



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

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;

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- (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—
 - (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

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- (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.
- (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;

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- (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;
 - (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;

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- (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
 - (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).

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- (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).”

Commencement Information

- I1** S. 33 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(ii\)\(c\)](#)
- I2** [S. 33](#) in force at 6.4.2023 in force for E. and for W. except for specified purposes by [S.I. 2023/362](#), [reg. 3\(1\)\(n\)](#)
- I3** [S. 33](#) in force at 5.9.2023 for W. in so far as not already in force by [S.I. 2023/914](#), [reg. 2\(b\)\(i\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2024 c. 22 s. 114\(3\)](#)
- s. 123(2)(a)(b) and words substituted for words by [2024 c. 22 s. 115\(2\)](#)
- s. 123(8)(9) inserted by [2024 c. 22 s. 115\(4\)](#)
- s. 124(2A)(2B) inserted by [2024 c. 22 s. 116\(3\)](#)
- s. 124(4)(aa) inserted by [2024 c. 22 s. 116\(5\)\(b\)](#)
- Sch. 3 para. 3(5)(e) and word inserted by [2024 c. 22 Sch. 13 para. 7\(b\)](#)