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*Status: Point in time view as at 28/04/2022. This version of this provision has been superseded.*

*Changes to legislation: Building Safety Act 2022, Paragraph 14 is up to date with all changes known to be in force on or before 15 July 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)*

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## SCHEDULES

### SCHEDULE 7 **E+W**

#### SPECIAL MEASURES

##### *Variation or discharge of special measures order*

- 14 (1) The tribunal may vary or discharge a special measures order relating to a higher-risk building on an application by—
- (a) the regulator,
  - (b) an accountable person for the building, or
  - (c) the special measures manager for the building.
- (2) An application to vary a special measures order so as to change the identity of the manager may only be made by the regulator.
- (3) In considering whether to vary or discharge an order the tribunal must have regard to—
- (a) the likelihood of variation or discharge of the order resulting in a recurrence of the circumstances which led to the order being made, and
  - (b) whether it is just and convenient in all the circumstances to vary or discharge the order.
- (4) Sub-paragraphs (2) and (3) do not apply on an application where each person mentioned in sub-paragraph (1) agrees to the application (and for this purpose where there is more than one accountable person each accountable person must agree).
- (5) Sub-paragraph (4) does not require the agreement of the special measures manager where that person lacks capacity to agree to the application.
- (6) Where the order is varied or discharged, the tribunal may give directions to any person with respect to—
- (a) any matter relating to the variation or discharge, and
  - (b) any incidental or ancillary matter.
- (7) Where the order is discharged the tribunal must direct the special measures manager to—
- (a) prepare a reconciliation account, and
  - (b) give a copy of the account to—
    - (i) the regulator, and
    - (ii) each accountable person for the building.
- (8) The tribunal may give a direction under sub-paragraph (6)(a) (at the time the order is discharged or after that time) for the making of a payment—
- (a) by an accountable person for the building to the special measures manager, or
  - (b) by the special measures manager to an accountable person for the building.

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(9) In this paragraph—

“reconciliation account” means a document—

- (a) setting out, in relation to the period during which the special measures order was in force, a comparison between—
  - (i) the receipts and expenses of the manager in connection with the exercise of their functions in relation to the building, and
  - (ii) the credits to, and debits from, all relevant accounts, and
- (b) containing a statement explaining any differences;

“relevant account” means an account in which any of the following are (or have been) held—

- (a) payments made by an accountable person for the building to the manager;
- (b) amounts received by the manager by way of commonhold building safety assessments in relation to the building.

(10) In this paragraph “special measures manager”, in relation to a higher-risk building, includes the person who was the special measures manager for that building immediately before the special measures order relating to the building was discharged.

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**Commencement Information**

**II** Sch. 7 para. 14 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)

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