



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 4 **E+W**

#### HIGHER-RISK BUILDINGS

##### *Meaning of “building safety risk”*

### 63 Recommendations about regulations under section 62 **E+W**

- (1) The regulator may recommend that the Secretary of State makes regulations under section 62.
- (2) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for any higher-risk building only if it considers that if the matter occurred as regards a higher-risk building it would have the potential to cause a major incident.
- (3) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of higher-risk building only if it considers that if the matter occurred as regards a higher-risk building of that description it would have the potential to cause a major incident.
- (4) The regulator may make a recommendation to prescribe a matter under section 62(1)(c) for a description of building that is not a higher-risk building only if—
  - (a) it considers that—
    - (i) if the matter occurred as regards a building of that description it would have the potential to cause a major incident,
    - (ii) the risk of the matter occurring is greater for that description of buildings than it is for buildings that are not of that description, and
    - (iii) **this Part** should apply (with or without modifications) in relation to buildings of that description, and
  - (b) it also recommends that buildings of that description should be higher-risk buildings for the purposes of **this Part** (and, if section 69(2)(b) applies, makes a recommendation of the kind mentioned there).

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*Changes to legislation:* Building Safety Act 2022, Section 63 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) View outstanding changes

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- (5) The regulator may make a recommendation to make regulations that would result in a matter ceasing to be prescribed under section 62(1)(c) only if—
- (a) where the matter is prescribed for any higher-risk building, it considers that if the matter occurred as regards a higher-risk building it would not have the potential to cause a major incident;
  - (b) where the matter is prescribed for a description of higher-risk building, it considers that if the matter occurred as regards a higher-risk building of that description it would not have the potential to cause a major incident.
- (6) When making a recommendation, the regulator must give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation.
- (7) If following a recommendation the Secretary of State decides not to make the regulations, the Secretary of State must publish a document setting out—
- (a) the regulator’s recommendation,
  - (b) the Secretary of State’s decision not to make the regulations, and
  - (c) the reasons for that decision.
- (8) In [this Part](#) “major incident” means an incident resulting in—
- (a) a significant number of deaths, or
  - (b) serious injury to a significant number of people.

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**Commencement Information**

**II** S. 63 in force at Royal Assent, see [s. 170\(1\)\(f\)](#)

**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\(5\)\(b\)](#)
- s. 125A and cross-heading inserted by [2024 c. 22 s. 119](#)
- Sch. 3 para. 3(5)(e) and word inserted by [2024 c. 22 Sch. 13 para. 7\(b\)](#)
- Sch. 8 para. 9(1A) inserted by [2024 c. 22 s. 117\(2\)](#)
- Sch. 8 para. 9(3)(4) inserted by [2024 c. 22 s. 117\(3\)](#)