



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

32 Building control authorities

- (1) The Building Act 1984 is amended as follows.
 - (2) In section 91—
 - (a) in subsection (1) before paragraph (a) insert—

“(za) **subsection (3)** of this section and regulations under **section 91ZD**.”;
 - (b) in subsection (2) for the words from “sections” to the end substitute “—
 - (a) **subsection (3)** of this section,
 - (b) sections 5(3), 48(1) and 53(2), and
 - (c) regulations under section **91ZD**.”;
 - (c) after that subsection insert—

“(3) In cases where section **91ZA** or **91ZB** provides that the regulator is the building control authority, it is the duty of the regulator (and not the local authority in question)—
 - (a) to carry Part 1 of this Act into execution, and
 - (b) to enforce building regulations.”;
 - (d) in the heading at the end insert “and the regulator”.
- (3) After that section insert—

Status: This is the original version (as it was originally enacted).

“91ZA The regulator: building control authority for higher-risk buildings in England

- (1) The regulator is the building control authority in relation to any higher-risk building in England or any proposed such building.
- (2) This includes the regulator being the building control authority as regards—
 - (a) any work relating to a building in England that is not a higher-risk building that causes it to become such a building, and
 - (b) any work relating to a higher-risk building in England that causes it to cease to be such a building.
- (3) In this Act “higher-risk building work”, in relation to England, means any work for which the regulator is the building control authority by virtue of this section.
- (4) For the meaning of “higher-risk building” see [section 120D](#).

91ZB The regulator: building control authority for other work

- (1) This section applies in relation to work of a prescribed description (“the work”) that is to be carried out in England and has a prescribed connection with any higher-risk building work.
- (2) Where—
 - (a) the regulator and the person intending to carry out the work, acting jointly, give a notice under this section (a “regulator’s notice”) to the local authority for the area in which the work is to be carried out, and
 - (b) the regulator’s notice is accepted (or treated as accepted) by the local authority,the regulator is the building control authority in relation to the work.
- (3) A regulator’s notice may not be given if any of the following has been given to the local authority in relation to the work (or any part of it)—
 - (a) an application for building control approval;
 - (b) an initial notice (within the meaning of section 47);
 - (c) a public body’s notice (within the meaning of section 54).

91ZC Section 91ZB: supplementary

- (1) This section supplements section [91ZB](#).
- (2) A local authority to whom a regulator’s notice is given must reject the notice if any prescribed ground exists, and must otherwise accept the notice.
- (3) A notice of rejection must be given within the prescribed period, and must specify the ground or grounds in question.
- (4) The person intending to carry out the work may appeal to the tribunal against a decision of the local authority to reject the regulator’s notice.
- (5) Where a local authority to whom a regulator’s notice is given does not—
 - (a) give a notice of rejection in accordance with [subsection \(3\)](#), or

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- (b) give a notice of acceptance within the period mentioned in that subsection,

the authority is treated as having accepted the regulator’s notice at the end of that period.

- (6) As regards any notice under section 91ZB or this section, building regulations may make provision about—
 - (a) the form and content of the notice;
 - (b) the information and documents that must accompany it;
 - (c) the way in which the notice, and anything that is to accompany it, is to be given.

91ZD Higher-risk buildings in Wales: local authority work

- (1) Building regulations may make provision about cases where a local authority for an area in Wales (“the relevant local authority”) proposes to carry out higher-risk building work in that area.
 - (2) The regulations may in particular—
 - (a) restrict (or prevent) the exercise by the relevant local authority of prescribed functions in relation to the higher-risk building work;
 - (b) require the relevant local authority to notify the Welsh Ministers of prescribed matters;
 - (c) confer on the Welsh Ministers a power to designate another local authority as the building control authority in relation to the higher-risk building work (instead of the relevant local authority);
 - (d) confer on the Welsh Ministers a power to require the relevant local authority to provide specified information, for the purposes of deciding whether to exercise the power of designation.
 - (3) The regulations may also provide, in cases where a local authority is designated as the building control authority in relation to the higher-risk building work, that the relevant local authority and the designated local authority may agree that the designated local authority is to be the building control authority in relation to any work of a prescribed description that has a prescribed connection with the higher-risk building work.
 - (4) Where, as a result of regulations made by virtue of subsection (2)(c) or (3), a designated local authority is the building control authority in relation to any work, as regards that work—
 - (a) prescribed functions are functions of the designated local authority (rather than the relevant local authority);
 - (b) the designated local authority (rather than the relevant local authority) must perform such functions relating to enforcement as may be prescribed.”
- (4) After section 121 insert—

“121A Meaning of “building control authority”

- (1) In this Act “building control authority” means—

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- (a) the regulator, in cases where section 91ZA or 91ZB provides that the regulator is the building control authority;
 - (b) the local authority mentioned in subsection (2), in any other case.
- (2) That local authority is—
- (a) if, by virtue of regulations made under section 91ZD (higher-risk buildings in Wales: local authority work), a designated local authority is the building control authority, that local authority;
 - (b) otherwise, the local authority for the area in which the building is situated or the proposed building is to be situated.”