
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fifth commencement Regulations made under the Building Safety Act 2022 (c. 30) (“the 2022 Act”).

Regulation 2 brings into force on 1st October 2023 a number of provisions of the 2022 Act, including amendments to the Building Act 1984 (c.55) (“the 1984 Act”) which in particular provide for the building safety regulator (see section 2 of the 2022 Act) to be the building control authority for higher-risk buildings in England. This is achieved by commencing in particular sections 32 and 46 of the 2022 Act. Section 46, for example, makes it unlawful for initial notices and amendment notices to include higher-risk building work. The amendments to the 1984 Act also provide for section 16 (deposit of plans) to be repealed and powers have been inserted into that Act to provide for applications for building control approval instead. The 2022 Act also provides for those appeals etc under the 1984 Act to the magistrates’ courts to instead be to the First-tier Tribunal. And the amendments have provided for the determination of disputes under the 1984 Act by the Secretary of State to be made to the regulator. The amendments in section 42 of the 2022 Act (building control profession) have been commenced so far as to enable the regulator to register building inspectors and building control approvers.

Regulations 3 to 9 set out transitional and saving provisions, in particular in relation to plans deposited, initial notices given or appeals made before 1st October 2023.

There are three impact assessments for implementing the changes to the building safety regime, they were published alongside the explanatory memorandum for S.I. 2023/906, 2023/907 and 2023/911 at www.legislation.gov.uk.