
STATUTORY INSTRUMENTS

2023 No. 965

The Building Safety (Regulator's Charges) Regulations 2023

Charges for monitoring and regulatory intervention to ensure compliance

8.—(1) Subject to paragraphs (3) and (4), a person must pay the charge arising from the performance of the chargeable functions under sub-paragraphs (s) and (t) of regulation 3(2) if the regulator has reasonable grounds to believe that the person may contravene, is contravening or has contravened a building enactment or a requirement imposed by virtue of a building enactment.

(2) A charge for the performance of a chargeable function under sub-paragraphs (s) or (t) of regulation 3(2) must not include any costs which are connected with a criminal investigation or prosecution and which are incurred, in either case, after the date on which any information is laid by the regulator.

(3) Where a charge is payable under paragraph (1) by—

- (a) a person who was acting in their capacity as an employee, that person's employer must pay the charge; or
- (b) a resident or owner of a residential unit in an occupied higher-risk building, the principal accountable person for that building must pay the charge.

(4) A charge is not payable under paragraph (1) in relation to an investigation under section 58H, 58T or 58Z3 of the 1984 Act by—

- (a) a registered building inspector if the regulator's investigation concludes that they have not breached the code of conduct⁽¹⁾ or been guilty of professional misconduct⁽²⁾; or
- (b) a registered building control approver if the regulator's investigation concludes that they have not contravened the professional conduct rules⁽³⁾ or the operational standards rules⁽⁴⁾.

(1) Prepared and published under section 58F of the 1984 Act.
(2) See definition of professional misconduct in section 58H of the 1984 Act.
(3) Prepared and published under section 58R of the 1984 Act.
(4) Prepared and published under section 58Z of the 1984 Act.