

## STATUTORY INSTRUMENTS

# 2023 No. 315

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

### PART 2

#### The Register of Higher-Risk Buildings

#### Content

3. The register must contain the following information in relation to each higher-risk building on the register—

- (a) the registration information,
- (b) any copy certificate required in regulation 18(1)(d),
- (c) the date of issue of any building assessment certificate<sup>(1)</sup>, and
- (d) where applicable, the date that any special measures order<sup>(2)</sup> is made or discharged.

#### Commencement Information

**I1** Reg. 3 in force at 6.4.2023, see [reg. 1\(1\)](#)

#### Updating information

4. The PAP must provide to the regulator, within the period of 14 relevant days beginning with the day that the PAP becomes aware of a change—

- (a) any change to the registration information provided to the regulator,
- (b) any copy certificate required in regulation 18(1)(d) <sup>F1</sup>..., where a certificate becomes available that is more recent than the one provided to the regulator.

#### Textual Amendments

**F1** Words in [reg. 4\(b\)](#) omitted (16.1.2024) by virtue of [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023 \(S.I. 2023/907\)](#), [regs. 1\(2\)](#), [16\(b\)](#); [S.I. 2024/40](#), [reg. 2\(e\)](#)

#### Commencement Information

**I2** Reg. 4 in force at 6.4.2023, see [reg. 1\(1\)](#)

5. The regulator must update the register, as it considers necessary, within the period of 14 relevant days beginning with the relevant day that—

(1) See definition of “building assessment certificate” in section 81(1)(a) of the 2022 Act.

(2) See definition of “special measures order” in paragraph 1 of Schedule 7 of the 2022 Act.

- (a) the regulator receives information or [F<sup>2</sup>a] copy certificate pursuant [F<sup>3</sup>to] regulation 4;
- (b) the regulator gives a building assessment certificate;
- (c) the regulator receives any information pursuant to regulations made under section 90(4) (provision of information etc on change in accountable person) of the 2022 Act;
- (d) a special measures order is made or discharged.

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**Textual Amendments**

- F2** Word in reg. 5(a) inserted (16.1.2024) by The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (S.I. 2023/907), regs. 1(2), **16(c)(i)**; S.I. 2024/40, reg. 2(e)
- F3** Word in reg. 5(a) inserted (16.1.2024) by The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (S.I. 2023/907), regs. 1(2), **16(c)(ii)**; S.I. 2024/40, reg. 2(e)
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**Commencement Information**

- I3** Reg. 5 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Circumstances for removing a building entry**

6. The regulator may remove a higher-risk building from the register where—
- (a) a PAP makes a written request to the regulator in accordance with regulation 7, or
  - (b) there is no request, on the regulator’s own initiative.

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**Commencement Information**

- I4** Reg. 6 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Request of PAP to remove a building entry**

7.—(1) Where a PAP for a building considers that the building is or will not be occupied or the building is or will not be a higher-risk building, the PAP must make a request to the regulator to remove the building from the register.

(2) With regard to any request that the PAP makes in accordance with paragraph (1) the PAP must include—

- (a) their name, address and contact details,
- (b) an explanation of why the PAP considers that the building is not or will not be occupied or the building is or will not be a higher-risk building, and
- (c) where there is more than one AP for the building, a declaration confirming that all other APs for the building have been sent a copy of the request<sup>(3)</sup>.

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**Commencement Information**

- I5** Reg. 7 in force at 6.4.2023, see [reg. 1\(1\)](#)

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(3) See section 109 (cooperation and coordination) of the 2022 Act.

## Notice of removal of building entry

8.—<sup>[F4]</sup>(1) Where the regulator makes a decision to remove a building from the register, or to refuse a request to remove a building from the register (“a removal decision”), the regulator must give a notice of the removal decision to all the APs for the building.]

(2) A notice under paragraph (1) may be in electronic form and must—

- (a) be in writing,
- (b) give a summary of the reasons for the removal <sup>[F5]</sup>decision], and
- (c) inform the recipient of the notice of the right to a review of and appeal against the removal decision<sup>(4)</sup>.

<sup>[F6]</sup>(3) A notice under paragraph (2) must be served as soon as reasonably practicable after a removal decision is made, and in any event before effecting any removal.]

### Textual Amendments

- F4** Reg. 8(1) substituted (16.1.2024) by [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#) (S.I. 2023/907), regs. 1(2), **16(d)(i)**; S.I. 2024/40, reg. 2(e)
- F5** Word in reg. 8(2)(b) inserted (16.1.2024) by [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#) (S.I. 2023/907), regs. 1(2), **16(d)(ii)**; S.I. 2024/40, reg. 2(e)
- F6** Reg. 8(3) inserted (16.1.2024) by [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#) (S.I. 2023/907), regs. 1(2), **16(d)(iii)**; S.I. 2024/40, reg. 2(e)

### Commencement Information

- I6** Reg. 8 in force at 6.4.2023, see [reg. 1\(1\)](#)

## Duty-holders

9.—(1) In relation to regulations 6 and 7, “PAP” includes a person who would be a PAP for the building if the building were a higher-risk building.

(2) In relation to regulation 8 <sup>F7</sup>..., “AP” includes a person who would be an AP for the building if the building were a higher-risk building.

### Textual Amendments

- F7** Words in reg. 9(2) omitted (16.1.2024) by virtue of [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#) (S.I. 2023/907), regs. 1(2), **16(e)**; S.I. 2024/40, reg. 2(e)

### Commencement Information

- I7** Reg. 9 in force at 6.4.2023, see [reg. 1\(1\)](#)

(4) See sections 25 and 26 (reviews and appeals) and sections 104 to 107 (appeals etc.) of the 2022 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023, PART 2.