



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 3

#### BUILDING ACT 1984

##### *Building control authorities and building regulations*

### 31 Higher-risk buildings etc

In the Building Act 1984 after [section 120C](#) (inserted by [Schedule 5](#)) insert—

*“Higher-risk buildings etc*

#### **120D Meaning of “higher-risk building”: England**

- (1) This section applies for the purposes of this Act as it applies in relation to England.
- (2) “Higher-risk building” means a building in England that—
  - (a) is at least 18 metres in height or has at least 7 storeys, and
  - (b) is of a description specified in regulations made by the Secretary of State.
- (3) The Secretary of State may by regulations make provision supplementing this section.
- (4) The regulations may in particular—
  - (a) define “building” or “storey” for the purposes of this section;
  - (b) make provision about how the height of a building is to be determined for those purposes;
  - (c) provide that “higher-risk building” does not include a building of a specified description.

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- (5) Regulations made by virtue of [subsection \(4\)\(a\)](#) may in particular define “building” so as to provide that it includes—
- (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 specified.
- (6) The Secretary of State may by regulations amend this section (other than [subsection \(1\)](#) or [\(3\)](#) or this subsection).
- (7) For the meaning of “higher-risk building work” see section [91ZA](#).

#### **120E Regulations under [section 120D](#): procedure**

- (1) Before making regulations under [section 120D](#), the Secretary of State must consult—
- (a) the regulator, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (2) But the regulator need not be consulted if—
- (a) the regulations give effect to a recommendation made by the regulator under [section 120G](#), or
  - (b) the Secretary of State has under [section 120H](#) asked the regulator for advice about the description of building in question.

#### **120F Regulations under [section 120D](#): additional procedure in certain cases**

- (1) This section applies if the Secretary of State proposes to make regulations under [section 120D](#) that would result in a description of building (including anything within [subsection \(5\)](#) of that section) becoming a higher-risk building for the purposes of this Act as it applies in relation to England.
- (2) The Secretary of State must ask the regulator under [section 120H\(1\)](#) for advice about the description of building, except where the regulations would give effect to a recommendation under [section 120G\(2\)](#).
- (3) The Secretary of State must carry out a cost-benefit analysis and publish it.
- (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 regulations are made, and
  - (b) an estimate of those costs and of those benefits (subject to [subsection \(5\)](#)).
- (5) If, in the opinion of the Secretary of State—
- (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 Secretary of State’s opinion and an explanation for it.

### **120G Recommendations about regulations under section 120D**

- (1) **Subsection (2)** applies if, in respect of any description of building that is not a higher-risk building, the regulator considers—
  - (a) that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description,
  - (b) that if the risk materialised as regards a building of that description it would have the potential to cause a major incident, and
  - (c) that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.
- (2) The regulator must—
  - (a) recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act, and
  - (b) give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.
- (3) If, following a recommendation, the Secretary of State decides not to make regulations under **section 120D** giving effect to the recommendation, the Secretary of State must publish a document setting out—
  - (a) the regulator’s recommendation,
  - (b) the Secretary of State’s decision not to make the regulations, and
  - (c) the reasons for that decision.
- (4) If the regulator considers that a particular description of higher-risk building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England, it must make a recommendation to the Secretary of State to that effect.
- (5) In this section—

“building safety risk” means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—

  - (a) the spread of fire;
  - (b) structural failure;
  - (c) any other matter prescribed by regulations under section 62 of the Building Safety Act 2022 in relation to all buildings, or in relation to a description of building that includes the building;

“major incident” means an incident resulting in—

  - (a) a significant number of deaths, or
  - (b) serious injury to a significant number of people.

### **120H Advice about regulations under section 120D**

- (1) **Subsections (2) to (5)** apply if the Secretary of State asks the regulator for advice as to whether a specified description of building should be a higher-risk building for the purposes of this Act as it applies in relation to England.
- (2) The regulator must consider whether the following conditions are met—

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- (a) the first condition is that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description;
  - (b) the second condition is that, if the risk materialised as regards a building of that description, it would have the potential to cause a major incident;
  - (c) the third condition is that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England.
- (3) The regulator must—
- (a) if the conditions mentioned in [subsection \(2\)](#) are met, recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of this Act as it applies in relation to England;
  - (b) otherwise, recommend to the Secretary of State that buildings of that description should not be higher-risk buildings for those purposes.
- (4) The regulator must give the Secretary of State a statement of its assessment of the issues it considered in relation to the recommendation under [subsection \(3\)](#).
- (5) If, following a recommendation under [subsection \(3\)\(a\)](#), the Secretary of State decides not to make regulations under [section 120D](#) giving effect to the recommendation, the Secretary of State must publish a document setting out—
- (a) the regulator’s recommendation,
  - (b) the Secretary of State’s decision not to make the regulations, and
  - (c) the reasons for that decision.
- (6) If requested, the regulator must provide advice to the Secretary of State as to whether a specified description of building should cease to be a higher-risk building for the purposes of this Act as it applies in relation to England.
- (7) In this section—
- “building safety risk” has the meaning given by [section 120G](#);
  - “major incident” has the meaning given by that section;
  - “specified” means specified in the request.

### **120I Higher-risk buildings and higher-risk building work: Wales**

- (1) This section applies for the purposes of this Act as it applies in relation to Wales.
- (2) “Higher-risk building” means a building of a description specified in regulations made by the Welsh Ministers.
- (3) “Higher-risk building work” means any work relating to a higher-risk building or a proposed higher-risk building, including—
  - (a) any work relating to a building that is not a higher-risk building that causes it to become such a building, and
  - (b) any work relating to a higher-risk building that causes it to cease to be such a building.
- (4) The Welsh Ministers may by regulations define “building” for the purposes of this section.

- (5) The regulations may in particular provide that “building” includes—
- (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 specified.”

## **32 Building control authorities**

(1) The Building Act 1984 is amended as follows.

(2) In section 91—

- (a) in subsection (1) before paragraph (a) insert—
  - “(za) [subsection \(3\)](#) of this section and regulations under [section 91ZD](#),”;
- (b) in subsection (2) for the words from “sections” to the end substitute “—
  - (a) [subsection \(3\)](#) of this section,
  - (b) sections 5(3), 48(1) and 53(2), and
  - (c) regulations under section [91ZD](#).”;
- (c) after that subsection insert—
  - “(3) In cases where section [91ZA](#) or [91ZB](#) provides that the regulator is the building control authority, it is the duty of the regulator (and not the local authority in question)—
    - (a) to carry Part 1 of this Act into execution, and
    - (b) to enforce building regulations.”;
  - (d) in the heading at the end insert “and the regulator”.

(3) After that section insert—

### **“91ZA The regulator: building control authority for higher-risk buildings in England**

- (1) The regulator is the building control authority in relation to any higher-risk building in England or any proposed such building.
- (2) This includes the regulator being the building control authority as regards—
  - (a) any work relating to a building in England that is not a higher-risk building that causes it to become such a building, and
  - (b) any work relating to a higher-risk building in England that causes it to cease to be such a building.
- (3) In this Act “higher-risk building work”, in relation to England, means any work for which the regulator is the building control authority by virtue of this section.
- (4) For the meaning of “higher-risk building” see [section 120D](#).

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### **91ZB The regulator: building control authority for other work**

- (1) This section applies in relation to work of a prescribed description (“the work”) that is to be carried out in England and has a prescribed connection with any higher-risk building work.
- (2) Where—
  - (a) the regulator and the person intending to carry out the work, acting jointly, give a notice under this section (a “regulator’s notice”) to the local authority for the area in which the work is to be carried out, and
  - (b) the regulator’s notice is accepted (or treated as accepted) by the local authority,the regulator is the building control authority in relation to the work.
- (3) A regulator’s notice may not be given if any of the following has been given to the local authority in relation to the work (or any part of it)—
  - (a) an application for building control approval;
  - (b) an initial notice (within the meaning of section 47);
  - (c) a public body’s notice (within the meaning of section 54).

### **91ZC Section 91ZB: supplementary**

- (1) This section supplements section 91ZB.
- (2) A local authority to whom a regulator’s notice is given must reject the notice if any prescribed ground exists, and must otherwise accept the notice.
- (3) A notice of rejection must be given within the prescribed period, and must specify the ground or grounds in question.
- (4) The person intending to carry out the work may appeal to the tribunal against a decision of the local authority to reject the regulator’s notice.
- (5) Where a local authority to whom a regulator’s notice is given does not—
  - (a) give a notice of rejection in accordance with [subsection \(3\)](#), or
  - (b) give a notice of acceptance within the period mentioned in that subsection,the authority is treated as having accepted the regulator’s notice at the end of that period.
- (6) As regards any notice under section 91ZB or this section, building regulations may make provision about—
  - (a) the form and content of the notice;
  - (b) the information and documents that must accompany it;
  - (c) the way in which the notice, and anything that is to accompany it, is to be given.

### **91ZD Higher-risk buildings in Wales: local authority work**

- (1) Building regulations may make provision about cases where a local authority for an area in Wales (“the relevant local authority”) proposes to carry out higher-risk building work in that area.
  - (2) The regulations may in particular—
    - (a) restrict (or prevent) the exercise by the relevant local authority of prescribed functions in relation to the higher-risk building work;
    - (b) require the relevant local authority to notify the Welsh Ministers of prescribed matters;
    - (c) confer on the Welsh Ministers a power to designate another local authority as the building control authority in relation to the higher-risk building work (instead of the relevant local authority);
    - (d) confer on the Welsh Ministers a power to require the relevant local authority to provide specified information, for the purposes of deciding whether to exercise the power of designation.
  - (3) The regulations may also provide, in cases where a local authority is designated as the building control authority in relation to the higher-risk building work, that the relevant local authority and the designated local authority may agree that the designated local authority is to be the building control authority in relation to any work of a prescribed description that has a prescribed connection with the higher-risk building work.
  - (4) Where, as a result of regulations made by virtue of [subsection \(2\)\(c\)](#) or [\(3\)](#), a designated local authority is the building control authority in relation to any work, as regards that work—
    - (a) prescribed functions are functions of the designated local authority (rather than the relevant local authority);
    - (b) the designated local authority (rather than the relevant local authority) must perform such functions relating to enforcement as may be prescribed.”
- (4) After section 121 insert—

### **“121A Meaning of “building control authority”**

- (1) In this Act “building control authority” means—
  - (a) the regulator, in cases where section [91ZA](#) or [91ZB](#) provides that the regulator is the building control authority;
  - (b) the local authority mentioned in [subsection \(2\)](#), in any other case.
- (2) That local authority is—
  - (a) if, by virtue of regulations made under [section 91ZD](#) (higher-risk buildings in Wales: local authority work), a designated local authority is the building control authority, that local authority;
  - (b) otherwise, the local authority for the area in which the building is situated or the proposed building is to be situated.”

### 33 Building regulations

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 1 insert—

*“Procedural requirements etc: general*

- 1A (1) Building regulations may make provision about the procedure that may or must be followed in relation to any work.
- (2) The regulations may in particular make provision for and in connection with—
- (a) the giving of notices;
  - (b) the making of applications to building control authorities;
  - (c) the giving or receipt of certificates;
  - (d) requiring a prescribed person, in prescribed circumstances, to consult such other person as may be prescribed.
- (3) The regulations may—
- (a) confer on a building control authority a power to require a person to notify the authority of specified matters by the specified time;
  - (b) provide that in prescribed circumstances an application is treated as granted or is treated as refused;
  - (c) make provision about the effect of the grant of an application;
  - (d) make provision about the effect of certificates;
  - (e) require a person consulted to give a substantive response to the consultation before the end of a prescribed period.
- (4) In [sub-paragraph \(3\)\(a\)](#) “specified” means specified by the building control authority.

*Applications for building control approval*

- 1B (1) Building regulations may in particular make provision for and in connection with applications for building control approval (including approval of changes to anything that has already been approved).
- (2) “Building control approval”—
- (a) in relation to any work, means the approval by the building control authority of—
    - (i) plans of the work, and
    - (ii) such other documents, relating to compliance with any provision of building regulations, as may be prescribed (or, in a case within [sub-paragraph \(5\)](#), as are provided to the authority);
  - (b) in relation to a change to a relevant document, means the approval by the authority of the change.
- (3) Building regulations may—
- (a) confer on building control authorities a power, with the consent of the applicant—



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- (i) to impose requirements (including in particular requirements of a kind mentioned in [sub-paragraph \(4\)](#)) when granting an application;
    - (ii) to vary requirements;
  - (b) make provision about the cases in which an application for approval of a change must be made (including provision conferring on building control authorities a power to specify the circumstances in which such an application must be made).
- (4) The requirements referred to in [sub-paragraph \(3\)\(a\)](#) are—
  - (a) a requirement relating to the provision of a revised version of a specified relevant document;
  - (b) a requirement that the work does not proceed beyond a specified stage unless a specified relevant document has been given to, and approved by, the building control authority.
- (5) Building regulations may provide that in prescribed cases—
  - (a) an application may be made to the authority for approval of the plans and such other relevant documents as the applicant considers appropriate, and
  - (b) the authority may refuse the application if the applicant does not, on request, provide it with a specified relevant document.
- (6) In this paragraph—
  - (a) “relevant document” means—
    - (i) the plans mentioned in [sub-paragraph \(2\)\(a\)\(i\)](#), or
    - (ii) a document prescribed for the purposes of [sub-paragraph \(2\)\(a\)\(ii\)](#);
  - (b) “specified” means specified by the building control authority;
  - (c) a reference to a change to a document includes the replacement of it.

#### *Certificates: approved schemes*

- 1C
- (1) Building regulations may in particular make provision for and in connection with certificates that are given—
    - (a) by a member of a scheme that is approved,
    - (b) in accordance with the scheme, and
    - (c) in accordance with any prescribed requirement relating to the provision of insurance cover in respect of work to which the certificate relates.
  - (2) Building regulations may make provision for and in connection with—
    - (a) the approval of schemes by the appropriate national authority or a person designated by that authority;
    - (b) the suspension or withdrawal of approvals (including provision about appeals to the appropriate court or tribunal against the suspension or withdrawal of approvals).
  - (3) The regulations may in particular provide that a scheme may be approved (and may remain approved) only if prescribed requirements relating to the provision of insurance cover are complied with.

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- (4) The regulations may provide—
  - (a) that an approval has effect for a particular period (including a period specified in the approval), or
  - (b) that an approval has effect until it is suspended or withdrawn.
- (5) The requirements relating to insurance cover that may be prescribed include in particular a requirement that insurance cover is provided through a scheme of insurance approved by the appropriate national authority or a person designated by that authority.

*Obtaining, keeping and giving information and documents*

- 1D (1) Building regulations may, in relation to any work, make provision about—
  - (a) obtaining information or documents;
  - (b) creating documents;
  - (c) keeping information or documents;
  - (d) giving information or documents.
- (2) The regulations may in particular—
  - (a) provide that information or documents must be given or kept in accordance with prescribed standards;
  - (b) impose requirements as regards keeping information or documents up to date;
  - (c) confer on building control authorities or other prescribed persons a power, in prescribed circumstances, to require a person to give information to them.
- (3) Where building regulations provide that any information or document must be given, they may make provision about the admissibility in any criminal proceedings of the information or document.

*Reporting requirements: duty to establish and operate system*

- 1E (1) This paragraph applies where building regulations made by virtue of [paragraph 1D](#) require a person to give information—
  - (a) in relation to work in England, to the regulator;
  - (b) in relation to work in Wales, to the building control authority.
- (2) For the purpose of facilitating and securing compliance with any such requirement, the regulations may—
  - (a) require a prescribed person to establish and operate a system for the giving of prescribed information to such person as may be prescribed, and
  - (b) make provision about such systems.

*Form and content of documents etc*

- 1F (1) Where building regulations provide that any document must or may be given, they may make provision about—
  - (a) the form and content of the document;
  - (b) the information and other documents that must accompany it;

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- (c) the way in which the document, and anything that is to accompany it, is to be given.
- (2) Where building regulations provide that any information must or may be given, they may make provision about the way in which it is to be given.
- (3) Building regulations may provide that any of the matters mentioned in paragraphs (a) to (c) of sub-paragraph (1), or in sub-paragraph (2), are to be specified in a direction made and published in accordance with the regulations.
- (4) Building regulations may provide that—
  - (a) a prescribed application must be accompanied by such prescribed documents as the applicant considers appropriate, and
  - (b) the building control authority may refuse the application if the applicant does not, on request, provide it with a document of a kind prescribed for the purposes of paragraph (a) in relation to the application.

#### *Inspection, testing etc*

- 1G (1) Building regulations may make provision for and in connection with—
  - (a) the inspection and testing of work;
  - (b) the inspection and testing of buildings;
  - (c) the inspection and testing of services, fittings and equipment provided in connection with buildings;
  - (d) the taking of samples.
- (2) The regulations may in particular—
  - (a) prohibit the covering up of any work, for a prescribed period after a prescribed or specified event;
  - (b) provide for the cutting into or laying open of any work or building, or the pulling down of any work.
- (3) In sub-paragraph (2)(a) “specified” means specified by the building control authority.

#### *Applications to building control authorities: extension of period by agreement*

- 1H Building regulations may provide that any prescribed period for the doing of a thing by a building control authority in connection with an application made to it may be extended by agreement between the authority and the applicant.

#### *Appeals*

- 1I (1) Building regulations may make provision for and in connection with appeals against decisions made under, or under an instrument made under, Part 1, 2 or 2A of this Act.
- (2) The regulations may confer, in respect of a prescribed decision—
  - (a) in relation to England—
    - (i) a right to appeal to the regulator or the tribunal, and

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- (ii) in the case of an appeal to the regulator, a right of appeal to the tribunal against the decision of the regulator made on appeal;
- (b) in relation to Wales—
  - (i) a right to appeal to the Welsh Ministers or a magistrates’ court, and
  - (ii) in the case of an appeal to the Welsh Ministers, a right of appeal to a magistrates’ court or a right of appeal to the High Court, against the decision of the Welsh Ministers made on appeal.
- (3) The provision that may be made in connection with appeals includes provision about a right of appeal conferred by Part 1, 2 or 2A.
- (4) The regulations may in particular make provision about—
  - (a) the grounds upon which an appeal may be made;
  - (b) the period within which an appeal must be made;
  - (c) the way in which any appeal is to be made;
  - (d) the powers of the court, tribunal or other person determining the appeal (including provision conferring a power to give directions and, in the case of the regulator or Welsh Ministers, powers in respect of costs).
- (5) In respect of appeals to the regulator or the Welsh Ministers, the regulations may make provision about procedural matters (including provision conferring a discretion as to the procedure to be adopted).
- (6) In respect of appeals to the Welsh Ministers, the regulations may in particular make provision for and in connection with the Welsh Ministers appointing a person to determine the appeal (including provision conferring functions on that person and providing that their decision is treated as the decision of the Welsh Ministers).”

### **34 Dutyholders and general duties**

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 5 insert—

*“Appointed persons*

- 5A (1) Building regulations may require prescribed appointments to be made in relation to any work.
- (2) Building regulations may make provision about appointments, including provision about—
  - (a) the persons who are to make appointments;
  - (b) the persons who may be appointed;
  - (c) the time by which appointments must be made;
  - (d) the period for which persons are to be appointed;
  - (e) the termination of appointments;
  - (f) the replacement of appointed persons.

- (3) The regulations may provide that in prescribed circumstances an appointment is treated as made.
- (4) In this Schedule “appointed person”, in relation to any work, means a person appointed in relation to that work under building regulations made by virtue of this paragraph.

#### *General duties*

- 5B
- (1) Building regulations may, for the purpose of facilitating compliance with any requirement of building regulations in relation to any work to which building regulations are applicable—
    - (a) impose duties on relevant persons in connection with the planning or management of the work;
    - (b) require relevant persons to co-operate with other relevant persons.
  - (2) The following are “relevant persons” for this purpose—
    - (a) any appointed person;
    - (b) any prescribed person.”

### **35 Industry competence**

In Schedule 1 to the Building Act 1984 (building regulations) after [paragraph 5B](#) (inserted by section 34) insert—

#### *“Competence requirements*

- 5C
- (1) Building regulations may, in relation to any work, impose competence requirements on—
    - (a) any appointed person, or
    - (b) any prescribed person.
  - (2) A “competence requirement” is a requirement relating to—
    - (a) the skills, knowledge, experience and behaviours of an individual;
    - (b) the capability of a person other than an individual to perform its functions under building regulations.
  - (3) The regulations may require an appointed person who is not an individual to give an individual acting under its control who has the appropriate skills, knowledge, experience and behaviours the task of managing its functions as an appointed person.”

### **36 Lapse of building control approval etc**

- (1) The Building Act 1984 is amended as follows.
- (2) For section 32 substitute—

#### **“32 Lapse of building control approval**

- (1) This section applies where—

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- (a) an application for building control approval in respect of any work is made on any day (“the relevant day”), and
  - (b) the application is granted.
- (2) Where—
- (a) the work relates to one building, and
  - (b) the work is not commenced within 3 years from the end of the relevant day,
- the relevant provisions have effect as if the application had not been made (and the approval had not been given).
- (3) Where—
- (a) the work relates to more than one building, and
  - (b) the work relating to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day,
- the relevant provisions have effect in relation to those buildings and the relevant work as if the application had not been made (and the approval had not been given).
- (4) In [subsection \(1\)](#) the reference to an application for building control approval is to an application for approval of a kind mentioned in [paragraph 1B\(2\)\(a\)](#) of Schedule 1.
- (5) In this section “the relevant provisions” means this Act and regulations made under it except the following provisions and any regulations made under them—
- (a) sections 56, [56A](#), [56B](#) and 91A (records and registers etc);
  - (b) [section 105B](#) (fees and charges).
- (6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section.”
- (3) In section 47(4)(b) (time when initial notice ceases to be in force) for “below”, in the first place it occurs, substitute “(final certificates) and [section 53A](#) (lapse of initial notice)”.
- (4) In section 50 (plans certificates) omit [subsection \(8\)](#).
- (5) In section 52 (cancellation of initial notice) omit [subsection \(5\)](#).
- (6) In section 53(2) (effect of initial notice ceasing to be in force: general)—
- (a) at the end of [paragraph \(a\)](#) insert “and”;
  - (b) omit paragraph (c) and the “and” immediately before it.
- (7) After section 53 insert—

**“53A Lapse of initial notice**

- (1) This section applies where—
- (a) on any day (“the relevant day”) an initial notice is given in respect of any work, and
  - (b) the initial notice is accepted.

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- (2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—
  - (a) the initial notice ceases to be in force, and
  - (b) if a plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).
- (3) Where the work relates to more than one building, and the work in relation to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day—
  - (a) the initial notice ceases to be in force so far as it relates to the relevant work, and
  - (b) if a plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).
- (4) For the purposes of [subsection \(3\)\(b\)](#) it does not matter whether the plans certificate also relates to work other than the relevant work.
- (5) In this section “the relevant provisions” has the meaning given by [section 32](#).
- (6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section.”
- (8) In section 54(4)—
  - (a) omit the “and” at the end of [paragraph \(a\)](#);
  - (b) after [paragraph \(b\)](#) insert “, and
  - (c) with the substitution, in subsection (2)(d), of a reference to paragraph 4A of Schedule 4 for the reference to section 53A.”
- (9) [Schedule 4](#) is amended as follows.
- (10) In paragraph 1(1) for “below” substitute “(final certificates) and paragraph 4A (lapse of public body’s notice)”.
- (11) In paragraph 2 omit sub-paragraph (6).
- (12) In paragraph 4(2) omit paragraph (c) and the “and” before it.
- (13) After paragraph 4 insert—

*“Lapse of public body’s notice*

- 4A
- (1) This paragraph applies where—
    - (a) on any day (“the relevant day”) a public body’s notice is given in respect of any work, and
    - (b) the public body’s notice is accepted.
  - (2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—
    - (a) the public body’s notice ceases to be in force, and
    - (b) if a public body’s plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).

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- (3) Where the work relates to more than one building, and the work in relation to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day—
  - (a) the public body’s notice ceases to be in force so far as it relates to the relevant work, and
  - (b) if a public body’s plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).
- (4) For the purposes of [sub-paragraph \(3\)\(b\)](#) it does not matter whether the public body’s plans certificate also relates to work other than the relevant work.
- (5) In this paragraph “the relevant provisions” has the meaning given by [section 32](#).
- (6) Building regulations may make provision about when work (or work relating to a building) is to be regarded as commenced for the purposes of this paragraph.”

### 37 **Determination of certain applications by Secretary of State or Welsh Ministers**

After section 30 of the Building Act 1984 insert—

*“Determination by appropriate national authority*

#### **30A Determination of certain applications by appropriate national authority**

- (1) This section applies where the building control authority fails to determine a prescribed application relating to higher-risk building work (“the original application”) within the relevant period.
- (2) The applicant may apply to the appropriate national authority for the original application to be determined by that authority.
- (3) An application under this section may be made only—
  - (a) before the end of the prescribed period, and
  - (b) if the building control authority has not determined the original application.
- (4) The building control authority may not determine the original application at any time after the making of an application under this section.
- (5) Building regulations may make provision about applications under this section, including in particular provision—
  - (a) about the making of such applications;
  - (b) requiring an applicant to notify the building control authority of the making of an application;
  - (c) imposing duties on the building control authority in cases where an application is made;



- (d) for and in connection with the appropriate national authority appointing a person to determine the original application (including provision conferring functions on that person and providing that their decision is treated as the decision of the appropriate national authority);
  - (e) about the procedure to be adopted in connection with the determination of the original application.
- (6) The provision that may be made by virtue of [subsection \(5\)\(a\)](#) includes provision about—
- (a) the form and content of applications;
  - (b) the information and documents that are to accompany an application;
  - (c) the way in which an application, and anything that is to accompany it, is to be given.
- (7) For the purposes of determining the original application by virtue of this section, this Act and building regulations apply in relation to the appropriate national authority (and any person appointed by virtue of [subsection \(5\)\(d\)](#)) as they apply in relation to the building control authority.
- (8) The applicant may appeal to—
- (a) the tribunal, against a decision of the Secretary of State made under this section;
  - (b) a magistrates’ court, against a decision of the Welsh Ministers made under this section.
- (9) In this section “the relevant period” means—
- (a) the period provided by building regulations as the period within which the building control authority is to make the decision, or
  - (b) if the regulations provide that that period may be extended by agreement between the applicant and the building control authority and such an agreement is made, the agreed period.”

### **38 Compliance and stop notices**

- (1) In the Building Act 1984 before section 36 insert—

*“Notices in respect of contraventions*

#### **35B Compliance notices**

- (1) The building control authority may give a compliance notice to a person who appears to the authority to have contravened, be contravening or be likely to contravene—
- (a) a relevant provision of building regulations, or
  - (b) a requirement imposed by virtue of such a provision.
- (2) A “compliance notice” is—
- (a) a notice requiring the recipient to take specified steps within a specified period, or
  - (b) a notice requiring the recipient to remedy the contravention or the matters giving rise to it within a specified period.

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- (3) A notice of a kind mentioned in [subsection \(2\)\(a\)](#) may specify any steps relating to—
- (a) the remedying of the contravention, or
  - (b) avoiding the contravention occurring.
- (4) A person who, without reasonable excuse, contravenes a compliance notice commits an offence.
- (5) 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);
- and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.
- (6) A compliance notice may not be given in respect of a contravention which occurred more than 12 months before the day on which the notice is given.
- (7) In this section—
- (a) “relevant provision” means any provision of building regulations except one that is prescribed for the purposes of this paragraph;
  - (b) “specified” means specified in the notice.

### **35C Stop notices**

- (1) The building control authority may give a stop notice to a person appearing to the authority to be in control of any work if it appears to the authority that—
- (a) the carrying out of the work would contravene a provision of building regulations prescribed for the purposes of this paragraph,
  - (b) a compliance notice relating to the work has been contravened, or
  - (c) the work contravenes a provision of building regulations or a requirement imposed by virtue of such a provision, and the risk of serious harm condition is met.
- (2) For the purposes of [subsection \(1\)\(c\)](#) the “risk of serious harm condition” is that use of the building in question without the contravention having been remedied would be likely to present a risk of serious harm to people in or about the building.
- (3) A “stop notice” is a notice prohibiting, either immediately or from a specified time, the carrying out of specified work until the occurrence of such of the following as may be specified—
- (a) the taking of specified steps;
  - (b) the occurrence of specified circumstances;
  - (c) the remedying of a specified contravention or the matters giving rise to it.
- (4) Where a stop notice is contravened, the person to whom the notice was given commits an offence.

- (5) 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);
- and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.
- (6) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable precautions and exercised all due diligence to avoid the contravention of the stop notice.
- (7) In this section “specified” means specified in the notice.

### **35D Compliance and stop notices: supplementary**

- (1) Building regulations may make provision about compliance notices or stop notices.
- (2) The regulations may in particular make provision about—
- (a) the form and content of notices;
  - (b) the giving of notices;
  - (c) the amendment or withdrawal of notices;
  - (d) the extension of any period specified in a compliance notice for the doing of a thing.
- (3) The regulations may require a building control authority which gives a notice to a person to take reasonable steps to notify other prescribed persons.
- (4) A compliance notice, or a stop notice under [section 35C\(1\)\(a\)](#), may not be given in respect of a contravention (including a future contravention) where—
- (a) an application for building control approval was made to a building control authority in respect of any work that is not higher-risk building work,
  - (b) the application was granted, and
  - (c) the contravention consists (or would consist) of the carrying out of work or the doing of anything else in accordance with—
    - (i) the plans, or any other document, approved by the grant of building control approval, and
    - (ii) any requirement imposed by the building control authority in connection with the work or other thing.”
- (2) After section 39 of that Act insert—

### **“39A Appeals against compliance notices and stop notices etc**

- (1) A person to whom a compliance notice has been given may appeal to the appropriate court or tribunal.
- (2) Where an appeal under [subsection \(1\)](#) is made—

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- (a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and
- (b) the specified period mentioned in [section 35B\(2\)](#) is treated as extended by the period—
  - (i) beginning with the day on which the appeal is made, and
  - (ii) ending with the day on which the appeal is finally determined or withdrawn.
- (3) A person to whom a compliance notice has been given may apply to the appropriate court or tribunal for an extension of the period for the doing of the thing specified in the notice.
- (4) Subsection (2) applies in relation to such an application as it applies in relation to an appeal under [subsection \(1\)](#).
- (5) A person to whom a stop notice has been given may appeal to the appropriate court or tribunal.
- (6) Where an appeal under [subsection \(5\)](#) is made—
  - (a) the appellant may apply to the appropriate court or tribunal for a direction that the stop notice is of no effect pending the final determination or withdrawal of the appeal, and
  - (b) unless and until any such direction is given, the stop notice continues to have effect despite the making of the appeal.”

### **39 Breach of building regulations**

- (1) The Building Act 1984 is amended as follows.
- (2) For section 35 substitute—

#### **“35 Offence of contravening building regulations etc**

- (1) A person who contravenes a provision of building regulations, or a requirement imposed by virtue of any such provision, commits an offence.
- (2) Building regulations may provide that [subsection \(1\)](#) does not apply in relation to a prescribed provision of the regulations.
- (3) Building regulations may provide that, in relation to a prescribed provision of the regulations, it is a defence for a person charged with an offence under this section to prove such matters relating to the contravention as may be prescribed.
- (4) 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);
 and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.”

- (3) In section 36(4) (time limit for notices requiring removal or alteration of non-compliant work) for “12 months” substitute “10 years”.

#### **40 Liability of officers of body corporate etc**

In the Building Act 1984 before section 113 insert—

##### **“112A Liability of officers of body corporate etc**

- (1) Where an offence under this Act committed by a body corporate—
- (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
  - (b) is attributable to any neglect on the part of any such person,
- that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In [subsection \(1\)](#) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Subsection (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—
- (a) in the case of a partnership, to a partner;
  - (b) in the case of an unincorporated body other than a partnership—
    - (i) where the body’s affairs are managed by its members, to a member of the body;
    - (ii) in any other case, to a member of the governing body.”

#### **41 Revocation etc of certain provision made under section 2(2) of ECA 1972**

- (1) In this section “combined instrument” means an instrument containing (whether alone or with other provision)—
- (a) provision made under section 1(1) of the Building Act 1984 (building regulations), and
  - (b) provision made under section 2(2) of the European Communities Act 1972 (provision implementing EU obligations etc).
- (2) Regulations under section 1(1) of the Building Act 1984 may revoke a combined instrument so far as it is made under section 2(2) of the European Communities Act 1972.
- (3) Nothing in paragraph 13 or 14 of Schedule 8 to the European Union (Withdrawal) Act 2018 (procedure etc for SIs amending or revoking regulations etc made under section 2(2) of the 1972 Act) is to be read as applying to a statutory instrument that amends a combined instrument so far as the combined instrument is made under section 2(2) of the European Communities Act 1972.

*Building control approvers and building inspectors*

**42 Regulation of building control profession**

In the Building Act 1984, after Part 2 insert—

**“PART 2A**

**REGULATION OF BUILDING CONTROL PROFESSION**

*Interpretation*

**58A “Regulatory authority”**

In this Act the “regulatory authority” means—

- (a) in relation to England, the regulator;
- (b) in relation to Wales, the Welsh Ministers.

*Registered building inspectors*

**58B “Registered building inspector”**

In this Act “registered building inspector” means an individual registered as a building inspector in accordance with this Part.

**58C Register of building inspectors**

- (1) The regulatory authority must establish and maintain a register of building inspectors.
- (2) The register may provide for different classes of building inspectors (for example, according to qualifications or experience).
- (3) The regulatory authority must register an individual as a building inspector, or a building inspector of a particular class, if—
  - (a) the individual makes an application for registration in accordance with [section 58D](#), and
  - (b) the authority is satisfied that the individual meets such criteria as the authority may from time to time determine.
- (4) Registration may—
  - (a) have effect in relation to all work or in relation to work of a particular description;
  - (b) be subject to conditions.
- (5) Registration must be for a prescribed period.
- (6) The register must record, in relation to each registered building inspector—
  - (a) the individual’s name and business address;

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- (b) if the individual is employed by a building control authority or a registered building control approver, the name and business address of that person;
  - (c) whether the individual's registration has effect in relation to all work or work of a particular description;
  - (d) if the individual's registration has effect in relation to work of a particular description, that description of work;
  - (e) any conditions to which the individual's registration is subject;
  - (f) the period for which the individual is registered;
  - (g) if the individual's registration has been varied by an order under [section 58I\(2\)\(b\)](#), that fact and the effect of the variation;
  - (h) if the individual's registration has been suspended by an order under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#), that fact and the period of the suspension;
  - (i) any matters that are prescribed.
- (7) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

#### **58D Application for registration as building inspector**

- (1) An application for registration as a building inspector must—
  - (a) be made in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the regulatory authority may from time to time determine.
- (2) The regulatory authority may make different provision about those matters for different cases.
- (3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.
- (4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

#### **58E Variation or cancellation of registration as building inspector**

- (1) A registered building inspector may apply for the variation or cancellation of their registration.
- (2) [Section 58D](#) applies to such an application as it applies to an application for registration.

#### **58F Code of conduct**

- (1) The regulatory authority must prepare and publish a code of conduct for registered building inspectors.
- (2) The code must set out standards of professional conduct and practice expected of registered building inspectors.

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- (3) The code may make different provision for different cases (for example, for different descriptions of work).
- (4) The regulatory authority may revise the code of conduct at any time (and must publish any revised code).

#### **58G Registered building inspectors: information notices**

- (1) The regulatory authority may by notice in writing require a registered building inspector to provide the authority with any documents or information the authority reasonably requires for the purposes its functions under sections [58B](#) to [58M](#).
- (2) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.

#### **58H Professional misconduct investigations**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building inspector may be guilty of professional misconduct, the authority may investigate the matter.
- (2) In this Part “professional misconduct”, in relation to a registered building inspector, means conduct that—
  - (a) falls short of the standards of conduct and practice expected of registered building inspectors, or
  - (b) is likely to bring the profession of registered building inspectors into disrepute.
- (3) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building inspector under this section (which must include an opportunity for the inspector to make representations).
- (4) The regulatory authority may revise the statement at any time (and must publish any revised statement).

#### **58I Sanctions for professional misconduct**

- (1) If following an investigation under [section 58H](#) the regulatory authority determines that an individual who is a registered building inspector is guilty of professional misconduct, the authority may make one or more disciplinary orders.
- (2) A disciplinary order is an order—
  - (a) requiring the individual to pay a financial penalty of an amount specified in the order,
  - (b) varying the individual’s registration in a way specified in the order,
  - (c) suspending the individual’s registration for a period specified in the order, or



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- (d) cancelling the individual’s registration from a date specified in the order.
- (3) Varying the individual’s registration means varying any of the matters listed in [section 58C\(4\)](#) (limitations and conditions).
- (4) Where the regulatory authority makes a disciplinary order it must give a copy of the order to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against a disciplinary order under this section.
- (6) A disciplinary order under [subsection \(2\)\(a\)](#) or [\(b\)](#) has no effect until—
  - (a) the end of the period within which an appeal may be brought, or
  - (b) if an appeal is brought before the end of that period, the determination of the appeal.
- (7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under [subsection \(2\)\(a\)](#).

#### **58J Interim suspension for suspected serious professional misconduct**

- (1) This section applies where the regulatory authority considers that—
  - (a) an individual who is a registered building inspector may be guilty of professional misconduct, and
  - (b) the suspected misconduct is so serious that, if the authority determines that the individual is guilty, it is likely to make an order under [section 58I\(2\)\(d\)](#) cancelling the individual’s registration.
- (2) The regulatory authority may by order suspend the individual’s registration for a period specified in the order (which must not exceed 3 months).
- (3) The regulatory authority may revoke the order before the end of that period.
- (4) Where the regulatory authority makes (or revokes) an order under this section it must give a copy of the order (or notice of the revocation) to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against an order under this section.

#### **58K Suspension orders: further provision**

An individual whose registration is suspended under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#) is not a registered building inspector for the purposes of [section 46A](#) or [54B](#) (restricted activities and functions) (but is a registered building inspector for the purposes of this Part).

#### **58L Offences relating to registration**

- (1) A registered building inspector commits an offence if, without reasonable excuse, they carry out a restricted activity on behalf of a building control authority or a registered building control approver—

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- (a) in relation to work which is outside the scope of their registration, or
  - (b) while their registration is suspended.
- (2) “Restricted activity”—
- (a) in relation to a building control authority, has the meaning given by section 46A;
  - (b) in relation to a registered building control approver, has the meaning given by section 54B.
- (3) A registered building inspector commits an offence if, without reasonable excuse—
- (a) they give advice to a building control authority or registered building control approver—
    - (i) in relation to work which is outside the scope of their registration, or
    - (ii) while their registration is suspended, and
  - (b) they know, or ought to know, that the authority or approver is obtaining that advice for the purposes of section 46A or 54B (restricted functions).
- (4) A registered building inspector commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.
- (5) A registered building inspector whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.
- (6) For the purposes of this section, work is outside the scope of a registered building inspector’s registration if the inspector’s registration does not have effect in relation to work of that description.
- (7) An offence under this section is punishable on summary conviction by a fine.

**58M Offence of acting as, or pretending to be, a registered building inspector**

- (1) A person who is not a registered building inspector commits an offence if, with intent to deceive, the person—
- (a) impersonates a registered building inspector, or
  - (b) does anything (including using any name, title or description) which implies that the person is a registered building inspector.
- (2) An offence under this section is punishable on summary conviction by a fine.

*Registered building control approvers*

**58N “Registered building control approver”**

In this Act “registered building control approver” means a person registered as a building control approver in accordance with this Part.

### **58O Register of building control approvers**

- (1) The regulatory authority must establish and maintain a register of building control approvers.
- (2) The regulatory authority must register a person as a building control approver if—
  - (a) the person makes an application for registration in accordance with [section 58P](#), and
  - (b) the authority is satisfied that the person meets such criteria as the authority may from time to time determine.
- (3) Registration may—
  - (a) have effect in relation to all work or in relation to work of a particular description;
  - (b) be subject to conditions.
- (4) Registration must be for a prescribed period.
- (5) The register must record, in relation to each registered building control approver—
  - (a) the person's name and business address;
  - (b) whether the person's registration has effect in relation to all work or work of a particular description;
  - (c) if the person's registration has effect in relation to work of a particular description, that description of work;
  - (d) any conditions to which the person's registration is subject;
  - (e) the period for which the person is registered;
  - (f) if the person's registration has been varied by an order under [section 58U\(2\)\(b\)](#), that fact and the effect of the variation;
  - (g) if the person's registration has been suspended by an order under [section 58U\(2\)\(c\)](#) or [58V\(2\)](#), that fact and the period of the suspension;
  - (h) any matters that are prescribed.
- (6) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

### **58P Application for registration as building control approver**

- (1) An application for registration as a building control approver must—
  - (a) be made in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the regulatory authority may from time to time determine.
- (2) The regulatory authority may make different provision about those matters for different cases.
- (3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.

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- (4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

#### **58Q Variation or cancellation of registration as building control approver**

- (1) A registered building control approver may apply for the variation or cancellation of their registration.
- (2) Section 58P applies to such an application as it applies to an application for registration.

#### **58R Professional conduct rules**

- (1) The regulatory authority must prepare and publish professional conduct rules applying to registered building control approvers (in addition to operational standards rules applying to them under section 58Z).
- (2) Professional conduct rules may in particular make provision about insurance and financial propriety.
- (3) The rules may make different provision for different cases (for example, for different descriptions of work).
- (4) The regulatory authority may revise the professional conduct rules at any time (and must publish any revised rules).

#### **58S Registered building control approvers: information notices**

- (1) The regulatory authority may by notice in writing require a registered building control approver to provide the authority with any documents or information the authority reasonably requires for the purposes of its functions under sections 58N to 58X.
- (2) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.

#### **58T Investigations into contraventions of professional conduct rules**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building control approver may have contravened the professional conduct rules, the authority may investigate the matter.
- (2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building control approver under this section (which must include an opportunity for the person to make representations).
- (3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

### **58U Sanctions for contravention of professional conduct rules**

- (1) If following an investigation under section 58T the regulatory authority determines that a person who is a registered building control approver has contravened the professional conduct rules, the authority may make one or more disciplinary orders.
- (2) A disciplinary order is an order—
  - (a) requiring the person to pay a financial penalty of an amount specified in the order,
  - (b) varying the person’s registration in a way specified in the order,
  - (c) suspending the person’s registration for a period specified in the order, or
  - (d) cancelling the person’s registration from a date specified in the order.
- (3) Varying the person’s registration means varying any of the matters listed in section 58O(3) (limitations and conditions).
- (4) Where the regulatory authority makes a disciplinary order it must as soon as reasonably practicable—
  - (a) give a copy of the order to the person concerned, and
  - (b) in prescribed cases, give a copy of the order—
    - (i) to each local authority in England, where the regulatory authority is the regulator, or
    - (ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) The person may appeal to the appropriate court or tribunal against a disciplinary order under this section.
- (6) A disciplinary order under subsection (2)(a) or (b) has no effect until—
  - (a) the end of the period within which an appeal may be brought, or
  - (b) if an appeal is brought before the end of that period, the determination of the appeal.
- (7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under subsection (2)(a).
- (8) A person whose registration is suspended by an order under subsection (2)(c) is a registered building control approver for the purposes of this Part.
- (9) See section 58Z6(2) for further provision about cancellation of a person’s registration as a building control approver.

### **58V Interim suspension for suspected serious contravention**

- (1) This section applies where the regulatory authority considers that—
  - (a) a person who is a registered building control approver may have contravened the professional conduct rules, and

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- (b) the suspected contravention is so serious that, if the authority determines that the contravention has occurred, it is likely to make an order under [section 58U\(2\)\(d\)](#) cancelling the person’s registration.
- (2) The regulatory authority may by order suspend the person’s registration for a period specified in the order (which must not exceed 3 months).
- (3) The regulatory authority may revoke the order before the end of that period.
- (4) Where the regulatory authority makes (or revokes) an order under this section it must as soon as reasonably practicable—
  - (a) give a copy of the order (or notice of the revocation) to the person concerned, and
  - (b) in prescribed cases, give a copy of the order (or notice of the revocation)—
    - (i) to each local authority in England, where the regulatory authority is the regulator, or
    - (ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) The person may appeal to the appropriate court or tribunal against an order under this section.
- (6) A person whose registration is suspended by an order under this section is a registered building control approver for the purposes of this Part.

**58W Offence of registered building control approver acting outside scope of registration**

- (1) A registered building control approver commits an offence if, without reasonable excuse, they exercise a function under this Act, or regulations made under this Act—
  - (a) in relation to work outside the scope of their registration, or
  - (b) while their registration is suspended.
- (2) A registered building control approver commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.
- (3) A registered building control approver whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.
- (4) For the purposes of this section, work is outside the scope of a registered building control approver’s registration if their registration does not have effect in relation to work of that description.
- (5) An offence under this section is punishable on summary conviction by a fine.

**58X Offence of pretending to be a registered building control approver**

- (1) A person who is not a registered building control approver commits an offence if, with intent to deceive, the person—
  - (a) impersonates a registered building control approver, or

- (b) does anything (including using any name, title or description) which implies that the person is a registered building control approver.
- (2) An offence under this section is punishable on summary conviction by a fine.

#### *Delegation of registration functions*

#### **58Y Delegation of registration functions**

- (1) The regulatory authority may delegate its registration functions to another person, to such extent and subject to such conditions as it considers appropriate.
- (2) The regulatory authority’s registration functions are its functions under sections 58B to 58X (and include the charging of any registration fees or recovery of any registration charges).
- (3) “Registration fees” and “registration charges” mean fees and charges in connection with the regulatory authority’s functions under sections 58B to 58X that are—
  - (a) prescribed by regulations under section 105B, or
  - (b) determined by the regulatory authority in accordance with regulations under that section.
- (4) The regulatory authority may vary or revoke a delegation.
- (5) Where the regulatory authority is the regulator, it—
  - (a) may make, vary or revoke a delegation only with the consent of the Secretary of State;
  - (b) must vary or revoke a delegation if directed to do so by the Secretary of State.
- (6) Section 58Z9 of this Act (sharing of information between regulatory authorities) and Schedule 3 to the Building Safety Act 2022 (information sharing between regulator and other authorities) apply as if references to the regulator included references to a person to whom the regulator has delegated functions under this section.
- (7) The following provisions of this Act apply as if references to the Welsh Ministers included references to a person to whom the Welsh Ministers have delegated functions under this section—
  - (a) section 58Z9 (sharing of information between regulatory authorities);
  - (b) section 91B (cooperation and sharing of information between Welsh Ministers and other authorities);
  - (c) section 131A (application to the Crown).

#### *Operational standards rules*

#### **58Z Operational standards rules**

- (1) The regulatory authority may make rules (“operational standards rules”) applying to local authorities and registered building control approvers in relation to their exercise of building control functions.

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- (2) Operational standards rules may in particular make provision about standards to be met, and practices, procedures or methods to be adopted, in exercising building control functions.
- (3) In this Part “building control functions”, in relation to a local authority or registered building control approver, means the functions of the authority or approver under this Act and regulations made under it.
- (4) The operational standards rules may make different provision for different cases (for example, for different descriptions of work).
- (5) The regulatory authority may revise the operational standards rules at any time.
- (6) The regulatory authority must publish the operational standards rules (and any revised rules).

### **58Z1 Reporting requirements**

- (1) The regulatory authority may direct local authorities and registered building control approvers to provide it, at specified times or intervals, with specified reports, returns and other information relating to the exercise of their building control functions.
- (2) “Specified” means specified in the direction.
- (3) A direction under this section—
  - (a) must be in writing;
  - (b) may be general or specific;
  - (c) may be varied or revoked.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a direction under this section commits an offence.
- (5) An offence under subsection (4) is punishable on summary conviction by a fine.

### **58Z2 Information: Wales**

- (1) This section applies where the Welsh Ministers are the regulatory authority.
- (2) The Welsh Ministers may by notice in writing require a local authority or registered building control approver to provide the Welsh Ministers with any documents or information relating to the exercise of their building control functions that the Welsh Ministers reasonably require.
- (3) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a notice under this section commits an offence.
- (5) An offence under [subsection \(4\)](#) is punishable on summary conviction by a fine.



### **58Z3 Investigations**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a local authority or registered building control approver may have contravened the operational standards rules, the regulatory authority may investigate the matter.
- (2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating an authority or approver under this section (which must include an opportunity for the authority or approver to make representations).
- (3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

### **58Z4 Improvement notice**

- (1) The regulatory authority may give an improvement notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the local authority or registered building control approver has contravened operational standards rules.
- (2) An improvement notice is a notice requiring the local authority or registered building control approver to remedy the contravention by doing, or by refraining from doing, anything specified in the order.
- (3) An improvement notice may have effect—
  - (a) until it is revoked, or
  - (b) for a period specified in the notice.
- (4) Where the regulatory authority gives an improvement notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (5) Where the regulatory authority gives an improvement notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
  - (a) to each local authority in England, where the regulatory authority is the regulator, or
  - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (6) Where the regulatory authority giving an improvement notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (7) The local authority or registered building control approver to whom the improvement notice is given may appeal to the appropriate court or tribunal against the notice.

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### **58Z5 Serious contravention notices**

- (1) The regulatory authority may give a serious contravention notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
  - (a) the local authority or registered building control approver has contravened operational standards rules, and
  - (b) as a result of the contravention the safety of persons in or about buildings has been, or may have been, put at risk.
- (3) This condition in this subsection is that the local authority or registered building control approver—
  - (a) has been given an improvement notice under section 58Z4, and
  - (b) has failed to remedy the contravention of operational standards rules in respect of which the notice was given.
- (4) A serious contravention notice is a notice requiring the local authority or registered building control approver to remedy the contravention in question by doing, or by refraining from doing, anything specified in the order.
- (5) A serious contravention notice may have effect—
  - (a) until it is revoked, or
  - (b) for a period specified in the notice.
- (6) Where the regulatory authority gives a serious contravention notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (7) Where the regulatory authority gives a serious contravention notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
  - (a) to each local authority in England, where the regulatory authority is the regulator, or
  - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (8) Where the regulatory authority giving a serious contravention notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (9) The local authority or registered building control approver to whom the serious contravention notice is given may appeal to the appropriate court or tribunal against the notice.
- (10) A person who, without reasonable excuse, contravenes a serious contravention notice commits an offence and is liable on summary conviction to a fine.

### **58Z6 Continuing failure to meet standards: registered building control approvers**

- (1) This section applies where—
  - (a) the regulatory authority has given a registered building control approver one or more serious contravention notices under [section 58Z5](#), and
  - (b) it appears to the regulatory authority that the way in which the approver exercises their building control functions—
    - (i) falls short of the standards expected, and
    - (ii) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
- (2) The regulatory authority may cancel the approver’s registration.
- (3) But before cancelling a registered building control approver’s registration under [subsection \(2\)](#) the regulatory authority must—
  - (a) give the approver notice that it is considering its registration under that subsection, and explain its reasons, and
  - (b) invite the approver to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority cancels a registered building control approver’s registration under [subsection \(2\)](#) it must as soon as reasonably practicable—
  - (a) notify the approver that it has done so,
  - (b) give the approver a statement of its reasons, and
  - (c) notify—
    - (i) each local authority in England, where the regulatory authority is the regulator, or
    - (ii) each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) A registered building control approver may appeal to the appropriate court or tribunal against the cancellation of its registration under [subsection \(2\)](#).

### **58Z7 Continuing failure to meet standards: local authorities in England**

- (1) This section applies where—
  - (a) the regulatory authority is the regulator,
  - (b) the regulatory authority has given a local authority one or more serious contravention notices under [section 58Z5](#), and
  - (c) it appears to the regulatory authority that the way in which the local authority exercises their building control functions—
    - (i) falls short of the standards expected, and
    - (ii) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.

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- (2) The regulatory authority may recommend to the Secretary of State that the Secretary of State make an order under section 116(4) (transfer of functions to the Secretary of State or another local authority).
- (3) But before making a recommendation under [subsection \(2\)](#) the regulatory authority must—
  - (a) give the local authority notice that it is considering making a recommendation under that subsection, and explain its reasons, and
  - (b) invite the authority to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority makes a recommendation under [subsection \(2\)](#) it must as soon as reasonably practicable—
  - (a) notify the local authority that it has done so, and
  - (b) give the local authority a statement of its reasons.
- (5) A local authority may appeal to the tribunal against a recommendation under [subsection \(2\)](#).

*Inspection of local authorities and registered building control approvers*

**58Z8 Inspections**

- (1) The regulatory authority may carry out an inspection of a local authority, or a registered building control approver, in relation to their exercise of building control functions.
- (2) The purposes for which an inspection may be carried out include—
  - (a) ascertaining the efficiency and effectiveness of the local authority or registered building control approver in exercising their building control functions;
  - (b) verifying any information provided by the local authority or registered building control approver to the regulatory authority, in connection with their building control functions.

*Information sharing*

**58Z9 Sharing of information between regulatory authorities**

- (1) The regulator may disclose information held in connection with a function under this Part to the Welsh Ministers for the purposes of—
  - (a) a function of the regulator under this Part, or
  - (b) a function of the Welsh Ministers under this Part.
- (2) The Welsh Ministers may disclose information held in connection with a function under this Part to the regulator for the purposes of—
  - (a) a function of the Welsh Ministers under this Part, or
  - (b) a function of the regulator under this Part.
- (3) Except as provided by subsection (4), the disclosure of information under this section does not breach—

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- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (4) This section 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 this section).

### *Appeals*

#### **58Z10 Appeal to Crown Court**

An appeal lies to the Crown Court against a decision of a magistrates' court under this Part.”

#### **43 Transfer of approved inspectors' functions to registered building control approvers**

Schedule 4 amends the Building Act 1984 so as to—

- (a) transfer the functions of approved inspectors to registered building control approvers, and
- (b) make other provision consequential on section 42.

#### **44 Functions exercisable only through, or with advice of, registered building inspectors**

- (1) The Building Act 1984 is amended as follows.
- (2) After section 46 insert—

*“Building control authorities: restricted activities and functions*

#### **46A Building control authorities: restricted activities and functions**

- (1) A building control authority may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the authority's behalf, whose registration has effect in relation to work of that description.
- (2) Before each exercise of a restricted function in relation to any work, a building control authority must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.
- (3) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the authority.
- (4) In this section—
  - “restricted activity” means an activity that is prescribed for the purposes of this section;

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“restricted function” means a function of a building control authority under—

- (a) this Part,
- (b) Part 3, or
- (c) regulations made under this Part or Part 3,

that is prescribed for the purposes of this section.”

- (3) After [section 54A](#) (inserted by section 47) insert—

*“Registered building control approvers: restricted activities and functions*

**54B Registered building control approvers: restricted activities and functions**

- (1) This section applies to a registered building control approver who is not a registered building inspector.
- (2) The approver may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the approver’s behalf, whose registration has effect in relation to work of that description.
- (3) Before each exercise of a restricted function in relation to any work, the approver must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.
- (4) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the approver.
- (5) In this section—
  - “restricted activity” means an activity that is prescribed for the purposes of this section;
  - “restricted function” means a function of a registered building control approver under this Part, or regulations made under this Part, that is prescribed for the purposes of this section.
- (6) A registered building control approver who contravenes subsection (2) or (3) without reasonable excuse commits an offence.
- (7) An offence under this section is punishable on summary conviction by a fine.”

**45 Default powers of appropriate national authority**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 116 (power to transfer local authority functions to appropriate national authority)—
  - (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) in [subsection \(1\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “he” substitute “it”;
  - (c) in [subsection \(2\)](#)—

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- (i) for “Secretary of State” substitute “appropriate national authority”;
  - (ii) for the words from “make an order” to the end substitute “make a transfer order in respect of the body in default.”;
- (d) after [subsection \(2\)](#) insert—
- “(3) The Secretary of State must consult the regulator before making an order under subsection (1) or (2).
  - (4) The Secretary of State may also make a transfer order in respect of a local authority if—
    - (a) under [section 58Z7\(2\)](#) the regulator recommends that the Secretary of State make a transfer order in respect of the authority, and
    - (b) the Secretary of State is satisfied that the way in which the authority exercises its functions under this Act—
      - (i) falls short of the standards expected, and
      - (ii) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
  - (5) The Welsh Ministers may also make a transfer order in respect of a local authority if the Welsh Ministers are satisfied that the way in which the authority exercises its functions under this Act—
    - (a) falls short of the standards expected, and
    - (b) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
  - (6) A “transfer order”, in respect of a local authority or joint board, is an order transferring to the appropriate national authority, or to another local authority, such functions of the authority or board as may be specified in the order.”
- (3) In section 117 (expenses)—
- (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) before subsection (1) insert—
    - “(A1) This section applies where the appropriate national authority has transferred functions to itself by a transfer order under section 116.
    - (A2) Any expenses incurred by the Secretary of State in discharging the transferred functions are to be paid in the first instance out of money provided by Parliament.”;
  - (c) in [subsection \(1\)](#)—
    - (i) for the words before [paragraph \(a\)](#) substitute “The amount of any expenses certified by the appropriate national authority as having been incurred by the authority in discharging the transferred functions”;
    - (ii) in [paragraph \(a\)](#) for “him” substitute “the authority”;
    - (iii) in [paragraph \(b\)](#) for the words from “him” to the end substitute “the authority from the body as a debt due to the authority”;

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- (d) in [subsection \(2\)](#) for “Secretary of State” substitute “appropriate national authority”.
- (4) In section 118 (variation or revocation of transfer order)—
  - (a) in [subsection \(1\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “an order under section 116(2)” substitute “a transfer order under section 116”;
    - (iii) for “he” substitute “it”;
  - (b) after [subsection \(1\)](#) insert—
    - “(1A) The Secretary of State must consult the regulator before making an order under subsection (1).”;
  - (c) in [subsection \(2\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “him”, in the first place it occurs, substitute “it”;
    - (iii) for the words from “by him” to the end substitute “, by the person to whom the revoked order transferred functions, in discharging those functions.”

#### **46 Higher-risk building work: registered building control approvers**

- (1) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (1)(a)—
  - (a) after “prescribed form” insert “relating to work that is not higher-risk building work”;
  - (b) after “carry out” insert “the”.
- (2) In section 51A of the Building Act 1984 (variation of work to which initial notice relates), for subsection (1) substitute—
  - “(1) This section applies where—
    - (a) it is proposed that the work to which an initial notice relates should be varied, and
    - (b) the work as varied is not higher-risk building work.”
- (3) After section 52 of the Building Act 1984 insert—

#### **“52A Cancellation of initial notice when work becomes higher-risk building work**

- (1) If, at a time when an initial notice is in force, it appears to the registered building control approver that some or all of the work has become higher-risk building work, the registered building control approver must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—
  - (a) the local authority concerned, and
  - (b) the person carrying out or intending to carry out the work.
- (2) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work that some or all of the work has become higher-risk building work, the person must, as soon as is reasonably



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practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—

- (a) the local authority concerned, and
- (b) the registered building control approver.

(3) Where a person is required to give a notice under subsection (1) or (2) in relation to higher-risk building work in England, the person must, as soon as is reasonably practicable, give a copy of that notice to the regulator.

(4) If, at a time when an initial notice is in force, it appears to the local authority concerned that some or all of the work has become higher-risk building work, the authority must cancel the relevant part of the initial notice by notice in the prescribed form given to—

- (a) the registered building control approver, and
- (b) the person shown in the initial notice as the person intending to carry out the work.

(5) Where a local authority is required to give a notice under subsection (4) in relation to higher-risk building work in England, the local authority must give a copy of that notice to the regulator.

(6) A person commits an offence if they fail without reasonable excuse to—

- (a) give to a local authority a notice that the person is required to give by subsection (1) or (2);
- (b) give to the regulator a copy of a notice that the person is required to give by subsection (3).

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.

(8) Where a notice is given under any of subsections (1), (2) and (4) (a “cancellation notice”)—

- (a) the part of the initial notice to which the cancellation notice relates is cancelled with effect from the day on which the cancellation notice is given, and
- (b) a new initial notice may not be given in relation to any of the work to which the cancelled part of the initial notice related.

(9) In this section “the relevant part of the initial notice” means so much of the initial notice as relates to work that has become higher-risk building work.

### **52B Effect of initial notice ceasing to be in force where work becomes higher-risk building work**

(1) This section applies where an initial notice ceases to be in force, whether in whole or in part, by virtue of section 47(4)(b)(ia) (higher-risk building work).

(2) If, before the day on which the relevant part of the initial notice ceased to be in force, a final certificate—

- (a) was given in respect of part of the work to which the relevant part of the initial notice relates, and
- (b) was accepted by the local authority,

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the fact that the relevant part of the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) in relation to that part of the work.

- (3) The building control authority in relation to any of the uncertified work is—
    - (a) in England, the regulator, and
    - (b) in Wales, the relevant local authority (within the meaning of section 121A(2)).
  - (4) In subsection (3), the “uncertified work” means any of the work—
    - (a) to which the relevant part of the initial notice relates, and
    - (b) in respect of which no final certificate has been accepted by the local authority as mentioned in subsection (2).
  - (5) Sections 91(3) (duties of the regulator) and 121A(1) (meaning of “building control authority”) apply as if, in each case, the reference to section 91ZA or 91ZB were a reference to section 52B, 91ZA or 91ZB.
  - (6) In any case where this section applies, the reference in subsection (4) of section 36 to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the relevant part of the initial notice ceased to be in force.
  - (7) In this section “the relevant part of the initial notice” means so much of the initial notice as was cancelled by a notice under section 52A (cancellation of initial notice when work becomes higher-risk building work).”
- (4) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (4)(b)—
    - (a) omit the “or” after sub-paragraph (i);
    - (b) after sub-paragraph (i) insert—
      - “(ia) it is cancelled, in whole or in part, by a notice under section 52A,”.
  - (5) In section 55 of the Building Act 1984 (appeals), after subsection (2) insert—
    - “(2A) Where a local authority cancels an initial notice, in whole or in part, by giving a notice (a “cancellation notice”) under section 52A(4)—
      - (a) the person shown in the initial notice as the person intending to carry out the work, or
      - (b) the registered building control approver,
 may appeal to the appropriate court or tribunal.
    - (2B) On an appeal under subsection (2A), the court or tribunal must determine whether the relevant part of the initial notice was properly cancelled.
    - (2C) In a case where the court or tribunal determines that the relevant part of the initial notice was not properly cancelled—
      - (a) the determination does not have the effect of reinstating the relevant part of the initial notice;
      - (b) section 52B(2) and (6) continue to apply in relation to the relevant part of the initial notice;

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- (c) a new initial notice relating to any of the work to which the relevant part of the original initial notice related (the “original work”) may be given only if the new initial notice—
  - (i) is given before the end of the period of seven days beginning with the day on which the appeal is determined or such other period as may be prescribed, and
  - (ii) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority;
- (d) the court or tribunal may give such directions as it considers appropriate in consequence of the determination (which may include giving directions to the regulator).

(2D) Where—

- (a) a plans certificate has been given in respect of any of the original work,
  - (b) the conditions in paragraphs (a) and (b) of section 53(2) are fulfilled with respect to that certificate, and
  - (c) a new initial notice as referred to in subsection (2C)(c) is accepted,
- section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

(2E) Where—

- (a) a new initial notice is given in accordance with subsection (2C)(c), and
- (b) the registered building control approver shown in the new initial notice is different to the registered building control approver shown in the original initial notice,

sections 53B to 53E apply as if any reference in those sections to a new initial notice given in accordance with section 53(7)(a) were a reference to a new initial notice given in accordance with section 55(2C)(c).

(2F) In this section the “relevant part of the initial notice” means so much of the initial notice as was subject to the cancellation notice.”

## 47 Higher-risk building work: public bodies

After section 54 of the Building Act 1984 insert—

### “54A Public bodies and higher-risk building work

- (1) The appropriate national authority may by regulations make such amendments of the provisions listed in subsection (2) as the authority considers appropriate in connection with higher-risk building work.
- (2) The provisions are—
  - (a) section 5;
  - (b) section 54;
  - (c) Schedule 4.”

**48 Insurance: removal of requirements**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 47 (giving and acceptance of initial notice)—
  - (a) in subsection (1) omit paragraph (c) (but not the “and” at the end of it);
  - (b) omit subsections (6) and (7).
- (3) In section 51A(2) (variation of work to which initial notice relates) omit paragraph (c) (but not the “and” at the end of it).
- (4) In section 56 (recording and furnishing of information) omit subsection (2).

**49 Plans certificates**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 50 (plans certificates)—
  - (a) for subsection (1) substitute—
    - “(1) In this Part a “plans certificate” means a certificate by a registered building control approver that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the approver has given an initial notice).
  - (1A) The relevant conditions are that the registered building control approver—
    - (a) has inspected—
      - (i) full plans of the work, or
      - (ii) plans of the work that the approver is satisfied are sufficient for the purposes of giving a plans certificate in relation to the work,
    - (b) is satisfied that the plans are not defective,
    - (c) is satisfied that work carried out in accordance with the plans would not contravene any provision of building regulations, and
    - (d) has complied with any prescribed requirements as to consultation or otherwise.
  - (1B) Subsection (1C) applies if the person intending to carry out work to which an initial notice relates asks the registered building control approver who gave the initial notice to give a plans certificate in respect of the work.
  - (1C) If the relevant conditions are met, the approver must give a plans certificate to the local authority and the person intending to carry out the work.
  - (1D) A plans certificate must be in the prescribed form.”;
- (b) in subsection (4) for “certificate under [subsection \(1\)](#) above” substitute “plans certificate”;
- (c) after subsection (7) insert—

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“(7A) Building regulations may make further provision in connection with plans certificates, including in particular provision—

- (a) requiring a plans certificate to be given to the local authority in prescribed cases;
- (b) about the consequences of failing to comply with such a requirement (for example, for an initial notice to cease to have effect in whole or in part);
- (c) requiring a plans certificate stating that the condition in [subsection \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the registered building control approver considers need to be provided.”

(3) In [paragraph 2 of Schedule 4](#) (public body’s plans certificates)—

(a) for sub-paragraph (1) substitute—

“(1) In this Part a “public body’s plans certificate” means a certificate by a public body that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the public body has given a public body’s notice).

(1A) The relevant conditions are that the public body—

- (a) is satisfied that—
  - (i) a competent person has inspected full plans of the work, or
  - (ii) a competent person has inspected plans of the work which the public body is satisfied, in the light of that inspection, are sufficient for the purposes of giving a public body’s plans certificate in relation to the work,
- (b) is satisfied in the light of that inspection that the plans are not defective,
- (c) is satisfied in the light of that inspection that work carried out in accordance with the plans would not contravene any provision of building regulations, and
- (d) has complied with any prescribed requirements as to consultation or otherwise.

(1B) “Competent person” means a servant or agent of the public body who is competent to assess the plans.

(1C) If the relevant conditions are met, the public body may give a public body’s plans certificate to the local authority.

(1D) A public body’s plans certificate must be in the prescribed form.”;

(b) after sub-paragraph (6) insert—

“(7) Building regulations may make further provision about public body’s plans certificates, including in particular provision—

- (a) requiring a public body’s plans certificate to be given to the local authority in prescribed cases;

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- (b) about the consequences of failing to comply with such a requirement (for example, for a public body’s notice to cease to have effect in whole or in part);
- (c) requiring a public body’s plans certificate stating that the condition in [sub-paragraph \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the public body considers need to be provided.”

## 50 Cancellation of initial notice

(1) Section 52 of the Building Act 1984 (cancellation of initial notice) is amended in accordance with this section.

(2) In [subsection \(1\)](#)—

- (a) omit the “or” after [paragraph \(b\)](#);
- (b) after [paragraph \(c\)](#), insert—

“(d) the registered building control approver is given a disciplinary order under section [58U\(2\)\(b\)](#) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates,

(e) the registered building control approver is given a disciplinary order under section [58U\(2\)\(c\)](#) (suspension of registration) or an order under section [58V](#) (interim suspension for suspected serious contravention), or

(f) it appears to the registered building control approver that a prescribed circumstance exists,”;

- (c) for “approved inspector shall” substitute “registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control approver, must”.

(3) For [subsection \(3\)](#) substitute—

“(3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work to which the notice relates that—

- (a) the registered building control approver is no longer willing or able to carry out the registered building control approver’s functions with respect to any of that work, or
- (b) a prescribed circumstance exists,

the person must cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the registered building control approver.”

(4) In [subsection \(4\)](#), after “subsection” insert “(1) or”.

(5) After [subsection \(5\)](#) insert—

“(5A) If, at a time when an initial notice is in force, it appears to the local authority concerned that a condition in [subsection \(5B\)](#) is satisfied, the authority must cancel the initial notice by notice in the prescribed form given to—

- (a) the person shown in the initial notice as the registered building control approver, and

- (b) the person shown in the initial notice as the person intending to carry out the work.

(5B) The conditions are—

- (a) the registered building control approver is given a disciplinary order under section 58U(2)(b) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates;
- (b) the registered building control approver is given a disciplinary order under section 58U(2)(c) (suspension of registration) or an order under section 58V (interim suspension for suspected serious contravention);
- (c) the registered building control approver is given a disciplinary order under section 58U(2)(d) (cancellation of registration);
- (d) the registered building control approver has their registration cancelled under section 58Z6(2) (serious contravention notices);
- (e) a prescribed circumstance exists.”

(6) After subsection (6) insert—

“(7) Before cancelling an initial notice under subsection (5A) based on a condition in subsection (5B)(a), (b) or (e), the local authority must—

- (a) give the person shown in the initial notice as the registered building control approver a notice in the prescribed form at least seven days before the day on which the initial notice is to be cancelled, and
- (b) have regard to any representations made to the local authority during that period.”

## 51 New initial notices

(1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), for subsection (7) substitute—

“(7) A new initial notice relating to any of the work to which the original initial notice related (the “original work”) may be given only if—

- (a) in the case of an initial notice that ceases to be in force by virtue of—
  - (i) being cancelled under section 52(1)(d) or (e),
  - (ii) being cancelled under section 52(5A) based on a condition in section 52(5B)(a) to (d), or
  - (iii) such other provision as may be prescribed,the conditions in subsection (8) are met, or
- (b) in any other case, the conditions in subsection (9) are met.

(8) The conditions referred to in subsection (7)(a) are that the new initial notice—

- (a) is given before the end of the period of seven days beginning with the day on which the original initial notice ceased to be in force or such other period as may be prescribed,
- (b) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority, and
- (c) is not a combined initial notice and plans certificate given in accordance with section 50(4).

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- (9) The conditions referred to in subsection (7)(b) are that—
- (a) before the original initial notice ceases to be in force, the original registered building control approver has given a final certificate under section 51 in respect of any part of the work which they are satisfied has been completed, and
  - (b) the new initial notice relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority.
- (10) Where—
- (a) a plans certificate has been given in respect of any of the original work,
  - (b) the conditions in paragraphs (a) and (b) of subsection (2) are fulfilled with respect to that certificate, and
  - (c) a new initial notice as referred to in subsection (7) is accepted,
- section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.
- (11) Section 53B applies in relation to a new initial notice given in accordance with subsection (7)(a).
- (12) The appropriate national authority may issue guidance about the process for—
- (a) the giving of a new initial notice under subsection (7);
  - (b) the giving of a transfer certificate and a transfer report under section 53B;
  - (c) the consideration of a transfer certificate and a transfer report under section 53C.
- (13) The appropriate national authority may revise or withdraw any issued guidance.
- (14) The following must have regard to guidance issued under subsection (12)—
- (a) a local authority;
  - (b) a registered building control approver;
  - (c) a person carrying out or intending to carry out work to which a new initial notice given under subsection (7) relates.”
- (2) After section 53A of the Building Act 1984 (inserted by section 36) insert—

**“53B New initial notice: change of registered building control approver**

- (1) This section applies where a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases).
- (2) Where the new initial notice is accepted by the local authority the registered building control approver must take all reasonable steps to determine whether the unfinished work contravenes any provision of building regulations (including where necessary by carrying out inspections and laying open any work).
- (3) If the registered building control approver determines that the unfinished work does not contravene any provision of building regulations, the approver must



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give a transfer certificate and a transfer report to the local authority before the end of the relevant period.

- (4) If the registered building control approver is unable to make the determination referred to in subsection (3), the approver must—
  - (a) give the person carrying out or intending to carry out the work a notice setting out why they were unable to make the determination, and
  - (b) give a copy of that notice to the local authority.
- (5) A transfer certificate must—
  - (a) confirm that the registered building control approver has determined that the unfinished work up to the date of the certificate does not contravene any provision of building regulations, and
  - (b) contain the prescribed information.
- (6) A transfer report must contain any plans, documents or other information related to the confirmation in subsection (5)(a).
- (7) In this section the “relevant period” means—
  - (a) the period of 21 days beginning with the day on which the new initial notice is accepted or such other period as may be prescribed, or
  - (b) such longer period as may be agreed by the local authority following a request from the registered building control approver.
- (8) A transfer certificate given by a registered building control approver—
  - (a) does not impose any liability, whether civil or criminal, on the registered building control approver for any work carried out by the previous registered building control approver, and
  - (b) does not affect any liability, whether civil or criminal, of the previous registered building control approver for work carried out by that approver.
- (9) In this section “unfinished work” means all of the work to which the original initial notice related, except for any work in respect of which a final certificate was accepted by the local authority.

### **53C Consideration of transfer certificate and report**

- (1) This section applies where a registered building control approver gives a transfer certificate and a transfer report to a local authority in accordance with section 53B(3).
- (2) The local authority must, by notice, accept or reject the certificate and report before the end of the relevant period.
- (3) The local authority may reject the certificate and report only if—
  - (a) any of the prescribed grounds exist, or
  - (b) the registered building control approver fails to comply with a requirement in subsection (4) to give information to the local authority.
- (4) During the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, the local authority may, by notice, require

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the registered building control approver to give to the local authority such information as may be specified in the notice.

- (5) The registered building control approver must give the information specified in the notice to the local authority before the end of the period of seven days beginning with the day on which the notice is given or such other period as may be prescribed.
- (6) In this section the “relevant period” means—
- (a) the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, or
  - (b) such longer period as is determined in accordance with subsection (7).
- (7) Where—
- (a) a local authority requires a registered building control approver to give information to the local authority under subsection (4), and
  - (b) the day by which the information is required to be given would (but for this subsection) fall within the final seven days of the relevant period or would fall outside the relevant period,
- the relevant period is to be extended to the end of the period of seven days beginning with the day after the day by which the information is required to be given.
- (8) Where a local authority requires a registered building control approver to give information to the local authority under subsection (4), the local authority must give a copy of the notice to the person shown in the initial notice as the person intending to carry out the work.

### **53D Cancellation of initial notice: change of registered building control approver**

- (1) This section applies where—
- (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) If, at a time when the initial notice is in force—
- (a) the registered building control approver does not give the local authority a transfer certificate and transfer report in accordance with section 53B(3), or
  - (b) the local authority rejects the transfer certificate and transfer report in accordance with section 53C,
- the local authority must cancel the initial notice by notice in the prescribed form given to the registered building control approver and the person shown in the initial notice as the person intending to carry out the work.
- (3) The person carrying out or intending to carry out the work to which the initial notice relates may, at a time—
- (a) when the initial notice is in force, and
  - (b) before the local authority accepts or rejects the transfer certificate and report in accordance with section 53C,

cancel the initial notice by notice in the prescribed form given to the local authority and, if it is practicable to do so, to the registered building control approver.

- (4) A notice under subsection (2) or (3) has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.
- (5) Where an initial notice ceases to be in force by virtue of subsection (2) or (3), a new initial notice may not, except in prescribed circumstances, be given in relation to any of the work to which the cancelled notice related.
- (6) Where an initial notice ceases to be in force by virtue of subsection (2) or (3)—
  - (a) for the purpose of enabling the local authority to perform the functions referred to in section 48(1) in relation to any part of the work, building regulations may require the local authority to be provided with plans that relate to that part of the work, and
  - (b) section 53(5) applies in relation to the notice as it applies in relation to an initial notice that ceases to be in force as referred to in section 53(1).
- (7) This section is without prejudice to any other provisions of this Part relating to when an initial notice ceases to be in force.

### **53E Restriction on functions of registered building control approvers**

- (1) This section applies where—
  - (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) During the period in respect of which—
  - (a) the notice is in force, but
  - (b) a transfer certificate and a transfer report have not been accepted by the local authority,the registered building control approver may not exercise the relevant functions.
- (3) In this section the “relevant functions” are the functions of a registered building control approver under, or under regulations made under—
  - (a) section 50 (plans certificates);
  - (b) section 51 (final certificates);
  - (c) section 51A (amendment notices).”
- (3) In section 47 of the Building Act 1984 (giving and acceptance of initial notice)—
  - (a) in subsection (4)(b), after sub-paragraph (ia) (inserted by section 46) insert—

“(ib) it is cancelled by a notice under section 53D, or”;
  - (b) after subsection (7) insert—

“(8) This section is subject to sections 53 and 53B (new initial notices).”
- (4) In section 55 of the Building Act 1984 (appeals)—
  - (a) in subsection (1)—
    - (i) omit the “or” after paragraph (a);

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- (ii) after [paragraph \(b\)](#) insert “or
- (c) a transfer certificate and a transfer report.”;
- (b) in [subsection \(2\)\(a\)](#), after “notice” insert “, report”;
- (c) in [subsection \(2\)\(b\)](#), after “notice” insert “, report”.

## 52 Information gathering

- (1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), after subsection (4) insert—
- “(4A) For the purpose of enabling the local authority to perform the functions referred to in section 48(1), the local authority may by notice require the person shown in the initial notice as the registered building control approver to give the local authority—
- (a) any information the authority would have obtained if the authority had performed the function of enforcing building regulations in relation to the work to which the initial notice relates during the period in which the initial notice was in force, and
  - (b) any other information the local authority may reasonably require.
- (4B) Where a person is required to give information under subsection (4A), the information must be given before the end of the prescribed period.
- (4C) The person shown in the initial notice as the registered building control approver (the “outgoing approver”) must, before the end of the prescribed period, give the person carrying out or intending to carry out the work to which the initial notice relates—
- (a) any information given to a local authority under subsection (4A),
  - (b) any other information that the outgoing approver obtained or created in relation to the work during the period in which the initial notice was in force, and
  - (c) any other information that the person carrying out or intending to carry out the work may by notice reasonably require for the purpose of enabling a person other than the outgoing approver to perform the functions referred to in section 48(1) in relation to the work.
- (4D) A notice under subsection (4C)(c)—
- (a) may only require information to be given in relation to work carried out during the period in which the initial notice was in force;
  - (b) may require information to be provided in a specified format.”
- (2) In section 57 of the Building Act 1984 (offences), in subsection (1)—
- (a) omit the “or” after paragraph (a);
  - (b) after paragraph (a) insert—
    - “(aa) fails without reasonable excuse to comply with a requirement under section 53(4A) to give information, or”.

## 53 Information

- (1) After section 56 of the Building Act 1984 insert—

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### **“56A Giving information by electronic means: England**

- (1) The regulator must establish and maintain a facility (the “facility”) to enable a specified person to give specified relevant information to another person by electronic communication.
- (2) The Secretary of State may by regulations require or authorise a specified person to use the facility when giving specified relevant information to another person.
- (3) Any information given to a person in accordance with regulations made under subsection (2) is to be treated for the purposes of section 56B (requirement to keep register) as also having been given to the regulator.
- (4) Regulations under this section may require a person who is given specified relevant information otherwise than through the facility to give that information to the regulator using the facility.
- (5) Regulations under this section may make provision treating specified relevant information that is given using the facility as having been given in the prescribed form for the purposes of this Part.
- (6) In this section—
  - “relevant information” means information that is required or authorised to be given by this Part or regulations made under it;
  - “specified” means specified in regulations made by the Secretary of State under this section.
- (7) In this section and section 56B—
  - “information” includes documents;
  - “documents” includes notices, certificates, orders, consents, demands and plans.
- (8) The Secretary of State may make regulations under this section only in relation to England.

### **56B Requirement to keep register: England**

- (1) The regulator must keep a register of specified relevant information.
- (2) The information that may be specified for the purposes of subsection (1) includes in particular information given, or treated as having been given, to the regulator using the facility established under section 56A(1).
- (3) The regulator—
  - (a) must maintain the register in electronic form;
  - (b) must ensure that any specified parts of the register are available for inspection by members of the public;
  - (c) must, in specified circumstances, provide to members of the public, on request, copies of information kept in the register.
- (4) In this section—

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“relevant information” means information that is required or authorised to be given by this Part or regulations made under it;

“specified” means specified in regulations made by the Secretary of State under this section.

- (5) The Secretary of State may make regulations under this section only in relation to England.

### **56C Delegation of functions**

- (1) The regulator may by written notice delegate to a person, to such extent and subject to such conditions as the regulator considers appropriate, the functions conferred on the regulator by—
- (a) section 56A(1);
  - (b) section 56B(1) and (3) (including the ability to charge fees in connection with the exercise of those functions).
- (2) In subsection (1) “fees” means fees that are prescribed by, or determined by the regulator in accordance with, regulations under section 105B.
- (3) The regulator may delegate different functions to different persons under subsection (1).
- (4) The regulator may delegate functions under subsection (1) only with the consent of the Secretary of State.
- (5) The regulator may revoke a delegation of functions to a person by giving a written notice to the person.
- (6) The regulator may revoke a delegation under subsection (5) only with the consent of the Secretary of State.
- (7) Schedule 3 to the Building Safety Act 2022 (information sharing) applies as if references to the regulator included references to a person to whom the regulator has delegated functions under subsection (1)(b).”
- (2) In section 55 of the Building Act 1984 (appeals), after subsection (3) insert—
- “(4) On an appeal under subsection (1), the local authority must give the specified information to the regulator.
  - (5) In this section “specified” means specified in regulations made by the Secretary of State under this section.
  - (6) The Secretary of State may make regulations under this section only in relation to England.”
- (3) In section 56 of the Building Act 1984 (recording and furnishing of information)—
- (a) in subsection (1)—
    - (i) after “authority” insert “in Wales”;
    - (ii) after “public body’s notices” insert “, transfer reports”;
    - (iii) after “such notices” insert “, reports”;
  - (b) in subsection (3), after “plans certificates, final certificates” insert “, transfer certificates”;
  - (c) in subsection (4), after “section” insert “by a local authority in Wales”.

*Miscellaneous and general*

**54 Functions under Part 3 of Building Act 1984**

In the Building Act 1984 after section 90 insert—

**“90A Functions under this Part: the regulator etc**

- (1) The Secretary of State may by regulations provide that in specified cases, a specified function under this Part of local authorities in England is to be a function of the regulator instead of, or in addition to, the local authority in question.
- (2) The Secretary of State may by regulations provide that in specified cases, a relevant authority proposing to exercise a specified function under this Part must notify a specified relevant authority of specified matters.
- (3) The notification must be made in the specified way and by the specified time.
- (4) In this section—

“relevant authority” means the regulator or a local authority for an area in England;

“specified” means specified by regulations under this section.”

**55 Minor and consequential amendments**

[Schedule 5](#) contains—

- (a) minor amendments of the Building Act 1984, and
- (b) amendments consequential on provision made by [this Part](#).

**56 Appeals**

[Schedule 6](#) makes provision about appeals under the Building Act 1984, including provision providing for—

- (a) certain appeals to be made to the regulator instead of the Secretary of State,
- (b) certain appeals relating to buildings in England to be made to the tribunal instead of a magistrates’ court, and
- (c) a right of appeal against a decision of a local authority not to consider certain applications or notices on the ground that they are in respect of higher-risk building work.

**57 Fees and charges**

In the Building Act 1984 after [section 105A](#) (inserted by [paragraph 29](#) of [Schedule 6](#)) insert—

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*“Fees, charges and levies*

**105B Fees and charges**

- (1) The appropriate national authority may by regulations make provision authorising a relevant authority—
  - (a) to charge fees, and
  - (b) to recover charges,
 for or in connection with the performance of any of its functions under, or under an instrument made under, this Act.
- (2) The regulations may—
  - (a) prescribe a fee or charge, or
  - (b) provide for the amount of any fee or charge to be determined by the relevant authority in accordance with the regulations;
 and may make provision about the effect of failing to pay a fee or charge 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 relevant authority 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) In this section “relevant authority” means—
  - (a) in relation to England, the regulator or a local authority for an area in England;
  - (b) in relation to Wales, the Welsh Ministers or a local authority for an area in Wales.”

**58 Levy on applications for building control approval etc**

In the Building Act 1984 after [section 105B](#) (inserted by section 57) insert—

**“105C Levy on certain applications for building control approval etc**

- (1) The Secretary of State may by regulations make provision for and in connection with the imposition, in respect of relevant applications or notices or specified descriptions of relevant applications or notices, of a levy for the purpose of meeting any building safety expenditure.
- (2) The levy is payable to the Secretary of State or a person designated by the Secretary of State.
- (3) The regulations may in particular make provision about—
  - (a) the amount of the levy;
  - (b) the person by whom it must be paid;
  - (c) when the levy must be paid;



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- (d) the provision of information or documents to, or by, the Secretary of State or designated person;
  - (e) the consequences of a failure to pay the levy in accordance with the regulations;
  - (f) the determination of disputes (including provision conferring a right to appeal to the tribunal and provision about appeals).
- (4) The different provision that may be made by the regulations by virtue of section 120A(2)(b) includes in particular different provision in relation to—
- (a) persons who are eligible to be members of a building industry scheme and are not members of that scheme, and
  - (b) other persons.
- (5) The regulations may contain exemptions, for specified descriptions of person.
- (6) The regulations may provide that, unless the building control authority is given a notification under subsection (7) in relation to a relevant application or notice (or a relevant application or notice of a specified description), the authority—
- (a) may not take a specified step in relation to the application or notice (for example, may not grant an application, accept a notice or give a specified certificate in relation to works connected with the application or notice), or
  - (b) must take a specified step in relation to the application or notice (for example, must reject a notice).
- (7) A notification under this section is a notification given by the Secretary of State or designated person—
- (a) that the levy payable in respect of the application or notice has been paid, or
  - (b) that no levy is payable in respect of the application or notice.
- (8) The regulations must provide for any amount received by a designated person by way of a levy to be paid to the Secretary of State, subject to retention of an amount, determined by or in accordance with the regulations, in respect of the costs of administering the levy.
- (9) A designation under this section must be published in such way as the Secretary of State considers appropriate.
- (10) In this section “relevant application or notice” means—
- (a) an application for building control approval,
  - (b) an initial notice,
  - (c) an amendment notice, or
  - (d) a public body’s notice,
- relating to a relevant building or proposed relevant building (including any such application or notice relating to work that causes a building to become a relevant building or causes a relevant building to cease to be such a building).
- (11) In this section—
- “amendment notice, “initial notice” and “public body’s notice” have the same meaning as in Part 2 (see section 58);
  - “building industry scheme” means a scheme established under section 126 of the Building Safety Act 2022;

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*Status: This is the original version (as it was originally enacted).*

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“building safety expenditure” means expenditure incurred by the Secretary of State (whether before or after the passing of this Act) in providing financial assistance to persons (whether by way of grant, loan or otherwise) for the purposes of enabling them to improve the safety of persons in or about buildings in England;

“relevant building” means a building in England consisting of or containing—

- (a) one or more dwellings, or
- (b) other accommodation,

(and “accommodation” here includes temporary accommodation, for example in a hotel or hospital);

“specified” means specified in the regulations.”

## 59 Crown application

In Part 5 of the Building Act 1984 before section 132 insert—

### “131A Crown application

- (1) The following provisions bind the Crown—
  - (a) Part 1 except sections 35B to 37, 39A and 40;
  - (b) Part 2;
  - (c) Part 2A except sections 58I to 58K, 58U, 58V and 58Z4 to 58Z6;
  - (d) Part 4 so far as it relates to a provision within any of the preceding paragraphs.
- (2) No contravention by the Crown of a provision within subsection (1)(a) to (d) makes the Crown criminally liable.
- (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.
- (4) Subsection (5) applies where—
  - (a) a contravention of a provision within subsection (1)(a) or (b), or of Part 4 so far as it relates to such a provision, occurs in relation to a building or proposed building for which a local authority is the building control authority, or
  - (b) a contravention of a provision within subsection (1)(c), or of Part 4 so far as it relates to such a provision, occurs in relation to Wales,
 and the Crown would, but for subsection (2), be criminally liable under this Act in respect of the contravention.
- (5) The High Court may, on the application of—
  - (a) the local authority (in a case within subsection (4)(a)), or
  - (b) the Welsh Ministers (in a case within subsection (4)(b)),
 declare unlawful the act or omission constituting the contravention.
- (6) In this section a reference to a provision includes any instrument made under it.
- (7) For the application to the Crown of Part 3, and Part 4 so far as it relates to that Part, see section 87.”

## **60 Application to Parliament**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 95 (power to enter premises) after subsection (4) insert—
  - “(5) This section does not apply in relation to the Parliamentary Estate (as defined by section 131B).”
- (3) After section 131A (inserted by section 59) insert—

### **“131B Parts 1 and 2 etc: application to Parliament**

- (1) In their application in relation to the Parliamentary Estate, Parts 1 and 2, and Part 4 so far as it relates to those Parts, have effect with the following modifications—
  - (a) sections 35B to 37, 39A and 40 (enforcement etc) do not apply;
  - (b) any reference to the owner or occupier of a building or of any premises is to be read as a reference to—
    - (i) the Corporate Officer of the House of Lords,
    - (ii) the Corporate Officer of the House of Commons, or (as the case may be)
    - (iii) the Corporate Officers acting jointly.
- (2) In the following provisions—
  - “Corporate Officer” means—
    - (a) the Corporate Officer of the House of Lords,
    - (b) the Corporate Officer of the House of Commons, or
    - (c) the Corporate Officers acting jointly;
  - “relevant provision” means—
    - (a) any provision of, or of an instrument made under, Part 1 or 2, or
    - (b) any provision of Part 4 or of an instrument made under Part 4, so far as the provision relates to Part 1 or 2.
- (3) No contravention by a Corporate Officer of a relevant provision makes the Corporate Officer criminally liable.
- (4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).
- (5) Where a contravention of a relevant provision occurs which, but for subsection (3), would result in a Corporate Officer being criminally liable, the High Court may, on the application of the local authority, declare unlawful the act or omission constituting the contravention.
- (6) In this section “the Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.”