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## STATUTORY INSTRUMENTS

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# 2023 No. 315

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

### PART 3

#### Applications for Registration

##### Applications for registration

- 10.** An application to register a higher-risk building must—
- (a) contain the information set out in regulations 11 to 17, 18(1)(a) to (c) and (2), and 19,
  - (b) be accompanied by any document required by regulation 18(1)(d).

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##### Commencement Information

- I1** Reg. 10 in force at 6.4.2023, see [reg. 1\(1\)](#)

##### AP details where there is one AP for the building

- 11.** Where there is only one AP for the building, the details relating to the AP of the building as follows—
- (a) their name;
  - (b) an address in England and Wales at which notices (including notices in proceedings) may be served on them;
  - (c) their email address;
  - (d) their telephone number.

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##### Commencement Information

- I2** Reg. 11 in force at 6.4.2023, see [reg. 1\(1\)](#)

##### AP details where there is more than one AP for the building

- 12.** Where there is more than one AP for the building—
- (a) confirmation of who is the PAP,
  - (b) details for which part of the building each AP is responsible<sup>(1)</sup>, and
  - (c) the details relating to each AP of the building as follows—

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<sup>(1)</sup> See section 74 of the 2022 Act for “part of a building for which an accountable person is responsible”.

**Status:** Point in time view as at 06/04/2023.

**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 3. (See end of Document for details)

- (i) their name;
- (ii) an address in England and Wales at which notices (including notices in proceedings) may be served on them;
- (iii) their email address;
- (iv) their telephone number.

#### Commencement Information

**I3** Reg. 12 in force at 6.4.2023, see [reg. 1\(1\)](#)

#### PAP organisation type

- 13.**—(1) For a PAP that is not an individual, whether the PAP is—
- (a) a local authority within the meaning set out in section 1 of the Local Government Act 2000<sup>(2)</sup>,
  - (b) a private registered provider of social housing<sup>(3)</sup>,
  - (c) a registered provider of social housing<sup>(4)</sup>,
  - (d) a commonhold association as defined by section 1 of the Commonhold and Leasehold Reform Act 2002<sup>(5)</sup>,
  - (e) a resident management company,
  - (f) a right to manage company as defined by section 73<sup>(6)</sup> of the Commonhold and Leasehold Reform Act 2002, or
  - (g) where the PAP is not an authority or body of a type listed in sub-paragraphs (a) to (f), details of the type of organisation that it is.
- (2) For the purpose of this regulation, “resident management company” means a body corporate which is party to a lease of a building where—
- (a) the body corporate is limited by guarantee and the members of that body are tenants under leases of dwellings in the building (“leaseholders”), or
  - (b) the majority of the shares of the body corporate are held by leaseholders.

#### Commencement Information

**I4** Reg. 13 in force at 6.4.2023, see [reg. 1\(1\)](#)

#### Details of person making application on behalf of PAP

- 14.** If the PAP authorises a person to make the registration application on their behalf—
- (a) confirmation from that person that they are authorised by that PAP, to act on that PAP’s behalf, and

<sup>(2)</sup> 2000 c. 22. Section 1 of the act has been amended by the Local Government and Public Involvement in Health Act 2007 (c. 28) and by the Local Government (Wales) Measure 2011 (c. 4).

<sup>(3)</sup> See definition of “private registered provider of social housing” at Schedule 1 of the Interpretation Act 1978 (c. 30).

<sup>(4)</sup> See definition of “registered provider of social housing”, *ibid.*

<sup>(5)</sup> 2002 c. 15. Section 1 of the act has been amended by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941).

<sup>(6)</sup> Section 73 has been amended by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) and by the Finance Act 2003 (c. 14).

- (b) the name and address of that person.

**Commencement Information**

**I5** Reg. 14 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Details of single point of contact**

**15.** If the PAP or person making the application on behalf of the PAP is not an individual, the name and address of the individual who will act as a single point of contact for the PAP for the purposes of the registration application.

**Commencement Information**

**I6** Reg. 15 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Description of building**

**16.** With regard to the higher-risk building—

- (a) the address, postcode and, if applicable, name of the building,
- (b) the number of residential units<sup>(7)</sup> it contains,
- (c) the height, in metres, of the building as determined in accordance with regulations made under section 65(2) of the 2022 Act,
- (d) the number of storeys on or above ground level as determined in accordance with regulations made under section 65(2) of the 2022 Act, and
- (e) the year in which the building was completed.

**Commencement Information**

**I7** Reg. 16 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Building control: for a building completed before start date**

**17.—(1)** In relation to a building which was completed before the start date—

- (a) the date of the building certificate for the completed building,
- (b) the reference number of the certificate, and
- (c) the name of the building control body who gave the certificate.

(2) Where the PAP does not hold any of the information in a paragraph (1) they must provide an explanation to the regulator setting out the steps that the PAP has taken to obtain the information.

**Commencement Information**

**I8** Reg. 17 in force at 6.4.2023, see [reg. 1\(1\)](#)

(7) See definition of “residential unit” in section 115 of the 2022 Act.

*Status: Point in time view as at 06/04/2023.*

*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 3. (See end of Document for details)*

**Building control: for a building completed on or after start date and a transitional building**

18.—(1) In relation to a building which was completed on or after the start date and is a transitional building—

- (a) the date of the building certificate issued in relation to the building,
- (b) the reference number of the certificate,
- (c) the name of the building control body who gave certificate, and
- (d) a copy of the certificate.

(2) It is sufficient to provide the most recent building certificate where more than one building certificate has been issued for the same part of the building.

**Commencement Information**

**I9** Reg. 18 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Building control: for a building completed on or after start date and not a transitional building**

19. In relation to a building which was completed on or after the start date but is not a transitional building—

- (a) the reference number for the building, issued by the regulator, and
- (b) the date that the building certificate was issued.

**Commencement Information**

**I10** Reg. 19 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Prescribed fee**

20.—(1) The regulator may charge a fee of £251 to the PAP in relation to that PAP’s application to register a higher-risk building.

- (2) The fee must be paid at the time an application is made.
- (3) Where an application is withdrawn the regulator may refund the fee in whole or in part.

**Commencement Information**

**I11** Reg. 20 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Effect of failure to pay fee**

21. The regulator must not register a higher-risk building unless the fee for the application has been paid.

**Commencement Information**

**I12** Reg. 21 in force at 6.4.2023, see [reg. 1\(1\)](#)

## Withdrawing an application

**22.**—(1) The circumstance in which an application for registration of a higher-risk building may be withdrawn is where—

- (a) the PAP makes a request to the regulator to withdraw the application regarding the building for which they are the PAP, and
- (b) that request is made in writing and sets out the reason for the request.

(2) In this regulation the PAP includes the person who would be the PAP if the building were a higher-risk building.

### Commencement Information

**I13** Reg. 22 in force at 6.4.2023, see [reg. 1\(1\)](#)

**Status:**

Point in time view as at 06/04/2023.

**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 3.