



Building Safety Act 2022

2022 CHAPTER 30

PART 4 **E+W**

HIGHER-RISK BUILDINGS

Residents' etc duties

95 Duties on residents and owners **E+W**

- (1) This section applies to—
 - (a) a resident of a residential unit in an occupied higher-risk building who is aged 16 or over;
 - (b) an owner of a residential unit in such a building.
- (2) A person to whom this section applies—
 - (a) must not act in a way that creates a significant risk of a building safety risk materialising;
 - (b) must not interfere with a relevant safety item;
 - (c) must comply with a request, made by the appropriate accountable person, for information reasonably required for the purposes of a duty under section 83 or 84.
- (3) For the purposes of [subsection \(2\)\(b\)](#) a person “interferes” with a relevant safety item if they, without reasonable excuse—
 - (a) damage it,
 - (b) remove it, or
 - (c) do anything to, or in relation to, it that interferes with its intended function.
- (4) In this section—

“appropriate accountable person” means the accountable person for the building who is responsible for the part of the building comprising the residential unit;

“relevant safety item” means—

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- (a) anything that—
 - (i) is in, or forms part of, the common parts (as defined by section 72), and
 - (ii) is intended to improve the safety of people in or about the building in relation to a building safety risk, or
- (b) any other prescribed thing.

Commencement Information

- I1** S. 95 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I2** S. 95 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(p\)](#)

96 Contravention notices **E+W**

- (1) This section applies where it appears to the appropriate accountable person that a relevant person has contravened or is contravening a duty under section 95(2).
- (2) The appropriate accountable person may give a contravention notice to the relevant person.
- (3) A “contravention notice” is a notice that—
 - (a) specifies the alleged contravention;
 - (b) specifies any steps that the appropriate accountable person considers the relevant person should take in order to remedy the contravention, and a reasonable time for the taking of those steps;
 - (c) specifies anything that the appropriate accountable person considers the relevant person should refrain from doing, to avoid further contraventions of the duty;
 - (d) contains an explanation of the steps that the appropriate accountable person may take under this section if the notice is not complied with.
- (4) Where it appears to the appropriate accountable person that the relevant person has contravened or is contravening the duty under section 95(2)(b), the contravention notice may require the relevant person to pay to the appropriate accountable person a sum specified in the notice.
- (5) A sum may be specified in a contravention notice under [subsection \(4\)](#) only if—
 - (a) it is necessary to repair or replace the relevant safety item as a result of the contravention, and
 - (b) the sum specified does not exceed the reasonable cost of repairing or replacing (as the case may be) that item.
- (6) The Secretary of State may by regulations make provision about contravention notices, including—
 - (a) provision about the form of a notice and the way a notice is to be given, and
 - (b) further provision about the content of a notice.
- (7) The county court may, on an application made by the appropriate accountable person, make an order under this section if satisfied that—
 - (a) a contravention notice has been given,
 - (b) the contravention alleged in the notice occurred, and

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- (c) it is necessary to make the order.
- (8) An order under this section may—
- (a) require a relevant person to provide specified information or do a specified thing, by a specified time;
 - (b) prohibit a relevant person from doing a specified thing;
 - (c) where a contravention notice requires a sum to be paid under [subsection \(4\)](#), require a relevant person to pay to the appropriate accountable person a specified sum.

“Specified” here means specified in the order.

- (9) A sum specified in an order under [subsection \(8\)\(c\)](#) may not exceed the sum specified in the contravention notice.
- (10) In this section—
- “appropriate accountable person” has the same meaning as in section 95;
 - “relevant person” means a person who is subject to the duties under section 95 (see [subsection \(1\)](#) of that section).

Commencement Information

- I3** S. 96 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I4** S. 96 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40, reg. 2\(q\)](#)

97 Access to premises **E+W**

- (1) This section applies where —
- (a) an accountable person for an occupied higher-risk building makes a request to a relevant person to enter relevant premises,
 - (b) the request is made for the purpose of—
 - (i) facilitating the performance of a duty under section 83 or 84 (assessment of building safety risk etc), or
 - (ii) determining whether a duty under section 95 (duties on residents and owners) has been contravened,
 - (c) the request is within [subsection \(2\)](#), and
 - (d) entry to the premises is not given.
- (2) A request is within [this subsection](#) if it—
- (a) is in writing,
 - (b) sets out the purpose for which it is made,
 - (c) contains an explanation of why it is necessary to enter the premises for that purpose,
 - (d) requests access to the premises at a reasonable time, and
 - (e) is made at least 48 hours before the time mentioned in [paragraph \(d\)](#).
- (3) The accountable person may apply to the county court for an order—
- (a) requiring the relevant person to allow the accountable person, or a person authorised by the accountable person, to enter the relevant premises at a reasonable time for the purpose mentioned in the request, and

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- (b) if necessary for that purpose, authorising the taking of measurements, photographs, recordings or samples by the accountable person or authorised person.
- (4) The county court—
- (a) may make an order under [subsection \(3\)\(a\)](#) or [\(b\)](#) if satisfied that it is necessary to do so for the purpose mentioned in the request;
 - (b) must, if it does so, specify a date on which, or in a period within which, the accountable person or authorised person may enter the relevant premises for that purpose.
- (5) In this section—
- “relevant person” in relation to relevant premises means—
 - (a) a resident of those premises who is aged 16 or over;
 - (b) where those premises are controlled but not occupied, a person controlling those premises;
 - (c) in any other case, an owner of those premises;
 - “relevant premises” means any premises in the part of the building for which the accountable person is responsible that are occupied or controlled by—
 - (a) a resident of a residential unit in the building, or
 - (b) an owner of a residential unit in the building.

Commencement Information

15 S. 97 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

16 S. 97 in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(r\)](#)

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\(5\)\(b\)](#)
- Sch. 3 para. 3(5)(e) and word inserted by [2024 c. 22 Sch. 13 para. 7\(b\)](#)