



# Building Safety Act 2022

## CHAPTER 30

### BUILDING SAFETY ACT 2022

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### Schedules

#### Schedule 1 — Amendments of the Health and Safety at Work etc Act 1974

- 1 The Health and Safety at Work etc Act 1974 is...
- 2 (1) Section 11 (functions of the Executive) is amended as...
- 3 After section 11 insert— Powers of the Executive: buildings in...
- 4 In section 12(3) (control of the Executive) after “provisions” insert...
- 5 (1) Section 13 (powers of the Executive) is amended as...
- 6 In section 27 (information powers) after subsection (4) insert—
- 7 In section 53 (general interpretation) at the appropriate place insert—...
- 8 (1) Schedule 2 (constitution of the Executive) is amended as...

#### Schedule 2 — Authorised officers: investigatory powers

- 1 Entry to non-domestic premises without warrant
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- 3 Entry to domestic premises (with warrant)
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- 5 Police
- 6 Public authorities

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- 1 The Building Act 1984 is amended as follows.
- 2 In section 42(1) (appeals) for “approved inspector” substitute “registered building...”
- 3 In the heading before section 47, for “approved inspectors” substitute...
- 4 (1) Section 47 (giving and acceptance of initial notice) is...
- 5 Omit section 49 (approved inspectors).
- 6 In section 50(7) (plans certificates) for “approved inspector”, in both places...
- 7 In section 51(1) (final certificates)— (a) for “an approved inspector”...
- 8 In section 51A(2)(a)(ii) (variation of work) for “approved inspector” substitute...

- 9 In section 51C(2)(a) (change of person carrying out work) for...
- 10 (1) Section 52 (cancellation of initial notice) is amended as...
- 11 In section 56(5) (powers to require information) for “approved inspector”...
- 12 In section 57 (offences), for subsection (3) substitute—
- 13 In section 58(3) (construction of Part 2)—
- 14 In section 126 (general interpretation)— (a) omit the definition of...

Schedule 5 — Minor and consequential amendments in connection with Part 3

Part 1 — AMENDMENTS OF THE BUILDING ACT 1984

- 1 The Building Act 1984 is amended as follows.
- 2 (1) Section 1 is amended as follows.
- 3 In section 1A(1) for “Secretary of State” substitute “appropriate national...”
- 4 (1) Section 2 is amended as follows.
- 5 (1) Section 3 is amended as follows.
- 6 In section 4(1)(a)(i) for “Secretary of State” substitute “appropriate national...”
- 7 In section 5(3)(b) omit “of building regulations”.
- 8 Omit section 5(4).
- 9 (1) Section 6 is amended as follows.
- 10 (1) Section 7 is amended as follows.
- 11 (1) Section 8 is amended as follows.
- 12 (1) Section 9 is amended as follows.
- 13 (1) Section 10 is amended as follows.
- 14 (1) Section 11 is amended as follows.
- 15 (1) Section 12 is amended as follows.
- 16 (1) Section 13 is amended as follows.
- 17 (1) Section 14 is amended as follows.
- 18 In section 15 after subsection (2) insert—
- 19 For the heading before section 16 substitute “Building control approval”....
- 20 Omit sections 16 and 17.
- 21 (1) Section 19 is amended as follows.
- 22 (1) Section 20 is amended as follows.
- 23 (1) Section 21 is amended as follows.
- 24 (1) Section 22 is amended as follows.
- 25 In section 23(3) for “local authority”, in both places it...
- 26 (1) Section 24 is amended as follows.
- 27 (1) Section 25 is amended as follows.
- 28 Omit section 31 (and the heading before it).
- 29 In the heading before section 32 for “deposit of plans”...
- 30 (1) Section 33 is amended as follows.
- 31 Omit section 35A.
- 32 (1) Section 36 is amended as follows.
- 33 In section 37(1) for “local authority”, in each place it...
- 34 In section 39(1) and (2) for “local authority”, in each...
- 35 In section 40(2), (3) and (6) for “local authority”, in...
- 36 In section 41(1)(a) for the words from “under this” to...
- 37 In section 42(1) for “local authority”, in both places it...
- 38 Omit sections 44 and 45 (and the heading before section...
- 39 In the heading of Part 2 for “LOCAL AUTHORITIES” substitute...
- 40 (1) Section 47 is amended as follows.



- 41 (1) Section 48 is amended as follows.
  - 42 (1) Section 51A is amended as follows.
  - 43 In section 51B(1)— (a) in paragraph (a) for “deposit of...
  - 44 (1) Section 52 is amended as follows.
  - 45 In section 53 omit subsections (6) and (6A).
  - 46 (1) Section 54 is amended as follows.
  - 47 In section 56(3) for the words from “, public body’s...
  - 48 (1) Section 57 is amended as follows.
  - 49 Omit section 58(2).
  - 50 In section 68(8)(b) for “Secretary of State” substitute “appropriate national...
  - 51 In section 78(7)(b) omit “and (3) below”.
  - 52 In section 86(1)(a) for the words from “under this” to...
  - 53 In section 90(2) for “Secretary of State” substitute “appropriate national...
  - 54 In the italic heading before section 91 at the end...
  - 55 (1) Section 91A is amended as follows.
  - 56 After section 91A insert— Cooperation and the sharing of information:...
  - 57 (1) Section 92 is amended as follows.
  - 58 (1) Section 94 is amended as follows.
  - 59 Omit section 94A.
  - 60 In section 95 after subsection (2) insert—
  - 61 In section 97 after “authority” insert “or the regulator”.
  - 62 In section 99(2)(a) after “authority” insert “or the regulator (as...
  - 63 (1) Section 100 is amended as follows.
  - 64 (1) Section 101 is amended as follows.
  - 65 In section 102(3)(b)(ii) after “authority” insert “or the regulator”.
  - 66 (1) Section 104 is amended as follows.
  - 67 (1) Section 106 is amended as follows.
  - 68 (1) Section 107 is amended as follows.
  - 69 (1) Section 108 is amended as follows.
  - 70 (1) Section 110 is amended as follows.
  - 71 In section 111 for “Secretary of State” substitute “appropriate national...
  - 72 (1) Section 112 is amended as follows.
  - 73 In section 113(b) after “authority” insert “, the regulator, the...
  - 74 (1) Section 119 is amended as follows.
  - 75 In the italic heading before section 120 at the end...
  - 76 (1) Section 120 is amended as follows.
  - 77 After section 120 insert— Regulations (1) This section applies to regulations under section 54A, 55,...
  - 78 (1) Section 121 is amended as follows.
  - 79 Omit section 124.
  - 80 After section 125 insert— Meaning of work (1) In the relevant provisions references to work include a...
  - 81 (1) Section 126 is amended as follows.
  - 82 In section 134 after subsection (1) insert—
  - 83 (1) Schedule 1 is amended as follows.
  - 84 (1) Schedule 2 is amended as follows.
  - 85 In Schedule 3, in paragraph 4 for “section 14(3)” substitute...
  - 86 In Schedule 4, in paragraph 4 omit sub-paragraph (6).
- Part 2 — OTHER AMENDMENTS
- 87 Parliamentary Commissioner Act 1967 (c. 13)

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- 88 Freedom of Information Act 2000 (c. 36)
- 89 Sustainable and Secure Buildings Act 2004 (c. 22)
- 90 The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

#### Schedule 6 — Appeals and other determinations

- 1 Introduction
- 2 Transfer from Secretary of State to the regulator
- 3 (1) Section 20 (use of materials unsuitable for permanent building)...
- 4 (1) Section 39 (appeal against refusal to relax building regulations)...
- 5 (1) Section 42 (appeal and statement of case to High...
- 6 Omit section 43 (procedure on appeal to Secretary of State...
- 7 After that section insert— Appeals under sections 20, 39 and...
- 8 In section 50 (plans certificates) for subsections (2) and (3)...
- 9 Transfer from magistrates' court to the tribunal: England
- 10 In section 7(2)(b) after “court” insert “or tribunal”.
- 11 In section 25(5) after “the court”, in both places it...
- 12 In section 33(6) after “the court”, in both places it...
- 13 In section 37(3) for “a court” substitute “the appropriate court...
- 14 In section 40 after “the court”, in each place it...
- 15 In section 55(2) after “court” insert “or tribunal”.
- 16 In section 62(2) after “the court” insert “or tribunal”.
- 17 In section 64(5)(b) after “court” insert “or tribunal”.
- 18 In section 70(4)(b) after “court” insert “or tribunal”.
- 19 In section 75(2) after “court” insert “or tribunal”.
- 20 In section 77(1) after “court” insert “or tribunal”.
- 21 In section 78(7)(b) after “court” insert “or tribunal”.
- 22 In section 83(3)(b) after “court” insert “or tribunal”.
- 23 In section 98— (a) for “a complaint” substitute “an application...
- 24 In section 102(2), (3) and (4) after “court”, in each...
- 25 (1) Section 103 is amended as follows.
- 26 In section 104 after “court”, in both places it occurs,...
- 27 In section 105 after “court” insert “or tribunal”.
- 28 In Schedule 2 in paragraph 2(b) after “court” insert “or...
- 29 Enforcement
- 30 Appeal: local authority decision not to consider application etc

#### Schedule 7 — Special measures

- 1 Introductory
- 2 Notification by regulator before applying for special measures order
- 3 Meaning of “financial management proposal”
- 4 Special measures order
- 5 Special measures order: supplementary
- 6 Payments received by special measures manager to be held on trust
- 7 Effect of special measures order on relevant contracts and legal proceedings
- 8 Special measures orders and orders under section 24 of the Landlord and Tenant Act 1987
- 9 (1) The Landlord and Tenant Act 1987 is amended as...
- 10 Provision of financial assistance by regulator
- 11 Special measures order: further directions
- 12 Regulator to keep certain matters under review
- 13 Notification by regulator before applying to vary special measures order
- 14 Variation or discharge of special measures order

- 15 Notifications about special measures order
  - 16 Special measures order: change in accountable person etc
  - 17 Interpretation
- Schedule 8 — Remediation costs under qualifying leases etc
- 1 Interpretation
  - 2 No service charge payable for defect for which landlord or associate responsible
  - 3 No service charge payable if landlord meets contribution condition
  - 4 No service charge payable where lease below certain value
  - 5 Limit on service charge in other cases
  - 6 Paragraph 5: the permitted maximum
  - 7 Annual limit on service charges
  - 8 No service charge payable for cladding remediation
  - 9 No service charge payable for legal or professional services relating to liability for relevant defects
  - 10 Paragraphs 2 to 4, 8 and 9: supplementary
  - 11 No increase in service charge for other tenants
  - 12 Recovery of service charge amounts from landlords
  - 13 Presumption: qualifying lease
  - 14 Presumptions relating to landlord under qualifying lease
  - 15 Information from tenants
  - 16 Information from landlords
  - 17 In section 21 of the Landlord and Tenant Act 1985...
  - 18 Anti-avoidance
- Schedule 9 — The new homes ombudsman scheme
- 1 Appointment of the new homes ombudsman
  - 2 Membership
  - 3 The scheme may provide for different categories of member and...
  - 4 Fees
  - 5 Where a scheme is maintained by a person other than—...
  - 6 Complaints under the scheme: subject matter and procedure
  - 7 The provision mentioned in paragraph 6(b)— (a) must not include...
  - 8 Complaints under the scheme: investigation and determination
  - 9 The forms of redress are— (a) paying compensation;
  - 10 Enforcement of determinations
  - 11 Making of recommendations
  - 12 Predecessor schemes
  - 13 Complaints about the scheme
  - 14 Co-operation
  - 15 Provision of information
  - 16 Reports
- Schedule 10 — Amendments in connection with the new homes ombudsman scheme
- 1 The Local Government Act 1974 is amended in accordance with...
  - 2 (1) Section 33 (consultation between Local Commissioner and other Commissioners...
  - 3 (1) Section 33ZA (collaborative working between Local Commissioners and others)...
  - 4 In section 33ZB (arrangements for provision of administrative and other...

- 5 (1) Paragraph 10A of Schedule 2 to the Housing Act...
- 6 (1) The Public Services Ombudsman (Wales) Act 2019 (anaw 3)...

#### Schedule 11 — Construction products regulations

- 1 Introductory
- 2 General safety requirements
- 3 Construction products with designated standards or technical assessments
  - 4 (1) Provision under paragraph 3(a) (designated standards) may include provision—...
  - 5 (1) Provision under paragraph 3(b) (technical assessments) may include provision...
  - 6 Construction products regulations may— (a) impose requirements on persons carrying...
  - 7 (1) Provision under paragraph 6(a) (imposition of requirements) may include...
  - 8 (1) Provision under paragraph 6(b) (conferral of powers) may include...
  - 9 Construction products regulations may include any provision—
- 10 Safety-critical products
  - 11 (1) Construction products regulations may make provision for and in...
  - 12 Construction products regulations may— (a) impose requirements on persons carrying...
  - 13 Provision under paragraph 12(a) (imposition of requirements) may include any...
  - 14 (1) Provision under paragraph 12(b) (conferral of powers) may include...
- 15 Enforcement
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  - 18 (1) Construction products regulations may make provision for and in...
  - 19 (1) Construction products regulations may make provision prohibiting the disclosure...
- 20 General and supplementary
  - 21 (1) Construction products regulations may make provision by repealing, amending...
  - 22 (1) Where construction products regulations contain provision creating a criminal...
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