



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 4

#### HIGHER-RISK BUILDINGS

##### *Duties relating to information and documents*

#### **87** Mandatory reporting requirements

- (1) An accountable person for an occupied higher-risk building must, in prescribed circumstances, give prescribed information to the regulator by the prescribed time and in the specified way.
- (2) The information that may be prescribed is information that relates to a building safety risk as regards the part of the building for which an accountable person is responsible.
- (3) In [subsection \(1\)](#) “specified” means specified in a direction given and published by the regulator.
- (4) A person who, without reasonable excuse, contravenes [subsection \(1\)](#) commits an offence and is liable on summary conviction to a fine.
- (5) The principal accountable person for an occupied higher-risk building must establish and operate an effective mandatory occurrence reporting system which complies with prescribed requirements.
- (6) A “mandatory occurrence reporting system” is a system for the giving of information to accountable persons for the building for the purpose of enabling them to comply with [subsection \(1\)](#).
- (7) Information provided by a person under [subsection \(1\)](#) is not admissible in evidence against that person in criminal proceedings except—
  - (a) in proceedings for an offence under section 24 or this section,
  - (b) in proceedings for an offence of perverting the course of justice, or
  - (c) if in the proceedings—

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- (i) in giving evidence the person makes a statement inconsistent with the information, and
- (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

**Commencement Information**

**I1** S. 87 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**88 Keeping information about higher-risk buildings**

- (1) An accountable person for a higher-risk building must—
  - (a) keep prescribed information in accordance with prescribed standards, and
  - (b) so far as possible keep such information up to date.
- (2) An accountable person for a higher-risk building must keep copies of prescribed documents in accordance with prescribed standards.
- (3) Where an accountable person does not hold prescribed information or a copy of a prescribed document, they must obtain it except where it is not practicable to do so.
- (4) The Secretary of State may by regulations make provision as to when the duties in [subsections \(1\) to \(3\)](#) apply.

**Commencement Information**

**I2** S. 88 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**89 Provision of information etc to the regulator, residents and other persons**

- (1) The Secretary of State may by regulations make provision requiring an accountable person for a higher-risk building to give prescribed information or a copy of a prescribed document to—
  - (a) the regulator,
  - (b) another accountable person for the building,
  - (c) residents of the building,
  - (d) owners of residential units in the building, or
  - (e) any other prescribed person.
- (2) The regulations may in particular make provision about—
  - (a) when information or a copy of a document must be given;
  - (b) the way in which information or copy of a document must be given;
  - (c) the form in which information must be given (and may in particular require that the information is given in an accessible form);
  - (d) the standards in accordance with which information or a copy of a document must be given.
- (3) The regulations may make exceptions to any duty imposed under the regulations.
- (4) Subject to [subsection \(5\)](#), the regulations may provide that the disclosure of information under this section does not breach—

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- (a) any obligation of confidence owed by the accountable person in relation to that information;
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) This section 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 this section).
- (6) Where the regulations provide that any information or document must be given to the regulator, they may make provision about the admissibility in any criminal proceedings of the information or document.

#### Commencement Information

**I3** S. 89 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

## 90 Provision of information etc on change in accountable person

- (1) This section applies where at any time (“the relevant time”) an accountable person for a higher-risk building (the “outgoing person”) ceases to be responsible for all or any part of the building.
- (2) The outgoing person must give prescribed information and a copy of any prescribed document to any person who, immediately after the relevant time—
- (a) is an accountable person for the building, and
  - (b) is responsible for a part of the building for which the outgoing person ceased to be responsible at the relevant time.
- (3) The information and documents must be given—
- (a) by the prescribed time,
  - (b) in the prescribed way, and
  - (c) in accordance with prescribed standards.
- (4) The outgoing person must give prescribed information to the regulator in the prescribed way, as soon as reasonably practicable after the relevant time.
- (5) Subject to [subsection \(6\)](#), regulations made by the Secretary of State under this section may provide that the disclosure of information under this section does not breach—
- (a) any obligation of confidence owed by the outgoing person in relation to that information;
  - (b) any other restriction on the disclosure of information (however imposed).
- (6) This section 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 this section).
- (7) A person who, without reasonable excuse, contravenes [subsection \(2\)](#) or [\(4\)](#) commits an offence and is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

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and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.

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**Commencement Information**

**I4** S. 90 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

**Status:**

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