



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Meaning of “higher-risk building”

69 Recommendations about definition of “higher-risk building” etc

- (1) **Subsection (2)** applies if, in respect of any description of building that is not a higher-risk building, the regulator considers—
 - (a) that a building safety risk is greater for that description of buildings than it is for buildings that are not of that description,
 - (b) that if the risk materialised as regards a building of that description it would have the potential to cause a major incident, and
 - (c) that **this Part** should apply (with or without modifications) in relation to buildings of that description.
- (2) The regulator must—
 - (a) recommend to the Secretary of State that buildings of that description should be higher-risk buildings for the purposes of **this Part**,
 - (b) if it considers that regulations under section 68 should be made modifying **this Part** as it applies in relation to that description of building, make a recommendation to the Secretary of State to that effect, and
 - (c) give the Secretary of State a statement of its assessment of the issues it considered when deciding to make the recommendation under **paragraph (a)** and any recommendation under **paragraph (b)**.
- (3) **Subsection (4)** applies if—
 - (a) following a recommendation under **subsection (2)(a)** the Secretary of State decides not to make regulations under section 65 giving effect to the recommendation, or

Status: This is the original version (as it was originally enacted).

- (b) following a recommendation under [subsection \(2\)\(b\)](#) the Secretary of State decides not to make regulations under section 68 giving effect to the recommendation.
- (4) 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.
- (5) If the regulator considers that [this Part](#) should not apply in relation to a particular description of higher-risk building, it must recommend to the Secretary of State that buildings of that description should cease to be higher-risk buildings for the purposes of [this Part](#).
- (6) For the meaning of “major incident” see section 63.