

---

STATUTORY INSTRUMENTS

---

**2023 No. 315**

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

**PART 4**

**Review of Decisions of the Regulator**

**Regulator decision: review**

**23.**—(1) The following decisions of the regulator are prescribed for the purposes of section 25(1)(1) of the 2022 Act—

- (a) a decision not to register a higher-risk building further to an application;
- (b) a decision to remove a building from the register<sup>(2)</sup>;
- (c) a decision to refuse [<sup>F1</sup>a request] to remove a building from the register;
- (d) a decision to refuse an application for a building assessment certificate<sup>(3)</sup>;
- (e) a decision to give a direction for assessment of building safety risks pursuant to section 83(2)(c) of the 2022 Act.

(2) The persons prescribed for the purposes of section 25(2) of the 2022 Act are—

- (a) in relation to a decision [<sup>F2</sup>of the regulator mentioned in] paragraph (1)(a), (b), (d) or (e) an affected person within the meaning in section 104(4) of the 2022 Act;
- (b) in relation to a decision [<sup>F3</sup>of the regulator mentioned in] paragraph (1)(c), an AP for the higher-risk building (or person who would be an AP for the building if the building were a higher-risk building).

(3) The prescribed period [<sup>F4</sup>for the purposes of section 25(2) of the 2022 Act] for giving a notice to the regulator is within 21 relevant days beginning with the day on which the decision is made.

(4) The prescribed information [<sup>F5</sup>for the purposes of section 25(3)(a) of the 2022 Act] to be contained in a notice (“the notice”) is—

- (a) details for the person giving the notice as follows—
  - (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;

---

(1) Section 25 of the 2022 Act is entitled “review by regulator of certain decisions made by it”.

(2) See section 78(3) of the 2022 Act for provision regarding a decision to remove a building from the register.

(3) See section 81 of the 2022 Act for provision regarding a decision as to whether or not to issue a building assessment certificate.

- (b) the name and address of any person authorised to give the notice on behalf of a person set out at paragraph (3);
  - (c) the address, postcode, and if applicable, the name of the building to which the relevant decision relates;
  - (d) a summary of the review being sought that—
    - (i) identifies the decision for review, and
    - (ii) sets out the reason for the review;
  - (e) any new information that is available to the person giving the notice, that may have been relevant to the regulator’s original decision and was not available at the time the original decision was made;
  - (f) confirmation that any other AP for the same building to which the decision relates has been given a copy of the notice.
- (5) The period prescribed for the purposes of section 25(7) of the 2022 Act, is within 28 relevant days beginning with the day that the regulator receives the notice.

---

#### Textual Amendments

- F1** Words in [reg. 23\(1\)\(c\)](#) 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(g)(i)**; S.I. 2024/40, reg. 2(e)
  - F2** Words in [reg. 23\(2\)\(a\)](#) 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(g)(ii)(aa)**; S.I. 2024/40, reg. 2(e)
  - F3** Words in [reg. 23\(2\)\(b\)](#) 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(g)(ii)(bb)**; S.I. 2024/40, reg. 2(e)
  - F4** Words in [reg. 23\(3\)](#) 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(g)(iii)**; S.I. 2024/40, reg. 2(e)
  - F5** Words in [reg. 23\(4\)](#) 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(g)(iv)**; S.I. 2024/40, reg. 2(e)
- 

#### Commencement Information

- I1** Reg. 23 in force at 6.4.2023, see [reg. 1\(1\)](#)

**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, Section 23.