DRAFT STATUTORY INSTRUMENTS

2023 No.

BUILDING AND BUILDINGS, ENGLAND

The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

*Made - - - - ****

Coming into force in accordance with regulation I

THE BUILDING SAFETY (RESPONSIBLE ACTORS SCHEME AND PROHIBITIONS) REGULATIONS 2023

PART 1

Introduction

- 1. Citation, commencement, extent and application
- 2. Interpretation
- 3. Relevant buildings
- 4. Notices

PART 2

The Responsible Actors Scheme

CHAPTER 1

Establishment and eligibility for membership

- 5. Establishment of scheme
- 6. Eligibility: general
- 7. Eligibility: residential property developers
- 8. Eligibility: buildings eligible for remediation funds
- 9. Voluntary eligibility
- 10. Residential property development
- 11. Profit condition
- 12. Eligibility: avoidance

CHAPTER 2

Membership of the scheme

- 13. Invitation by the Secretary of State to apply for membership
- 14. Application for membership following invitation
- 15. Request for an invitation to apply for membership
- 16. Applications for volunteers
- 17. Late application for membership
- 18. Application following revocation of membership
- 19. Determination of applications
- 20. Publication of list of members, prohibitions list and other lists

CHAPTER 3

Conditions of scheme

- 21. Self Remediation Terms
- 22. Provision of information to the Secretary of State
- 23. Membership conditions: avoidance

CHAPTER 4

Termination of membership

- 24. Grounds for revocation of membership
- 25. Warning of revocation of membership
- 26. Procedure for revocation of membership
- 27. Ending membership otherwise than by revocation

PART 3

Planning and Building Control Prohibitions

CHAPTER 1

Application

28. Application of prohibitions

CHAPTER 2

Prohibition on Development

- 29. Planning prohibition
- 30. Notice of prohibition
- 31. Exception for critical national infrastructure
- 32. Transitional provision

CHAPTER 3

Building Control Prohibitions

33. Building control prohibitions

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 No. 753

- 34. Exception to building control prohibition: emergency repair work
- 35. Exception to building control prohibition: work to occupied buildings
- 36. Exception to building control prohibition: purchasers
- 37. Exception to building control prohibitions and modification of the Building Regulations 2010: regularisation
- 38. Exception for critical national infrastructure
- 39. Effect of things done in contravention of these Regulations
- 40. Transitional provision

CHAPTER 5

Enforcement and disapplication of the prohibitions to certain persons not in the building industry

- 41. Application of Part 7 (Enforcement) of the Town and Country Planning Act 1990
- 42. Exception: disapplication of the prohibitions to certain persons not in the building industry

PART 4

Review

43. Review Signature

SCHEDULE — Modifications to the Town and Country Planning Act 1990

- 1. Part 7 of the Town and Country Planning Act 1990...
- 2. Modification of section 171A (expressions used in connection with enforcement)
- 3. Modification of section 171C (power to require information about activities on land)
- 4. Modification of section 171E (temporary stop notice)
- 5. Modification of section 171F (temporary stop notice: restrictions)
- 6. Modification of section 171H (temporary stop notices: compensation)
- 7. Modification of section 172 (issue of enforcement notice)
- 8. Modification of section 173 (contents and effect of notice)
- 9. Modification of section 174 (appeal against enforcement notice)
- 10. Modification of section 175 (appeals: supplementary provisions)
- 11. Modification of section 176 (general provisions relating to determination of appeals)
- 12. Modification of section 177 (grant or modification of planning permission on appeals against enforcement notices)
- 13. Modification of section 180 (effect of planning permission, etc, on enforcement or breach of condition notice)
- 14. Modifications of section 181 (enforcement notice to have effect against subsequent development)
- 15. Modification of section 183 (stop notices)
- 16. Modification of section 186 (compensation for loss due to stop notice)
- 17. Modification of section 188 (Register of enforcement and stop notices)

Explanatory Note