



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 2 **U.K.**

#### THE REGULATOR AND ITS FUNCTIONS

##### *Supplementary and general*

#### 27 Cooperation and information sharing **E+W**

- (1) [Schedule 3](#)—
  - (a) imposes duties of cooperation on the regulator and other persons, and
  - (b) confers powers to share information on the regulator and other persons.
- (2) Except as provided by [subsection \(3\)](#), the disclosure of information under [Schedule 3](#) does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (3) [Schedule 3](#) does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by the Schedule).

#### Commencement Information

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| II | S. 27 in force at Royal Assent for specified purposes, see <a href="#">s. 170(2)(a)</a>                                      |
| I2 | S. 27 in force at 6.4.2023 in so far as not already in force by <a href="#">S.I. 2023/362</a> , <a href="#">reg. 3(1)(k)</a> |

#### 28 Fees and charges **E+W**

- (1) The Secretary of State may by regulations make provision authorising the regulator—
  - (a) to charge fees, and
  - (b) to recover charges,

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for or in connection with the performance of a relevant function.

- (2) The regulations may—
  - (a) prescribe a fee or charge, or
  - (b) provide for the amount of a fee or charge to be determined by the regulator in accordance with the regulations.
- (3) The regulations may in particular—
  - (a) provide that the amount of any charge is to be determined by the regulator in accordance with a scheme made and published by it, and
  - (b) make provision about such schemes, including the principles to be embodied in such schemes.
- (4) The regulations may make provision about the effect of failing to pay a fee or charge in accordance with the regulations.
- (5) In this section “relevant function” means —
  - (a) any function of the regulator under, or under regulations made under, [this Part](#) or [Part 4](#), or
  - (b) any function of the regulator under the Health and Safety at Work etc Act 1974 that is a building function.
- (6) The regulator may—
  - (a) with the consent of the Secretary of State, provide services to a person in connection with any matter relating to buildings;
  - (b) charge fees for such services at a rate agreed with the person.
- (7) Nothing in [subsection \(6\)](#) limits any other power of the regulator to charge for a service provided by it.

**Commencement Information**

**I3** S. 28 in force at Royal Assent, see [s. 170\(1\)\(d\)](#)

**29 Service of documents** E+W

- (1) This section applies to a document required or authorised under this Part or [Part 4](#), or regulations under either Part, to be given to a person; but this is subject to [subsection \(11\)](#).
- (2) The document may be given by—
  - (a) delivering it by hand to the person,
  - (b) leaving it at the person’s proper address,
  - (c) sending it by post to the person at their proper address, or
  - (d) sending it by email to an electronic address at which the person has agreed to receive documents or has agreed to receive the document.
- (3) The document may—
  - (a) in the case of a body corporate, be given in accordance with [subsection \(2\)](#) to an officer of the body;
  - (b) in the case of a partnership, be given in accordance with [subsection \(2\)](#) to a partner.

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- (4) For the purposes of this section, the “proper address” of a person (except an authorised officer of the regulator) is—
- (a) in the case of a document to be given by or on behalf of the regulator to a person who has provided an address for service to the regulator, that address;
  - (b) subject to that—
    - (i) in the case of a body corporate (including a document given to an officer of the body), the address of its registered or principal office;
    - (ii) in the case of a partnership (including a document given to a partner), the address of its principal office;
    - (iii) in the case of any other person, their last known address.
- (5) For the purposes of this section, the “proper address” of an authorised officer of the regulator is—
- (a) the address specified by the officer, or
  - (b) if no address is specified, the address of the regulator’s principal office.
- (6) If—
- (a) the document is to be given to the person as the owner of any premises, a resident of any premises, or the accountable person of a higher-risk building, and
  - (b) the person’s name and proper address is not known, despite reasonable steps having been taken to ascertain it,
- the document may be given by addressing it to the owner or resident of the premises (naming the premises) or the accountable person of the building (naming the building) and fixing it to a conspicuous part of the premises or building.
- (7) A document left as mentioned in [subsection \(2\)\(b\)](#) is treated as given when it was left.
- (8) A document sent as mentioned in [subsection \(2\)\(c\)](#) is treated as given 48 hours after it was sent, unless the contrary is proved.
- (9) A document sent as mentioned in [subsection \(2\)\(d\)](#) is treated as given 24 hours after it was sent, unless the contrary is proved.
- (10) A document fixed as mentioned in [subsection \(6\)](#) is treated as given 48 hours after it was fixed.
- (11) This section does not apply to the giving of a document for which other provision is made by or under this Part or [Part 4](#).
- (12) In this section—
- “accountable person” has the same meaning as in [Part 4](#) (see section 72);
  - “agreed” means agreed in writing;
  - “authorised officer” means a person in respect of whom an authorisation under section 22 is in force;
  - “giving”: references to giving include similar expressions (such as serving);
  - “specified” means specified in writing.

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**Modifications etc. (not altering text)**

- C1** S. 29 applied (16.1.2024) by [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023 \(S.I. 2023/907\)](#), regs. 1(2), **8(6)**; S.I. 2024/40, reg. 2(e)

**Commencement Information**

- I4** S. 29 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)  
**I5** S. 29 in force at 6.4.2023 in so far as not already in force by [S.I. 2023/362](#), **reg. 3(1)(l)**

**30 Interpretation of Part 2 E+W**

(1) In this Part—

“building” (except in section 28(6)) means any permanent or temporary building in England except a building of a prescribed description;

“building function” has the meaning given by section 3;

“the built environment industry” means—

- (a) persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, and
- (b) employees of such persons;

and references to a person “in” the industry are to any such person or employee;

“contravention” includes a failure to comply;

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“disabled”: a person is disabled if the person has a physical or mental impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities;

“financial year” means a year ending with 31 March;

“fire and rescue authority” means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004, for an area in England;

“local authority” means—

- (a) a district council or relevant unitary authority,
- (b) a London borough council,
- (c) the Common Council of the City of London,
- (d) the Sub-Treasurer of the Inner Temple,
- (e) the Under Treasurer of the Middle Temple, or
- (f) the Council of the Isles of Scilly;

“maximum summary term for either-way offences”, with reference to imprisonment for an offence, means—

- (a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
- (b) if the offence is committed after that time, 12 months;

“owner” has the meaning given by section 115;

“personal data” has the same meaning as in the Data Protection Act 2018;

“prescribed” means prescribed by regulations made by the Secretary of State;

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“registered building inspector” has the meaning given by section 58A of the Building Act 1984;

“the regulator” has the meaning given by section 2;

“resident” and “resident of a higher-risk building” have the same meaning as in Part 4 (see section 71(3) and (4)(c));

“residential unit” means—

- (a) a dwelling, or
- (b) any other unit of living accommodation;

“standard”: any reference to the standard of a building is to its standard from a technical perspective.

- (2) In [subsection \(1\)](#), in the definition of “local authority”, “relevant unitary authority” means a council for a county in England so far as it is the council for an area for which there are no district councils.
- (3) The Secretary of State may by regulations provide that in any prescribed provision of [this Part](#) a reference to a building includes any of the following—
  - (a) any other structure or erection of any kind (whether temporary or permanent);
  - (b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be prescribed.

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#### Commencement Information

**I6** S. 30 in force at Royal Assent, see [s. 170\(1\)\(e\)](#)

**Changes to legislation:**

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Heading: Supplementary and general.