



Building Safety Act 2022

CHAPTER 30

BUILDING SAFETY ACT 2022

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*Changes to legislation: There are currently no known outstanding effects
for the Building Safety Act 2022. (See end of Document for details)*

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Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022. (See end of Document for details)

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Schedule 1 — Amendments of the Health and Safety at Work etc Act 1974

- 1 The Health and Safety at Work etc Act 1974 is...
- 2 (1) Section 11 (functions of the Executive) is amended as...
- 3 After section 11 insert— Powers of the Executive: buildings in...
- 4 In section 12(3) (control of the Executive) after “provisions” insert...
- 5 (1) Section 13 (powers of the Executive) is amended as...
- 6 In section 27 (information powers) after subsection (4) insert—
- 7 In section 53 (general interpretation) at the appropriate place insert—...
- 8 (1) Schedule 2 (constitution of the Executive) is amended as...

Schedule 2 — Authorised officers: investigatory powers

- 1 Entry to non-domestic premises without warrant
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- 3 Entry to domestic premises (with warrant)
- 4 Power to require information, documents etc
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- 7 Interpretation
- 8 Saving for material subject to legal professional privilege

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- 1 Interpretation
- 2 Local authorities, fire and rescue authorities etc
- 3 Ombudsmen
- 4 Secretary of State
- 5 Police
- 6 Public authorities

Schedule 4 — Transfer of approved inspectors’ functions to registered building control approvers

- 1 The Building Act 1984 is amended as follows.
- 2 In section 42(1) (appeals) for “approved inspector” substitute “registered building...”
- 3 In the heading before section 47, for “approved inspectors” substitute...
- 4 (1) Section 47 (giving and acceptance of initial notice) is...
- 5 Omit section 49 (approved inspectors).
- 6 In section 50(7) (plans certificates) for “approved inspector”, in both places...
- 7 In section 51(1) (final certificates)— (a) for “an approved inspector”...
- 8 In section 51A(2)(a)(ii) (variation of work) for “approved inspector” substitute...

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- 9 In section 51C(2)(a) (change of person carrying out work) for...
- 10 (1) Section 52 (cancellation of initial notice) is amended as...
- 11 In section 56(5) (powers to require information) for “approved inspector”...
- 12 In section 57 (offences), for subsection (3) substitute—
- 13 In section 58(3) (construction of Part 2)—
- 14 In section 126 (general interpretation)— (a) omit the definition of...

Schedule 5 — Minor and consequential amendments in connection with Part 3

Part 1 — AMENDMENTS OF THE BUILDING ACT 1984

- 1 The Building Act 1984 is amended as follows.
- 2 (1) Section 1 is amended as follows.
- 3 In section 1A(1) for “Secretary of State” substitute “appropriate national...”
- 4 (1) Section 2 is amended as follows.
- 5 (1) Section 3 is amended as follows.
- 6 In section 4(1)(a)(i) for “Secretary of State” substitute “appropriate national...”
- 7 In section 5(3)(b) omit “of building regulations”.
- 8 Omit section 5(4).
- 9 (1) Section 6 is amended as follows.
- 10 (1) Section 7 is amended as follows.
- 11 (1) Section 8 is amended as follows.
- 12 (1) Section 9 is amended as follows.
- 13 (1) Section 10 is amended as follows.
- 14 (1) Section 11 is amended as follows.
- 15 (1) Section 12 is amended as follows.
- 16 (1) Section 13 is amended as follows.
- 17 (1) Section 14 is amended as follows.
- 18 In section 15 after subsection (2) insert—
- 19 For the heading before section 16 substitute “Building control approval”....
- 20 Omit sections 16 and 17.
- 21 (1) Section 19 is amended as follows.
- 22 (1) Section 20 is amended as follows.
- 23 (1) Section 21 is amended as follows.
- 24 (1) Section 22 is amended as follows.
- 25 In section 23(3) for “local authority”, in both places it...
- 26 (1) Section 24 is amended as follows.
- 27 (1) Section 25 is amended as follows.
- 28 Omit section 31 (and the heading before it).
- 29 In the heading before section 32 for “deposit of plans”...
- 30 (1) Section 33 is amended as follows.
- 31 Omit section 35A.
- 32 (1) Section 36 is amended as follows.
- 33 In section 37(1) for “local authority”, in each place it...
- 34 In section 39(1) and (2) for “local authority”, in each...
- 35 In section 40(2), (3) and (6) for “local authority”, in...
- 36 In section 41(1)(a) for the words from “under this” to...
- 37 In section 42(1) for “local authority”, in both places it...
- 38 Omit sections 44 and 45 (and the heading before section...
- 39 In the heading of Part 2 for “LOCAL AUTHORITIES” substitute...
- 40 (1) Section 47 is amended as follows.

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- 41 (1) Section 48 is amended as follows.
 - 42 (1) Section 51A is amended as follows.
 - 43 In section 51B(1)— (a) in paragraph (a) for “deposit of...
 - 44 (1) Section 52 is amended as follows.
 - 45 In section 53 omit subsections (6) and (6A).
 - 46 (1) Section 54 is amended as follows.
 - 47 In section 56(3) for the words from “, public body’s...
 - 48 (1) Section 57 is amended as follows.
 - 49 Omit section 58(2).
 - 50 In section 68(8)(b) for “Secretary of State” substitute “appropriate national...
 - 51 In section 78(7)(b) omit “and (3) below”.
 - 52 In section 86(1)(a) for the words from “under this” to...
 - 53 In section 90(2) for “Secretary of State” substitute “appropriate national...
 - 54 In the italic heading before section 91 at the end...
 - 55 (1) Section 91A is amended as follows.
 - 56 After section 91A insert— Cooperation and the sharing of information:...
 - 57 (1) Section 92 is amended as follows.
 - 58 (1) Section 94 is amended as follows.
 - 59 Omit section 94A.
 - 60 In section 95 after subsection (2) insert—
 - 61 In section 97 after “authority” insert “or the regulator”.
 - 62 In section 99(2)(a) after “authority” insert “or the regulator (as...
 - 63 (1) Section 100 is amended as follows.
 - 64 (1) Section 101 is amended as follows.
 - 65 In section 102(3)(b)(ii) after “authority” insert “or the regulator”.
 - 66 (1) Section 104 is amended as follows.
 - 67 (1) Section 106 is amended as follows.
 - 68 (1) Section 107 is amended as follows.
 - 69 (1) Section 108 is amended as follows.
 - 70 (1) Section 110 is amended as follows.
 - 71 In section 111 for “Secretary of State” substitute “appropriate national...
 - 72 (1) Section 112 is amended as follows.
 - 73 In section 113(b) after “authority” insert “, the regulator, the...
 - 74 (1) Section 119 is amended as follows.
 - 75 In the italic heading before section 120 at the end...
 - 76 (1) Section 120 is amended as follows.
 - 77 After section 120 insert— Regulations (1) This section applies to regulations under section 54A, 55,...
 - 78 (1) Section 121 is amended as follows.
 - 79 Omit section 124.
 - 80 After section 125 insert— Meaning of work (1) In the relevant provisions references to work include a...
 - 81 (1) Section 126 is amended as follows.
 - 82 In section 134 after subsection (1) insert—
 - 83 (1) Schedule 1 is amended as follows.
 - 84 (1) Schedule 2 is amended as follows.
 - 85 In Schedule 3, in paragraph 4 for “section 14(3)” substitute...
 - 86 In Schedule 4, in paragraph 4 omit sub-paragraph (6).
- Part 2 — OTHER AMENDMENTS
- 87 Parliamentary Commissioner Act 1967 (c. 13)

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- 88 Freedom of Information Act 2000 (c. 36)
- 89 Sustainable and Secure Buildings Act 2004 (c. 22)
- 90 The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

Schedule 6 — Appeals and other determinations

- 1 Introduction
- 2 Transfer from Secretary of State to the regulator
- 3 (1) Section 20 (use of materials unsuitable for permanent building)...
- 4 (1) Section 39 (appeal against refusal to relax building regulations)...
- 5 (1) Section 42 (appeal and statement of case to High...
- 6 Omit section 43 (procedure on appeal to Secretary of State...
- 7 After that section insert— Appeals under sections 20, 39 and...
- 8 In section 50 (plans certificates) for subsections (2) and (3)...
- 9 Transfer from magistrates' court to the tribunal: England
- 10 In section 7(2)(b) after “court” insert “or tribunal”.
- 11 In section 25(5) after “the court”, in both places it...
- 12 In section 33(6) after “the court”, in both places it...
- 13 In section 37(3) for “a court” substitute “the appropriate court...
- 14 In section 40 after “the court”, in each place it...
- 15 In section 55(2) after “court” insert “or tribunal”.
- 16 In section 62(2) after “the court” insert “or tribunal”.
- 17 In section 64(5)(b) after “court” insert “or tribunal”.
- 18 In section 70(4)(b) after “court” insert “or tribunal”.
- 19 In section 75(2) after “court” insert “or tribunal”.
- 20 In section 77(1) after “court” insert “or tribunal”.
- 21 In section 78(7)(b) after “court” insert “or tribunal”.
- 22 In section 83(3)(b) after “court” insert “or tribunal”.
- 23 In section 98— (a) for “a complaint” substitute “an application...
- 24 In section 102(2), (3) and (4) after “court”, in each...
- 25 (1) Section 103 is amended as follows.
- 26 In section 104 after “court”, in both places it occurs,...
- 27 In section 105 after “court” insert “or tribunal”.
- 28 In Schedule 2 in paragraph 2(b) after “court” insert “or...
- 29 Enforcement
- 30 Appeal: local authority decision not to consider application etc

Schedule 7 — Special measures

- 1 Introductory
- 2 Notification by regulator before applying for special measures order
- 3 Meaning of “financial management proposal”
- 4 Special measures order
- 5 Special measures order: supplementary
- 6 Payments received by special measures manager to be held on trust
- 7 Effect of special measures order on relevant contracts and legal proceedings
- 8 Special measures orders and orders under section 24 of the Landlord and Tenant Act 1987
- 9 (1) The Landlord and Tenant Act 1987 is amended as...
- 10 Provision of financial assistance by regulator
- 11 Special measures order: further directions
- 12 Regulator to keep certain matters under review
- 13 Notification by regulator before applying to vary special measures order
- 14 Variation or discharge of special measures order

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- 15 Notifications about special measures order
 - 16 Special measures order: change in accountable person etc
 - 17 Interpretation
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- 1 Interpretation
 - 2 No service charge payable for defect for which landlord or associate responsible
 - 3 No service charge payable if landlord meets contribution condition
 - 4 No service charge payable where lease below certain value
 - 5 Limit on service charge in other cases
 - 6 Paragraph 5: the permitted maximum
 - 7 Annual limit on service charges
 - 8 No service charge payable for cladding remediation
 - 9 No service charge payable for legal or professional services relating to liability for relevant defects
 - 10 Paragraphs 2 to 4, 8 and 9: supplementary
 - 11 No increase in service charge for other tenants
 - 12 Recovery of service charge amounts from landlords
 - 13 Presumption: qualifying lease
 - 14 Presumptions relating to landlord under qualifying lease
 - 15 Information from tenants
 - 16 Information from landlords
 - 17 In section 21 of the Landlord and Tenant Act 1985...
 - 18 Anti-avoidance
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- 1 Appointment of the new homes ombudsman
 - 2 Membership
 - 3 The scheme may provide for different categories of member and...
 - 4 Fees
 - 5 Where a scheme is maintained by a person other than—...
 - 6 Complaints under the scheme: subject matter and procedure
 - 7 The provision mentioned in paragraph 6(b)— (a) must not include...
 - 8 Complaints under the scheme: investigation and determination
 - 9 The forms of redress are— (a) paying compensation;
 - 10 Enforcement of determinations
 - 11 Making of recommendations
 - 12 Predecessor schemes
 - 13 Complaints about the scheme
 - 14 Co-operation
 - 15 Provision of information
 - 16 Reports
- Schedule 10 — Amendments in connection with the new homes ombudsman scheme
- 1 The Local Government Act 1974 is amended in accordance with...
 - 2 (1) Section 33 (consultation between Local Commissioner and other Commissioners...
 - 3 (1) Section 33ZA (collaborative working between Local Commissioners and others)...
 - 4 In section 33ZB (arrangements for provision of administrative and other...

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- 5 (1) Paragraph 10A of Schedule 2 to the Housing Act...
- 6 (1) The Public Services Ombudsman (Wales) Act 2019 (anaw 3)...

Schedule 11 — Construction products regulations

- 1 Introductory
- 2 General safety requirements
- 3 Construction products with designated standards or technical assessments
 - 4 (1) Provision under paragraph 3(a) (designated standards) may include provision—...
 - 5 (1) Provision under paragraph 3(b) (technical assessments) may include provision...
 - 6 Construction products regulations may— (a) impose requirements on persons carrying...
 - 7 (1) Provision under paragraph 6(a) (imposition of requirements) may include...
 - 8 (1) Provision under paragraph 6(b) (conferral of powers) may include...
 - 9 Construction products regulations may include any provision—
- 10 Safety-critical products
 - 11 (1) Construction products regulations may make provision for and in...
 - 12 Construction products regulations may— (a) impose requirements on persons carrying...
 - 13 Provision under paragraph 12(a) (imposition of requirements) may include any...
 - 14 (1) Provision under paragraph 12(b) (conferral of powers) may include...
- 15 Enforcement
- 16 Costs
- 17 Information
 - 18 (1) Construction products regulations may make provision for and in...
 - 19 (1) Construction products regulations may make provision prohibiting the disclosure...
- 20 General and supplementary
 - 21 (1) Construction products regulations may make provision by repealing, amending...
 - 22 (1) Where construction products regulations contain provision creating a criminal...
- 23 Procedure
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Changes to legislation:

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