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*Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Paragraph 13. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 7

#### SPECIAL MEASURES

##### *Notification by regulator before applying to vary special measures order*

- 13 (1) This paragraph applies where the regulator proposes to make an application under paragraph 14 to vary a special measures order relating to a higher-risk building.
- (2) The regulator must give a notice (an “initial notice”) of the proposal to—
- (a) each accountable person for the building,
  - (b) each resident of the building who is aged 16 or over,
  - (c) each owner of a residential unit in the building,
  - (d) any managing agent for the building or any relevant part of the building,
  - (e) any recognised tenants’ association for the building or any part of the building,
  - (f) any manager appointed under section 24 of the Landlord and Tenant Act in relation to the building or any part of the building,
  - (g) the fire and rescue authority for the area in which the building is situated,
  - (h) the local housing authority for the area in which the building is situated,
  - (i) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and
  - (j) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.
- (3) The initial notice must—
- (a) state that the regulator proposes to make an application to vary the special measures order specified in the notice,
  - (b) specify the reasons for the proposed application,
  - (c) specify the terms of the order that the regulator proposes to invite the tribunal to make,
  - (d) specify a period in which recipients of the notice may make representations in response to the notice, and
  - (e) state that any representations must be in writing to such postal or email address as is specified in the notice.
- (4) After the end of the period mentioned in sub-paragraph (3)(d) the regulator must—
- (a) decide whether to make the application, and
  - (b) give a notice (a “final notice”) of its decision to the persons mentioned in sub-paragraph (2).
- (5) The final notice must—
- (a) state whether or not the regulator intends to make the application,

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- (b) specify the reasons for reaching that decision, and
  - (c) if the regulator intends to make the application, specify the terms of the order that the regulator intends to invite the tribunal to make.
- (6) The regulator must comply with sub-paragraphs (4) and (5) before making the application.
- (7) The duty under sub-paragraph (2) or (4)(b) does not apply in relation to a person mentioned in sub-paragraph (2) if the regulator—
- (a) is not aware of the person, and
  - (b) has taken all reasonable steps to ascertain the identity of the persons mentioned in that sub-paragraph.
- (8) In this paragraph “relevant part”, in relation to a higher-risk building, has the meaning given by paragraph 2(10).
- (9) The Secretary of State may by regulations make provision in relation to notices under this paragraph, including in particular provision about—
- (a) the form of the notice;
  - (b) the way in which the notice must be given.
- (10) The Secretary of State may by regulations amend the list in sub-paragraph (2).

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**Commencement Information**

- I1** Sch. 7 para. 13 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I2** [Sch. 7 para. 13](#) in force at 16.1.2024 in so far as not already in force by [S.I. 2024/40](#), [reg. 2\(u\)](#)

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