



Building Safety Act 2022

2022 CHAPTER 30

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Prohibitions on development and building control

128 Prohibition on development for prescribed persons

- (1) The Secretary of State may by regulations prohibit a person of a prescribed description from carrying out development of land in England (or a prescribed description of such development).
- (2) The descriptions of persons which may be prescribed include in particular persons who—
 - (a) are eligible to be members of a scheme established under section 126, and
 - (b) are not members of that scheme.
- (3) A prohibition under the regulations may be imposed for any purpose connected with—
 - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
 - (b) improving the standard of buildings,including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.
- (4) A prohibition under the regulations applies despite planning permission (or any prescribed description of planning permission) having been granted.
- (5) The regulations may provide that, in prescribed cases, no prescribed certificate under the 1990 Act may be granted (and any purported grant is of no effect).

Changes to legislation: Building Safety Act 2022, Section 128 is up to date with all changes known to be in force on or before 26 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) [View outstanding changes](#)

- (6) The regulations may require a person of a prescribed description to give a notification relating to development (and may make provision about the content and form of a notification and the way in which it is to be given).
- (7) The regulations may contain exceptions.
- (8) The regulations may make provision about enforcement, including in particular provision applying (with or without modifications), in relation to a breach of the regulations, any provision of Part 7 of the 1990 Act (enforcement).
- (9) For the purposes of this section—
- (a) “the 1990 Act” means the Town and Country Planning Act 1990;
 - (b) “building” means a building in England;
 - (c) “development” has the meaning given by section 55 of the 1990 Act;
 - (d) “planning permission” has the meaning given by section 336 of the 1990 Act;
 - (e) “prescribed” means prescribed by regulations under this section;
 - (f) “standard” is to be read in accordance with section 30.

Commencement Information

- I1** S. 128 not in force at Royal Assent, see [s. 170\(5\)](#)
- I2** S. 128 in force at 1.9.2022 by [S.I. 2022/927](#), [reg. 2](#)

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\(b\)](#)