
Status: Point in time view as at 01/10/2023. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 7

SPECIAL MEASURES

Notification by regulator before applying for special measures order

- 2 (1) This paragraph applies where the regulator proposes to make an application under paragraph 4 for a special measures order in relation to an occupied 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 1987 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 for a special measures order in relation to the building,
 - (b) specify the address of the building,
 - (c) specify the reasons for the proposed application,
 - (d) specify the terms of the order that the regulator proposes to invite the tribunal to make (including the name and address of the person the regulator proposes to be the special measures manager for the building),
 - (e) specify a period in which recipients of the notice may make representations in response to the notice, and
 - (f) state that any representations must be in writing to such postal or email address as is specified in the notice.
- (4) Where the terms specified by virtue of sub-paragraph (3)(d) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the initial notice.

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- (5) After the end of the period mentioned in sub-paragraph (3)(e) 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).
- (6) The final notice must—
- (a) state whether or not the regulator intends to make the application,
 - (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 (including the name and address of the person the regulator proposes to be the special measures manager for the building).
- (7) Where the terms specified by virtue of sub-paragraph (6)(c) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the final notice.
- (8) The regulator must comply with sub-paragraphs (5) to (7) before making the application.
- (9) The duty under sub-paragraph (2), (4), (5)(b) or (7) 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.
- (10) In this paragraph—
- “financial management proposal” has the meaning given by paragraph 3;
- “relevant part”, in relation to a higher-risk building, means any part of the building except premises occupied for the purposes of a business.
- (11) 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.
- (12) The Secretary of State may by regulations amend the list in sub-paragraph (2).

Commencement Information

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

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