



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Meaning of “building safety risk”

62 Meaning of “building safety risk”

- (1) In [this Part](#) “building safety risk” means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building—
 - (a) the spread of fire;
 - (b) structural failure;
 - (c) any other prescribed matter.
- (2) Before making regulations under [subsection \(1\)\(c\)](#), the Secretary of State must consult—
 - (a) the regulator, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (3) But the regulator need not be consulted if—
 - (a) the regulations give effect to a recommendation made by the regulator under [section 63](#), or
 - (b) the Secretary of State has under [section 64](#) asked the regulator for its advice in relation to a proposal to make the regulations.

Commencement Information

11 S. 62 in force at Royal Assent, see [s. 170\(1\)\(f\)](#)

Status: Point in time view as at 28/07/2022.

Changes to legislation: Building Safety Act 2022, Cross Heading: Meaning of “building safety risk” is up to date with all changes known to be in force on or before 17 September 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)

63 Recommendations about regulations under section 62

- (1) The regulator may recommend that the Secretary of State makes regulations under section 62.
- (2) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for any higher-risk building only if it considers that if the matter occurred as regards a higher-risk building it would have the potential to cause a major incident.
- (3) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of higher-risk building only if it considers that if the matter occurred as regards a higher-risk building of that description it would have the potential to cause a major incident.
- (4) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of building that is not a higher-risk building only if—
 - (a) it considers that—
 - (i) if the matter occurred as regards a building of that description it would have the potential to cause a major incident,
 - (ii) the risk of the matter occurring is greater for that description of buildings than it is for buildings that are not of that description, and
 - (iii) **this Part** should apply (with or without modifications) in relation to buildings of that description, and
 - (b) it also recommends that buildings of that description should be higher-risk buildings for the purposes of **this Part** (and, if section 69(2)(b) applies, makes a recommendation of the kind mentioned there).
- (5) The regulator may make a recommendation to make regulations that would result in a matter ceasing to be prescribed under section 62(1)(c) only if—
 - (a) where the matter is prescribed for any higher-risk building, it considers that if the matter occurred as regards a higher-risk building it would not have the potential to cause a major incident;
 - (b) where the matter is prescribed for a description of higher-risk building, it considers that if the matter occurred as regards a higher-risk building of that description it would not have the potential to cause a major incident.
- (6) When making a recommendation, the regulator must give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.
- (7) If following a recommendation the Secretary of State decides not to make the regulations, the Secretary of State must publish a document setting out—
 - (a) the regulator’s recommendation,
 - (b) the Secretary of State’s decision not to make the regulations, and
 - (c) the reasons for that decision.
- (8) In **this Part** “major incident” means an incident resulting in—
 - (a) a significant number of deaths, or
 - (b) serious injury to a significant number of people.

Status: Point in time view as at 28/07/2022.

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Commencement Information

I2 S. 63 in force at Royal Assent, see [s. 170\(1\)\(f\)](#)

64 Advice about regulations under section 62

Where the Secretary of State asks the regulator to provide advice about a proposal to make regulations under section 62, it must provide that advice.

Commencement Information

I3 S. 64 in force at Royal Assent, see [s. 170\(1\)\(f\)](#)

Status:

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Changes to legislation:

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