
STATUTORY INSTRUMENTS

2023 No. 315

**The Building Safety (Registration of Higher-Risk Buildings
and Review of Decisions) (England) Regulations 2023**

PART 1

General

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 and come into force on 6th April 2023.

(2) These Regulations extend to England and Wales and apply to England only.

(3) In these Regulations—

“the 2022 Act” means the Building Safety Act 2022;

“AP” means accountable person⁽¹⁾;

“building certificate” means, in relation to a building—

- (a) a completion certificate issued by the local authority for the area in which the building is situated, or
- (b) a final certificate given in accordance with regulations made under section 1 of the Building Act 1984⁽²⁾ and not rejected by the local authority;

“building control body” in relation to a building certificate, means the local authority or approved inspector who gives the certificate;

“change of use” has the same meaning as in The Town and Country Planning (Use Classes) Order 1987⁽³⁾;

“completed” in relation to a building means—

- (a) in the case of a newly built higher-risk building⁽⁴⁾, when the construction of that building is completed;
- (b) in the case of a building which was not a higher-risk building when built and which becomes a higher-risk building following a change of use, when the change of use occurs that causes that building to become a higher-risk building;
- (c) in the case of a building which was not a higher-risk building when built and which becomes a higher-risk building following works which cause it to become a higher-risk building, when those works are completed;

“completion certificate” means—

(1) See section 72 of the 2022 Act for the meaning of ‘accountable person’.

(2) 1984 c. 55.

(3) S.I. 1987/764.

(4) See section 65 of the 2022 Act for the meaning of ‘higher-risk building’.

- (a) a certificate issued in accordance with regulation 17 (completion certificates) of the Building Regulations 2010⁽⁵⁾,
- (b) a certificate issued in accordance with the equivalent provision of earlier regulations made under section 1 of the Building Act 1984 or section 4 of the Public Health Act 1961⁽⁶⁾, or
- (c) a certificate issued under an equivalent provision of byelaws made under section 61 of the Public Health Act 1936⁽⁷⁾;

“final certificate” has the same meaning as in section 51 of the Building Act 1984⁽⁸⁾;

“leaseholder” means a tenant under a lease of a dwelling in a building;

“PAP” means principal accountable person⁽⁹⁾;

“the register” means the register of higher-risk buildings⁽¹⁰⁾;

“registration information” means the information described in regulations 11 to 17, 18(1)(a) to (c) and (2) and 19;

“relevant day” means any day other than Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales⁽¹¹⁾;

“start date” means the day on which section 32 of the 2022 Act (building control authorities) comes into force in relation to England, ignoring any commencement of that section for the purpose only of making regulations;

“transitional building” means a higher-risk building in relation to which section 91ZA(1) of the Building Act 1984⁽¹²⁾ does not apply (by virtue of regulations made under paragraph 10 of Schedule 1 to the Building Act 1984) on the day the application for registration of that building is submitted.

Direction to be made by regulator

2.—(1) The regulator⁽¹³⁾ may make a direction as to the way in which any of the following must be given to it—

- (a) provision of information with regard to a change to registration information, or copy certificate, to the regulator in accordance with regulation 4,;
- (b) a request made in accordance with regulation 7 to remove a building from the register;
- (c) an application under section 78(1) of the 2022 Act to register a higher-risk building;
- (d) a request made in accordance with regulation 22 to withdraw an application for registration;
- (e) a notice given in accordance with regulation 23 to review a decision by the regulator.

(2) The direction may include a requirement to give the information via a website address provided for that purpose by the regulator.

(5) S.I. 2010/2214 as amended by S.I. 2012/3119 and 2016/285.

(6) 1961 c. 64.

(7) 1936 c. 49.

(8) Section 51 has been amended by the Deregulation (Building) (Initial Notices and Final Certificates) Order 1996 (S.I. 1996/1905), article 4.

(9) See section 73 of the 2022 Act for the meaning of ‘principal accountable person’.

(10) See section 78 of the 2022 Act for the meaning of “the register”.

(11) 1971 c. 80.

(12) Section 91ZA was inserted by section 32 of the Building Safety Act 2022. Paragraph 10 was substituted by paragraph 83(8) of Schedule 5 to the Building Safety Act 2022.

(13) See section 2 of the 2022 Act for meaning of the “regulator”.

(3) The regulator must publish any direction under this regulation on its website and make it available for inspection at its principal offices during normal office hours.

(4) The regulator may, by a further direction, amend or revoke a direction made under this regulation.