
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Building Safety Act 2022 (c. 30) (“the Act”).

Regulation 2 of these Regulations brings section 132 of the Act into force on 28th May 2022 for the purposes only of making regulations.

Regulation 3 brings into force a number of provisions on 28th June 2022, namely, section 2(2) of the Act and Schedule 1, which provides for a number of amendments to the Health and Safety at Work etc Act 1974 (c. 37) relating to the Health and Safety Executive becoming the Building Safety Regulator (“the regulator”); section 3 which provides for the regulator’s objectives etc; sections 17 and 18 which make provision in relation to the regulator’s strategic plans; section 31, which allows the Secretary of State to define “higher-risk buildings” for the purposes of the Building Act 1984 (c. 55); section 41, which disapplies procedural provisions of the European Union (Withdrawal) Act 2018 (c. 16) in relation to changes to building regulations; section 55 and parts of Schedule 5, which contains consequential and minor amendments to the Building Act 1984; section 57, which creates power (by regulations) to charge fees and impose charges in relation to functions under the Building Act 1984; and sections 130 to 132 which make provision in relation to building liability orders.

Regulation 4 brings into force on 28th July 2022 section 48 of the Act which removes requirements in relation to insurance for approved inspectors from the Building Act 1984.

Regulation 5 brings section 160 of the Act into force on 1st October 2022. This section removes the existing requirement (‘the democratic filter’) for social housing residents who wish to escalate a complaint from their landlord’s complaints process to the Housing Ombudsman to either wait eight weeks or utilise a ‘designated person’, that is, an MP, Councillor or recognised tenant panel.

Regulation 6 contains transitional provision such that the regulator’s first strategic plan, and any revisions to that first plan, can cover matters that are not building functions at the time the plan or revision is prepared but that the regulator considers are likely to become building functions within the period covered by the plan.

Regulation 7 contains saving provision so that regulations made under paragraphs 5 and 9 of Schedule 1 to the Building Act 1984 (the repeals of which paragraphs are commenced, in relation to England, by regulation 2 and the Schedule to these Regulations) continue in force notwithstanding the repeal of those paragraphs. It also saves the jurisdiction of the magistrates’ court in relation to disputes under section 106 of the Building Act 1984 where an application has been made to the court prior to the repeal of section 106(3) coming into force.

An impact assessment has been produced in relation to the Act and copies can be obtained at <https://publications.parliament.uk/pa/bills/cbill/58-02/0139/BuildingSafetyBillImpactAssessment.pdf> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF, United Kingdom.