
STATUTORY INSTRUMENTS

2023 No. 909

**The Building (Higher-Risk Buildings
Procedures) (England) Regulations 2023**

PART 4

Golden thread, mandatory occurrence reporting, information handover etc

Mandatory occurrence reporting: reporting to the regulator

33.—(1) Where there is a safety occurrence during the construction phase, a principal dutyholder must follow the reporting procedure on becoming aware of the occurrence.

(2) For the purposes of this regulation, “the reporting procedure” means—

- (a) notifying the regulator of the safety occurrence by the quickest practicable means without undue delay, and
- (b) providing a written report of the occurrence containing the required information (as set out in paragraph (3)) to the regulator within the period of 10 days beginning with the date the principal dutyholder becomes aware of the safety occurrence.

(3) The required information referred to in paragraph (2) is—

- (a) the date and time of the safety occurrence;
- (b) the address of the site at which the occurrence happened;
- (c) the name, address, telephone number and (if available) an email address of the principal dutyholder making the report;
- (d) the type and details of the occurrence (including the nature of the risk);
- (e) details of remedial measures or mitigation carried out.

(4) Information provided by a person under the reporting procedure is not admissible in evidence against that person in criminal proceedings except—

- (a) in proceedings for an offence under section 35 of the 1984 Act (offence of contravening building regulations etc) relating to breach of the duty in paragraph (1),
- (b) in proceedings for an offence under section 24 of the 2022 Act (provision of false or misleading information to regulator),
- (c) in proceedings for an offence of perverting the course of justice, or
- (d) if in the proceedings—
 - (i) in giving evidence the person makes a statement inconsistent with the information, and
 - (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

(5) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) exempt work, or
- (b) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.