
STATUTORY INSTRUMENTS

2023 No. 753

The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

PART 1

Introduction

Interpretation

2.—(1) In these Regulations—

“the Act” means the Building Safety Act 2022;

“adjusted operating profits” has the meaning given in regulation 11(4);

“financial year” means the financial year as determined in accordance with section 390 of the Companies Act 2006(1);

“prohibitions list” means the list published under regulation 20(1)(b);

“relevant building” has the meaning given in regulation 3;

“the scheme” means the Responsible Actors Scheme established by regulation 5;

“Self Remediation Contract” has the meaning given in regulation 21(1);

“Self Remediation Terms” has the meaning given in regulation 21(1);

“specified period” means the financial years ending in 2017, 2018 and 2019;

“wound up” has the meaning given in the Self Remediation Terms.

(2) In these Regulations—

(a) “group” in relation to a person (“A”) means A and any body corporate which is associated with A (within the meaning given in section 131 of the Act) and for the purposes of regulations 7(1)(b), 8(1)(a) and 9(1)(a) includes any body corporate which has been wound up, but which before it was wound up was associated with A;

(b) a body corporate is to be treated as controlled by another body corporate in the circumstances set out in sections 131(2) to 131(6) of the Act;

(c) a person acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986(2) or as receiver in relation to A or any assets of A, or any body corporate in the same group as A or its assets, is not to be treated as being in the same group as A;

(d) a body corporate in which an insolvency practitioner in their capacity as an insolvency practitioner is a partner, a director or a shareholder, or with which such insolvency practitioner has any employment, consultancy or similar arrangement in that capacity is not to be treated as a member of the same group as A;

(1) 2006 c. 46.

(2) 1986 c. 45.

- (e) a bank, financial institution, trust, fund or other entity—
 - (i) which is regularly engaged in or established for the purpose of making, purchasing or investing in loans, securities or other financial assets; and
 - (ii) which has made debt financing available to A or any other body corporate in the same group as A in the ordinary course of its business and on arm’s length terms, is not to be treated as a member of the same group as A solely by reason of the provision and terms of such debt financing and any associated security or collateral arrangements.
- (3) For the purposes of regulations 7 to 9, a person is to be treated as being responsible for the development or refurbishment of a building if that person would be treated as playing a role as a developer or refurbisher in relation to that building in accordance with the definition of “Building” in the Self Remediation Terms and as if “PD Group Company” in that definition was substituted with “person”.

Commencement Information

II Reg. 2 in force at 4.7.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, Section 2.