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STATUTORY INSTRUMENTS

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**2023 No. 753**

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

**PART 3**

**Planning and Building Control Prohibitions**

**CHAPTER 3**

**Building Control Prohibitions**

**Exception for critical national infrastructure**

**38.**—(1) The Secretary of State may disapply any or all of the building control prohibitions in relation to an applicable person in respect of a specific building or site, if in the view of the Secretary of State—

- (a) the building work or proposed building work relates to critical national infrastructure; and
- (b) it is in the public interest to disapply the prohibition.

(2) In this regulation—

“critical national infrastructure” means those elements of infrastructure, the loss or compromise of or inadequate provision of which may result in—

- (a) major detrimental impact on the availability, integrity or delivery of essential services, including services whose integrity, if compromised, could result in significant loss of life or casualties, taking into account significant economic or social impacts;
- (b) a significant impact on national security, national defence, or the functioning of the state, and includes building works which are necessary to facilitate the safe or effective construction or operation of the critical national infrastructure concerned;

“elements of infrastructure” means the assets, facilities, systems or networks that operate and facilitate the infrastructure.

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**Commencement Information**

**II** Reg. 38 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 38.