an area in England;

“local authority” means—

- (a) a district council or relevant unitary authority,
- (b) a London borough council,
- (c) the Common Council of the City of London,
- (d) the Sub-Treasurer of the Inner Temple,
- (e) the Under Treasurer of the Middle Temple, or
- (f) the Council of the Isles of Scilly;

“maximum summary term for either-way offences”, with reference to imprisonment for an offence, means—

- (a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
- (b) if the offence is committed after that time, 12 months;

“owner” has the meaning given by section 115;

“personal data” has the same meaning as in the Data Protection Act 2018;

“prescribed” means prescribed by regulations made by the Secretary of State;

“registered building inspector” has the meaning given by section 58A of the Building Act 1984;

“the regulator” has the meaning given by section 2;

“resident” and “resident of a higher-risk building” have the same meaning as in Part 4 (see section 71(3) and (4)(c));

“residential unit” means—

- (a) a dwelling, or
- (b) any other unit of living accommodation;

“standard”: any reference to the standard of a building is to its standard from a technical perspective.

- (2) In [subsection \(1\)](#), in the definition of “local authority”, “relevant unitary authority” means a council for a county in England so far as it is the council for an area for which there are no district councils.
- (3) The Secretary of State may by regulations provide that in any prescribed provision of [this Part](#) a reference to a building includes any of the following—
  - (a) any other structure or erection of any kind (whether temporary or permanent);
  - (b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be prescribed.

#### Commencement Information

I34 S. 30 in force at Royal Assent, see [s. 170\(1\)\(e\)](#)

**Status:**

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