



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Registration and certificates

76 Requirement for completion certificate before occupation

- (1) This section applies if any of the following works are carried out—
 - (a) the construction of a higher-risk building;
 - (b) the creation of additional residential units in such a building;
 - (c) works to a building that cause it to become a higher-risk building.
- (2) If a relevant residential unit is occupied before a completion certificate relating to a relevant part of the building is issued, the relevant accountable person commits an offence.
- (3) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the residential unit being occupied before such a completion certificate was issued.
- (4) A person guilty of an offence under this section 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).
- (5) In this section—

“completion certificate” means a certificate of a prescribed description that is issued under regulations made under section 1(1) of the Building Act 1984 (building regulations);

“occupied”: a residential unit is occupied if there is a resident of it;

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“relevant accountable person”, in relation to a residential unit, means the accountable person who is responsible for a relevant part of the building;

“relevant part” of a building, in relation to a residential unit, means a part of the building containing the residential unit;

“relevant residential unit” means—

- (a) in the case of works within [subsection \(1\)\(a\)](#), any residential unit in the building;
- (b) in the case of works within [subsection \(1\)\(b\)](#), any additional residential unit;
- (c) in the case of works within [subsection \(1\)\(c\)](#), any residential unit in the building except one that existed before the works began.

Commencement Information

- I1** S. 76 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
I2 S. 76 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(p\)](#)

77 Occupation: registration requirement

- (1) The principal accountable person for a higher-risk building commits an offence if the building is occupied but not registered.
- (2) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the building being occupied but not registered.
- (3) A person guilty of an offence under this section 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);
 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.
- (4) In this section “registered” means registered under section 78.

Commencement Information

- I3** S. 77 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
I4 S. 77 in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(q\)](#)

78 Registration of higher-risk buildings

- (1) On an application by the principal accountable person for a higher-risk building the regulator may register the building.
- (2) The regulator must publish the register in such way as it considers appropriate.
- (3) The regulator may remove a building from the register if it appears to the regulator that—
 - (a) the building is not occupied, or

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- (b) the building is not a higher-risk building.
- (4) The Secretary of State may by regulations make provision about the register, including in particular provision about—
 - (a) the information to be contained in the register;
 - (b) the updating or other revision of information in the register;
 - (c) the procedure for removing buildings from the register.
- (5) The Secretary of State may by regulations make provision in relation to applications under this section, including in particular provision about—
 - (a) the form and content of an application;
 - (b) the information and documents that must accompany an application;
 - (c) the way in which an application, and anything that is to accompany it, is to be given;
 - (d) the circumstances in which an application may be withdrawn or treated as withdrawn;
 - (e) the way in which an application may be withdrawn.

Commencement Information

- I5** S. 78 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I6** [S. 78\(1\)\(3\)\(4\)\(5\)](#) in force at 6.4.2023 in so far as not already in force by [S.I. 2023/362, reg. 3\(1\)\(z4\)](#)
- I7** [S. 78\(2\)](#) in force at 1.10.2023 in so far as not already in force by [S.I. 2023/993, reg. 2\(r\)](#)

79 Occupied building: duty to apply for building assessment certificate

- (1) This section applies where the regulator directs the principal accountable person for an occupied higher-risk building to apply to the regulator for a building assessment certificate in relation to the building.
- (2) The principal accountable person for the building must make the application within the period of 28 days beginning with the day on which the direction is given.
- (3) A person who, without reasonable excuse, contravenes [subsection \(2\)](#) commits an offence.
- (4) A person guilty of an offence under this section 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);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.
- (5) In this section “building assessment certificate” means a certificate issued under section 81.

Commencement Information

- I8** S. 79 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

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19 S. 79 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, reg. 2(a)

80 Applications for building assessment certificates

- (1) An application under section 79 must be accompanied by—
 - (a) a copy of the most recent safety case report for the building unless a copy of that report has been provided under section 86(2);
 - (b) prescribed information about the mandatory occurrence reporting system operated by the principal accountable person;
 - (c) prescribed information demonstrating compliance by each accountable person for the building with their duties under section 89;
 - (d) a copy of any residents’ engagement strategy.
- (2) The Secretary of State may by regulations make further provision about applications under section 79, including in particular provision about—
 - (a) the form and content of an application;
 - (b) the way in which an application, and anything which is to accompany it, is to be given;
 - (c) the circumstances in which an application may be withdrawn or treated as withdrawn;
 - (d) the way in which an application may be withdrawn.
- (3) In this section—
 - “mandatory occurrence reporting system” has the same meaning as in section 87;
 - “residents’ engagement strategy” has the same meaning as in section 91;
 - “safety case report” has the same meaning as in section 85.

Commencement Information

I10 S. 80 in force at Royal Assent for specified purposes, see s. 170(2)(a)

I11 S. 80 in force at 16.1.2024 in so far as not already in force by S.I. 2024/40, reg. 2(b)

81 Building assessment certificates

- (1) This section applies where—
 - (a) the principal accountable person for an occupied higher-risk building applies under section 79 for a certificate in relation to the building (a “building assessment certificate”),
 - (b) the application is made pursuant to a direction of the regulator under that section, and
 - (c) the building is registered under section 78.
- (2) The regulator must assess whether the relevant duties are being complied with (and may inspect the building in connection with that assessment).
- (3) The regulator—
 - (a) must give a building assessment certificate if satisfied that all relevant duties are being complied with;

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- (b) if not so satisfied, must (subject to [subsection \(4\)](#)) refuse the application and notify the principal accountable person of the refusal.
- (4) If the regulator considers that a contravention of a relevant duty can be remedied promptly—
- (a) the regulator may give a notice under [this subsection](#) to the principal accountable person containing a brief description of the contravention and specifying a period for remedying the contravention, and
 - (b) if it does so, and the contravention is remedied within that period, it may give a building assessment certificate (instead of refusing the application).
- (5) In this section “relevant duty” means a duty of an accountable person for the building under, or under prescribed regulations made under, any of the following—
- (a) section 83 (duty to assess building safety risks);
 - (b) section 84 (management of building safety risks);
 - (c) section 85 (duties relating to safety case report);
 - (d) section 87(5) (duties relating to mandatory occurrence reporting system);
 - (e) section 89 (provision of information to regulator, residents etc);
 - (f) section 91 (duty to produce a residents’ engagement strategy).
- (6) The Secretary of State may by regulations make further provision about building assessment certificates and notices under this section, including in particular provision about—
- (a) the period in relation to which a certificate may be given;
 - (b) the form and content of a certificate or notice;
 - (c) the way in which a certificate or notice is to be given.

Commencement Information

112 S. 81 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

113 S. 81 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(c\)](#)

82 Duty to display building assessment certificate etc

- (1) The principal accountable person for an occupied higher-risk building must ensure that the following are displayed together, in a conspicuous position in the building—
- (a) a notice in the prescribed form containing prescribed information about accountable persons for the building;
 - (b) the most recent building assessment certificate relating to the building;
 - (c) any relevant compliance notice (see [subsection \(5\)](#)).
- (2) Where a special measures order is in force in relation to an occupied higher-risk building—
- (a) [subsection \(1\)](#) has effect as if [paragraph \(b\)](#) were omitted, and
 - (b) the principal accountable person for the building must ensure that no building assessment certificate relating to the building is displayed in the building.
- (3) A person who, without reasonable excuse, contravenes [subsection \(1\)](#) or [\(2\)\(b\)](#) commits an offence.
- (4) A person guilty of an offence under this section is liable—

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- (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);

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.

(5) In this section—

“building assessment certificate” has the same meaning as in section 81;

“relevant compliance notice”: a compliance notice is “relevant” if—

- (a) it has been given to an accountable person for the building,
- (b) if it was not given to the principal accountable person for the building, the regulator has given a copy of it to the principal accountable person, and
- (c) the regulator has not notified the principal accountable person that the notice has been withdrawn.

Commencement Information

I14 S. 82 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

I15 S. 82 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(d\)](#)

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