
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2023

PART 3

Prescribed persons and provision of information

Provision of information to the regulator

5.—(1) Where an appointment referred to in paragraph (2) is made in relation to an AP, the AP must provide the following information to the regulator—

- (a) their own name and the address of each higher-risk building for which they are responsible as an AP,
- (b) where the AP is a company, the company registration number,
- (c) the name and description of the appointment of that office-holder or person appointed as set out in paragraph (2), and
- (d) a postal address, and a telephone number or email address for that office-holder or person appointed as set out in paragraph (2).

(2) The appointments mentioned in paragraph (1) are—

- (a) the appointment of a monitor in relation to a moratorium that has taken effect pursuant to Part A1 of the Insolvency Act 1986⁽¹⁾;
- (b) the appointment of a supervisor in relation to a voluntary arrangement that has been approved pursuant to Part 1 or 8 of the Insolvency Act 1986;
- (c) the appointment of an administrator pursuant to Schedule B1 to the Insolvency Act 1986;
- (d) the appointment of a receiver under Part 3 of the Insolvency Act 1986⁽²⁾ or section 109 of the Law of Property Act 1925⁽³⁾;
- (e) the appointment of a liquidator under Part 4 or 5 (which make provision regarding winding up) of the Insolvency Act 1986;
- (f) the appointment of a trustee in bankruptcy⁽⁴⁾ pursuant to Part 9 of the Insolvency Act 1986;
- (g) the appointment of a housing administrator pursuant to the making of a housing administration order under section 99 of the Housing and Planning Act 2016⁽⁵⁾.

(3) In this regulation—

(1) Part A1 was inserted by section 1(1) of the Corporate Insolvency and Governance Act 2020 (c. 12).
(2) See section 29 of the Insolvency Act 1986 for the definition of “receiver” and “administrative receiver” in relation to their appointment under that Act.
(3) 1925 c. 20.
(4) See sections 291A and 296 of the Insolvency Act 1986 in relation to the appointment of a trustee in bankruptcy.
(5) 2016 c. 22.

“housing administrator” has the meaning given in section 95(2) of the Housing and Planning Act 2016;

“liquidator” means a liquidator within the meaning of Part 4 or Part 5 of the Insolvency Act 1986⁽⁶⁾;

“monitor” has the meaning given in section A54(1) of the Insolvency Act 1986;

“supervisor” has the meaning given in section 263(2) of the Insolvency Act 1986 (where the supervisor is the supervisor of an individual voluntary arrangement) and the meaning given in section 7(2) of the same Act (where the supervisor is the supervisor of a company voluntary arrangement).

Provision of information and documents to another AP for the higher-risk building

6.—(1) Subject to paragraph (2) and regulations 17 and 18, where there is more than one AP for a higher-risk building each AP for that building must provide to every other AP for that building the golden thread information that that AP is required to keep for that building.

(2) The duty in paragraph (1) does not require an AP to—

- (a) provide to another AP any information or document obtained from that AP where that information or document is up to date, or
- (b) provide to another AP any information or document that is kept by the AP but to which the other AP has access and has been notified of this in writing by the AP.

Provision of information and documents to residents of the building

7.—(1) Subject to paragraph (2) and regulation 18, an AP for a higher-risk building must provide to each person who is aged 16 or over and who resides in the part of the building for which that AP is responsible the information or a copy of a document prescribed in Schedule 2.

(2) The duty in paragraph (1) does not require an AP to provide information or documents to a person where the AP—

- (a) is not aware that the person resides in that part of the building, and
- (b) has taken all reasonable steps to make themselves aware of who resides in residential units in that part of the building.

Provision of information and documents to owners of residential units in the building

8. Subject to regulation 18, an AP for a higher-risk building must take all reasonable steps to provide to each owner of a residential unit in the part of the building for which that AP is responsible the information or a copy of a document prescribed in Schedule 2.

Provision of documents to relevant landlord etc

9.—(1) A relevant landlord is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) Subject to regulation 17, where an AP has given a contravention notice⁽⁷⁾ to a person who resides in, but is not the owner of, a residential unit in a higher-risk building, the AP must take all reasonable steps to provide a copy of that notice to the relevant landlord.

⁽⁶⁾ 1986 c. 45.

⁽⁷⁾ See section 96 of the 2022 Act in relation to contravention notices.

Provision of information and documents to client etc

10.—(1) Subject to paragraph (5) and regulations 15, 17 and 18, in relation to any project, the client for the project is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higherrisk building must provide to the client for a project which relates to the part of the building for which the AP is responsible any information that the AP must keep pursuant to section 88(1) of the 2022 Act which falls within any of the following provisions in Schedule 1 to these Regulations—

- (a) paragraph 6 (fire safety management) where the information relates to the part of the building specified in the notice;
- (b) paragraph 9 (structural risks) where the information relates to the part of the building specified in the notice except where the client has previously given the information to that AP and the information has not changed since it was given;
- (c) paragraph 10 (management of building safety risks) where the information relates to the part of the building specified in the notice;
- (d) paragraph 11 (building design) where the information relates to the part of the building specified in the notice.

(3) An AP for a higher-risk building must provide to the client for a project which relates to the part of the building for which the AP is responsible a copy of any document which that AP must keep pursuant to section 88(2) of the 2022 Act which falls within any of the following provisions in Schedule 1 to these Regulations—

- (a) paragraph 22 (fire safety management) where the document relates to the part of the building specified in the notice;
- (b) paragraph 24 (structural risks) where the document relates to the part of the building specified in the notice except where the client has previously given the document to that AP and it is the same version of the document as the version that was given;
- (c) paragraph 27(a) (plans) where the plan relates to the part of the building specified in the notice.

(4) For the purposes of paragraph (3)(c), it is sufficient for the AP to provide part or a collection of parts of a plan where that part or collection of parts relate to the entire part of the building specified in the notice for which an AP has responsibility.

(5) This regulation only applies in relation to a client where the client—

- (a) is not an AP for the building to which the project relates, and
- (b) has given notice in writing to the AP that—
 - (i) confirms that they are a client,
 - (ii) provides a brief description of the project including details of the parts of the higher-risk building to which it relates, and
 - (iii) provides their name, address, and (if available) email address.

(6) In this regulation “notice” means a notice given in accordance with paragraph (5)(b).

Provision of information and documents to relevant RP etc

11.—(1) Subject to regulations 17 and 18, a relevant RP is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higher-risk building must provide to each relevant RP of that building any information and a copy of any document which relates to the part of the building for which the AP is

responsible and that the AP must keep pursuant to section 88 of the 2022 Act and which falls within the following provisions of Schedule 1 to these Regulations—

- (a) paragraphs 6(1) and 22 (fire safety management);
 - (b) paragraph 7(2) (evacuation);
 - (c) paragraph 27 (plans).
- (3) An AP who is also the PAP for a building must provide to each relevant RP of that building—
- (a) a copy of the safety case report⁽⁸⁾ for that building;
 - (b) any information that an AP is required to keep pursuant to section 88 of the 2022 Act which falls within paragraph 7(1) (evacuation) of Schedule 1 to these Regulations.
- (4) Paragraph (2) does not apply to any information that the relevant RP has previously given to the AP and that has not changed since it was given.
- (5) Paragraph (2) does not apply to any document that the relevant RP has previously given to the AP and is the same version of the document as the version that was given.

Provision of information and documents to a fire and rescue authority etc

12.—(1) Subject to regulation 18, the fire and rescue authority for the area in which a higher-risk building is situated is prescribed for the purposes of section 89(1)(e) of the 2022 Act.

(2) An AP for a higher-risk building who is also the PAP for that building must provide to the fire and rescue authority for the area in which that building is situated—

- (a) the information that the PAP is required to keep pursuant to—
 - (i) paragraph 4(1) (key building information) of Schedule 1;
 - (ii) paragraph 7(1) (evacuation) of Schedule 1;
- (b) the documents that the PAP is required to keep pursuant to paragraph 20(1) (refusal of building assessment certification application) of Schedule 1;
- (c) the safety case report for that building.

(3) An AP for a higher-risk building must provide to the fire and rescue authority for the area in which that building is situated—

- (a) the information that the AP is required to keep pursuant to—
 - (i) paragraph 7(2) (evacuation) of Schedule 1;
 - (ii) paragraph 8 (Fire Safety Regulations information) of Schedule 1;
 - (iii) paragraph 11 (building design) of Schedule 1;
- (b) the documents that the AP is required to keep pursuant to—
 - (i) paragraph 23 (Fire Safety Regulations information) of Schedule 1;
 - (ii) paragraph 27(a) (plans) of Schedule 1;
 - (iii) paragraph 31 (contravention notices) of Schedule 1.

(4) Where the fire and rescue authority for the area in which a higher-risk building is situated makes a written request to an AP for the higher-risk building to be provided with any information or a copy of a document that the AP is responsible for keeping as golden thread information, the AP must provide to that fire and rescue authority the information and a copy of the document requested.

⁽⁸⁾ See section 85(1) of the 2022 Act for the definition of “safety case report”.

Provision of information and documents etc on change in AP

13. Subject to regulation 17, the information and documents prescribed for the purposes of section 90(2) of the 2022 Act are the golden thread information that the outgoing person was, immediately before the relevant time⁽⁹⁾, required to keep under regulation 4 by virtue of being an AP for the higher-risk building and, where applicable, was, immediately before the relevant time, required to keep under regulation 4 by virtue of being the PAP for the higher-risk building.

Resident engagement: requests for further information

14. Subject to regulations 16, 17 and 18, the information and documents prescribed for the purposes of section 92(1) of the 2022 Act are the information and documents specified in Schedule 3 to these Regulations.

(9) See section 90(1) of the 2022 Act for the definition of “relevant time”.