



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Appeals etc

103 Appeals against compliance notice etc

- (1) A person to whom a compliance notice has been given may appeal to the tribunal.
- (2) An appeal may be on the grounds—
 - (a) that the person has not contravened, is not contravening, or is not likely to contravene, a relevant requirement;
 - (b) that it is unreasonable to require the person to do any thing specified to be done in the notice.
- (3) Where an appeal under [subsection \(1\)](#) is made and the compliance notice is not an urgent action notice—
 - (a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and
 - (b) the specified period mentioned in [section 99\(2\)\(a\)](#) is treated as extended by the period—
 - (i) beginning with the day on which the appeal is made, and
 - (ii) ending with the day on which the appeal is finally determined or withdrawn.
- (4) Where an appeal under [subsection \(1\)](#) is made and the compliance notice is an urgent action notice—
 - (a) the appellant may apply to the tribunal for a direction that the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

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- (b) unless and until any such direction is given, the compliance notice continues to have effect despite the making of the appeal.
- (5) A person to whom a compliance notice has been given may apply to the tribunal for an extension of the period for the doing of any thing specified to be done in the notice.
- (6) [Subsections \(3\) and \(4\)](#) apply to such an application as they apply to an appeal under [subsection \(1\)](#).
- (7) In this section “urgent action notice” has the meaning given by section 99(4).

Commencement Information

- I1** S. 103 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I2** S. 103 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993](#), [reg. 2\(u\)](#)

104 Appeals against decisions of the regulator made under [this Part](#)

- (1) This section applies in relation to a decision of the regulator—
 - (a) not to register a building on an application under section 78(1);
 - (b) to remove a building from the register under section 78(3);
 - (c) to refuse an application for a building assessment certificate under section 81(3);
 - (d) to give a direction under section 83(2).
- (2) An affected person may appeal the decision.
- (3) An appeal may be on the grounds—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (4) In this section “an affected person” means—
 - (a) in relation to a decision of the regulator mentioned in [paragraph \(a\)](#) or [\(b\)](#) of [subsection \(1\)](#), an accountable person for the higher-risk building (or a person who would be an accountable person for the building if the building were a higher-risk building);
 - (b) in relation to a decision of the regulator mentioned in [paragraph \(c\)](#) of [subsection \(1\)](#), an accountable person for the higher-risk building;
 - (c) in relation to a decision of the regulator mentioned in [paragraph \(d\)](#) of [subsection \(1\)](#), the accountable person subject to the direction.

Commencement Information

- I3** S. 104 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I4** S. 104 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993](#), [reg. 2\(v\)](#)

105 Appeals against decisions of the regulator made under regulations

- (1) This section applies in relation to a prescribed decision of the regulator made under regulations made under [this Part](#).

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- (2) A prescribed person may appeal to the tribunal against the decision.
- (3) An appeal may be made only on prescribed grounds.

Commencement Information

- I5** S. 105 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
I6 S. 105 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(w\)](#)

106 Appeals: supplementary

- (1) This section applies in relation to an appeal to the tribunal under section 103(1), 104 or 105.
- (2) The tribunal—
 - (a) must consider afresh the decision appealed against, and
 - (b) may take into account evidence that was not available to the regulator.
- (3) The tribunal may confirm, vary or quash the decision of the regulator.
- (4) The Secretary of State may, by regulations—
 - (a) provide for the suspension during the appeal period of the effect of a notice (other than a compliance notice) given or other thing done by the regulator;
 - (b) make other provision about the effect during the appeal period of an appeal (including provision conferring powers on the tribunal).
- (5) In [subsection \(4\)](#) “the appeal period” means the period beginning with the making of the appeal and ending with the final determination or withdrawal of the appeal.

Commencement Information

- I7** S. 106 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
I8 S. 106 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(x\)](#)

107 Enforcement of decisions of the First-tier and Upper Tribunal

- (1) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with [this Part](#) is enforceable with the permission of the county court in the same way as an order of that court.
- (2) [Subsection \(1\)](#) does not apply to a decision of the First-tier Tribunal or Upper Tribunal ordering the payment of a sum (as to which see section 28 of the Tribunals, Courts and Enforcement Act 2007 (enforcement)).

Commencement Information

- I9** S. 107 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
I10 S. 107 in force at 6.4.2023 in so far as not already in force by [S.I. 2023/362, reg. 3\(1\)\(z6\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2024 c. 22 s. 114\(3\)](#)
- s. 123(2)(a)(b) and words substituted for words by [2024 c. 22 s. 115\(2\)](#)
- s. 123(8)(9) inserted by [2024 c. 22 s. 115\(4\)](#)
- s. 124(2A)(2B) inserted by [2024 c. 22 s. 116\(3\)](#)
- s. 124(4)(aa) inserted by [2024 c. 22 s. 116\(5\)\(b\)](#)
- s. 125A and cross-heading inserted by [2024 c. 22 s. 119](#)
- Sch. 3 para. 3(5)(e) and word inserted by [2024 c. 22 Sch. 13 para. 7\(b\)](#)
- Sch. 8 para. 9(1A) inserted by [2024 c. 22 s. 117\(2\)](#)
- Sch. 8 para. 9(3)(4) inserted by [2024 c. 22 s. 117\(3\)](#)