



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 2

#### THE REGULATOR AND ITS FUNCTIONS

##### *The regulator and its general functions*

## 2 The building safety regulator

- (1) In [this Part](#) “the regulator” means the Health and Safety Executive.
- (2) [Schedule 1](#) contains amendments of provisions of the Health and Safety at Work etc Act 1974 that relate to the regulator.

#### Commencement Information

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| <b>I1</b> | S. 2(1) in force at Royal Assent, see <a href="#">s. 170(1)(b)</a>   |
| <b>I2</b> | S. 2(2) in force at Royal Assent for specified purposes, see <a href="#">s. 170(2)(a)</a>  |
| <b>I3</b> | <a href="#">S. 2(2)</a> in force at 28.6.2022 in so far as not already in force by <a href="#">S.I. 2022/561</a> , <a href="#">regs. 1(2)</a> , <a href="#">3(a)</a> |

## 3 The regulator: objectives and regulatory principles

- (1) The regulator must exercise its building functions with a view to—
  - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, and
  - (b) improving the standard of buildings.
- (2) In exercising a building function (other than an excepted function), the regulator must have regard to the following principles—
  - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
  - (b) regulatory activities should be targeted only at cases in which action is needed.

*Status: Point in time view as at 01/09/2022.*

*Changes to legislation: Building Safety Act 2022, Cross Heading: The regulator and its general functions is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The duty in [subsection \(2\)](#) is subject to any other requirement affecting the exercise of the function.
- (4) In [subsection \(2\)](#) “excepted function” means—
- (a) a function under any of sections 4 to 6, or
  - (b) a function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to any such function.
- (5) In [this Part](#) “building function” means—
- (a) any function of the regulator under, or under an instrument made under, this Act or the Building Act 1984;
  - (b) any prescribed function of the regulator;
  - (c) any function of the regulator under the Health and Safety at Work etc Act 1974 so far as relating to a function within [paragraph \(a\)](#) or [\(b\)](#).

#### Commencement Information

- I4** S. 3 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I5** S. 3 in force at 28.6.2022 in so far as not already in force by [S.I. 2022/561](#), [regs. 1\(2\)](#), [3\(b\)](#)

## 4 Duty to facilitate building safety: higher-risk buildings

- (1) The regulator must provide such assistance and encouragement to relevant persons as it considers appropriate with a view to facilitating their securing the safety of people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (2) The assistance and encouragement that must be provided under [subsection \(1\)](#) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (3) For this purpose “relevant persons” means—
- (a) residents of higher-risk buildings within the meaning of [Part 4](#),
  - (b) owners of residential units in such buildings,
  - (c) persons who are accountable persons within the meaning of [Part 4](#), and
  - (d) persons upon whom duties are imposed by virtue of [paragraph 5B](#) of Schedule 1 to the Building Act 1984 (dutyholders).
- (4) In [subsections \(1\)](#) and [\(2\)](#)—
- “building safety risk” has the meaning given by section 62;
- “disabled”: see section 30;
- “higher-risk building” means—
- (a) a higher-risk building within the meaning of [Part 4](#) (see section 65), or
  - (b) a higher-risk building within the meaning of the Building Act 1984.
- (5) [Parts 3](#) and [4](#) confer further functions on the regulator in relation to higher-risk buildings.

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#### Commencement Information

**I6** S. 4 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 5 Duty to keep safety and standard of buildings under review

The regulator must keep under review—

- (a) the safety of people in or about buildings in relation to risks as regards buildings, and
- (b) the standard of buildings.

#### Commencement Information

**I7** S. 5 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 6 Facilitating improvement in competence of industry and building inspectors

- (1) The regulator must provide such assistance and encouragement as it considers appropriate to—
  - (a) persons in the built environment industry, and
  - (b) registered building inspectors,with a view to facilitating their improving the competence of persons in that industry or members of that profession (as the case may be).
- (2) For the meaning of “the built environment industry” and “registered building inspector” see section 30.

#### Commencement Information

**I8** S. 6 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

### 7 Proposals and consultation relating to regulations

- (1) This section applies to regulations under—
  - (a) [this Part](#), or
  - (b) any provision of [Part 4](#) except section 62, 65 or 68.
- (2) The regulator may at any time make proposals to the Secretary of State for the making of regulations.
- (3) Before making a proposal, the regulator must consult such persons as it considers appropriate.
- (4) Before making regulations, other than regulations proposed by the regulator, the Secretary of State must consult—
  - (a) the regulator, and
  - (b) such other persons as the Secretary of State considers appropriate.

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**Commencement Information**

**I9** S. 7 in force at Royal Assent, see [s. 170\(1\)\(c\)](#)

**8 Duty to establish system for giving of building safety information**

- (1) The regulator must make arrangements for a person to establish and operate a voluntary occurrence reporting system.
- (2) A “voluntary occurrence reporting system” is a system to facilitate the voluntary giving of information about building safety to the person who operates the system.

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**Commencement Information**

**I10** S. 8 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**Status:**

Point in time view as at 01/09/2022.

**Changes to legislation:**

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