

Building Safety Act 2022

Owen Edwards

Q1 2023



Owen Edwards

MRICS C.Build E MCABE

Technical and Training Director
SOCOTEC

Technical and Training Director for SOCOTEC Building Control with over 35 years' experience in both public and private sector Building Control Bodies. A member of working groups reporting to the Building Safety Regulator and the Industry Competence Committee

BACKGROUND

Building a Safer Future

Independent Review of Building
Regulations and Fire Safety:
Final Report

May 2018

Dame Judith Hackitt DBE FREng

Cm 9607



Building Safety Regulator

The Building Safety Bill is making its way through Parliament. As it passes, we will get a clearer idea of what it might mean to the building safety reforms. We will share information as we learn more.

At the heart of the building safety reforms is the creation of the Building Safety Regulator (BSR) in England.

BSR will have 3 main functions:

- overseeing the safety and performance of buildings
- helping and encouraging the built environment industry and building control professionals to improve their competence
- leading implementation of the new regulatory framework for high-rise buildings

HSE is preparing to carry out these functions once the reforms become law.

Buildings we'll regulate

BSR will regulate high-rise buildings. These are buildings with 7 or more storeys or that are 18 metres or higher, and either:

- have at least 2 residential units
- are hospitals or care homes (during design and construction)

Peter Baker

Chief Inspector of Buildings - Health & Safety Executive



Peter has over 30 years' experience with HSE as an Inspector and in a number of senior operational roles dealing with a wide range of industry sectors, including construction, major hazard industries and local authorities. Peter led HSE's reform and delivery of the regulatory regime for chemical and downstream oil industries, and was appointed HSE's Chief Inspector of Construction in 2015.

From 2017, Peter led HSE's involvement in the Government's Building Safety Programme following the Grenfell Tower tragedy. As Chief Inspector of Buildings he is now at the forefront of establishing the new Building Safety Regulator in HSE and leading the delivery of the stronger, more robust building safety regime for higher risk buildings working with government, industry, partner regulators and residents.

As Director of HSE's Building Safety and Construction Division, Peter also has Executive Board responsibility for HSE's construction operations across Great Britain.

SETTING THE BAR – A NEW COMPETENCE REGIME

The Working Groups are:

- Overarching Competence Body (WG0)
- Engineers (WG1)
- Installers (WG2)
- Fire Engineers (WG3)
- Fire Risk Assessors (WG4)
- Fire Safety Enforcing Officers (WG5)
- Building Standards Professionals (WG6)
- Building Designers, including architects (WG7)
- Building Safety Managers (WG8)
- Site Supervisors (WG9)
- Project Managers (WG10)
- Procurement Professionals (WG11)
- Construction Products Competence (WG12)

Interim Industry Competence Committee appoints Chair

HSE has appointed a Chair of the Interim Industry Competence Committee (IICC), Jon Vanstone.

Jon boasts a wealth of knowledge in competency frameworks through his experience within the certification and accreditation areas of construction over the last 20 years of his career.



He is a current member of the Building Regulations Advisory Committee (BRAC) and is involved in numerous committees providing expert advice to Government, helping to develop the future regulatory framework for buildings addressing sustainability and most notably, safety issues.

THE BUILDING SAFETY ACT 2022

- Part 1 – Introduction/Overview
- Part 2 – The Regulator and its Functions
- Part 3 – The Building Act 1984
- Part 4 – Higher Risk Buildings
- Part 5 – Other provisions about safety standards
- Part 6 - General

Notes: This is the original version (as it was originally enacted). This version of legislation is currently only available in its original format.



Building Safety Act 2022

2022 CHAPTER 30

An Act to make provision about the safety of people in or about buildings and the standard of buildings, to amend the Architects Act 1997, and to amend provision about complaints made to a housing ombudsman. [28th April 2022]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

INTRODUCTION

1 Overview of Act

- (1) This Act has 6 Parts, and contains provisions intended to secure the safety of people in or about buildings and to improve the standard of buildings.
- (2) Part 2 contains provision about the building safety regulator and its functions in relation to buildings in England.
- (3) Part 3 amends the Building Act 1984.
- (4) Amendments made by Part 3—
 - (a) provide that the regulator is the building control authority in relation to higher-risk buildings in England, and
 - (b) require the regulator (for England) and the Welsh Ministers (for Wales) to establish and maintain registers of building control approvers and building inspectors.
- (5) Part 4 is about occupied higher-risk buildings in England, and imposes duties on accountable persons.

NEXT STEPS – CONSULTATIONS ON REGULATIONS

<https://consult.levellingup.gov.uk/building-safety-consultations/>

- Higher Risk Buildings – Descriptions * In force 6 April 2023
- New Building Control Regime (Part 3)
- In-occupation Regime (Part 4) * In force 6 April 2023
- Fees and Charges
- Operational Standards Rules
- Building Inspector Competence Framework
- The Building Safety Levy
- Codes of Conduct for RBI and RBCA
- Changes to the Building Control Profession and Building Control Process for Approved Inspectors (Part 3)

All Open Building Safety Consultations

Alternative cost recovery for remediation works: consultation on proposals to make regulations and...

More

Service charge transparency requirements: ongoing costs of the new building safety regime...

More

All Closed Building Safety Consultations

Consultation on the Higher Risk Buildings (Descriptions and Supplementary Provisions) Regulations

More

Consultation on implementing the new building control regime for higher-risk buildings and wider changes to the...

More

Consultation on the in-occupation regime for occupied higher-risk buildings

There are 12 consultation sections in this area. These consultations...

More

HSE Consultation: The Building Safety (Fees and Charges) Regulations 2023 and charging scheme

Building Safety Regulator's...

More

HSE Consultation: Building Safety Operational Standards Rules

The Building Safety Regulator (BSR) will be operating as part of...

More

Building inspector Competence Framework (BICoF) consultation

The Building Inspector Competence Framework (BICoF)...

More

Call for evidence - leaseholder-owned buildings (11m+ or 5 Storeys+)

During its passage through Parliament, the government...

More

The Building Safety Levy consultation

Consultation description This consultation seeks views on the design and implementation of the Building Safety Levy. The Levy will be paid by developers and...

More

Consultation on building safety director proposals

This consultation is about the appointment of a building safety director to support resident-led...

More

Code of conduct for registered building inspectors

The Building Safety Regulator (BSR) will be operating as part of the Health and Safety Executive...

More

Professional conduct rules for Registered Building Control Approvers

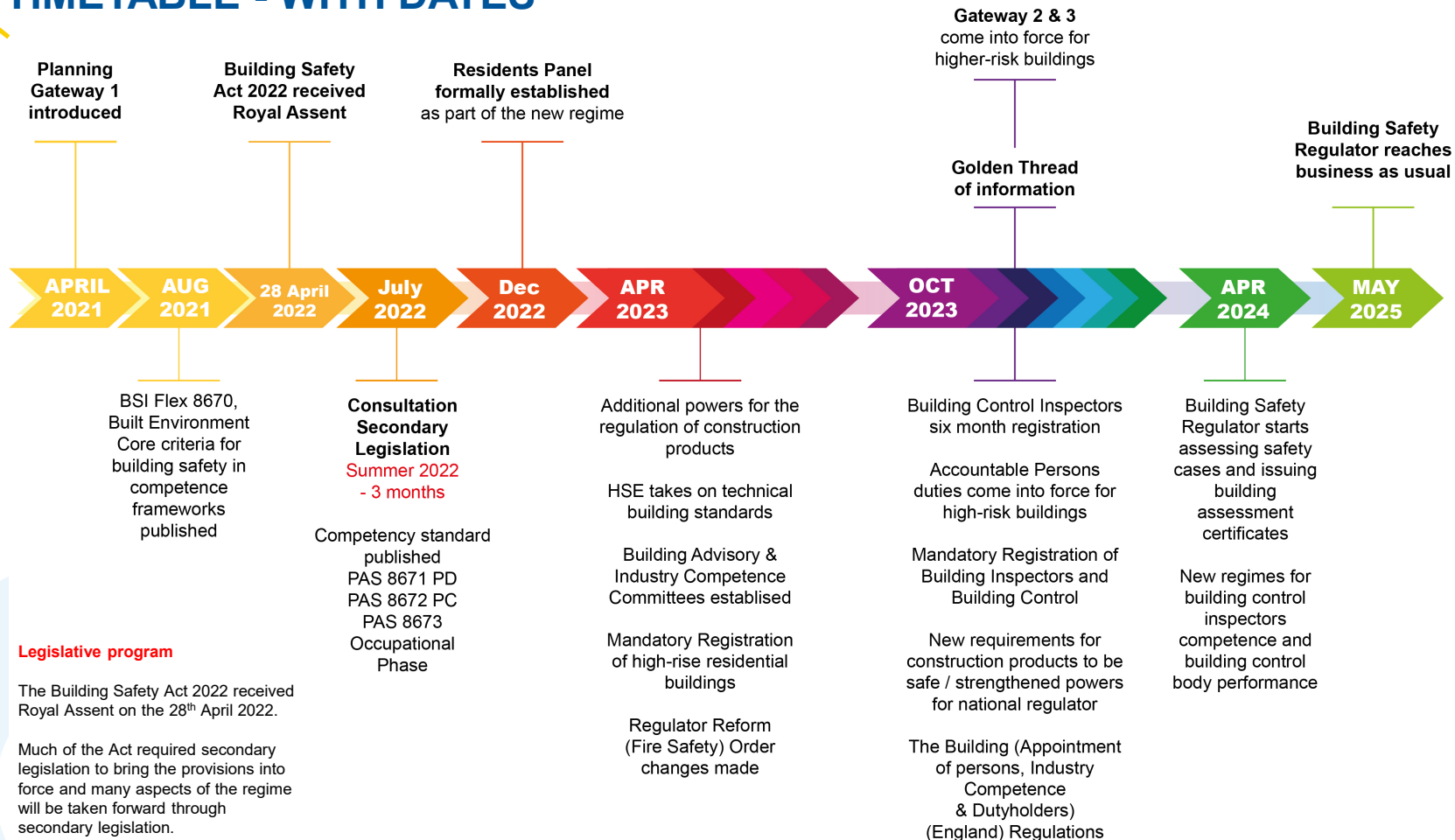
The Building Safety Regulator (BSR) will be operating as part of...

More

Consultation for changes to the building control profession and the building control process for...

More

TIMETABLE - WITH DATES



Legislative program

The Building Safety Act 2022 received Royal Assent on the 28th April 2022.

Much of the Act required secondary legislation to bring the provisions into force and many aspects of the regime will be taken forward through secondary legislation.

Building Control Structure

DESIGN AND CONSTRUCTION (BUILDING REGULATION STAGE)

- **BUILDING CONTROL AUTHORITY (THE ENFORCEMENT BODY)**
 - The Building safety regulator (for higher-risk building)
 - The local authority for all other building
- **BUILDING CONTROL BODY**
 - The building safety regulator (for higher-risk buildings)
 - The local authority (excluding higher-risk buildings)
 - Building control approver (excluding higher risk buildings)
- **RESTRICTED ACTIVITIES AND FUNCTIONS**
 - Plans certificates
 - Final certificate
 - Inspection of work



Design and Construction Higher Risk Buildings

DESIGN AND CONSTRUCTION – DEFINITION OF HIGHER RISK BUILDING

STATUTORY INSTRUMENTS

2023 No. 275

BUILDING AND BUILDINGS, ENGLAND

The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

Made - - - - 6th March 2023

Coming into force - - 6th April 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 120A(2) and (3) and 120D(2), (3) and (4) of the Building Act 1984 (“the 1984 Act”)(1), and sections 65(2) and (3) and 168(2) and (3) of the Building Safety Act 2022 (“the 2022 Act”)(2).

In accordance with section 120E(1)(3) of the 1984 Act and section 66(1) of the 2022 Act, the Secretary of State has consulted the Health and Safety Executive(4) and such persons as the Secretary of State considers appropriate.

In accordance with section 120F(2)(5) of the 1984 Act the Secretary of State has asked the Health and Safety Executive for advice under section 120H(1)(6) of that Act and in accordance with section 67(2) of the 2022 Act the Secretary of State has asked the Health and Safety Executive for advice under section 70(1) of that Act.

In accordance with section 120F(3) of the 1984 Act and section 67(3) of the 2022 Act the Secretary of State has carried out a cost-benefit analysis and published it(7).

In accordance with section 120A(7)(b) of the 1984 Act and section 168(6)(b) of the 2022 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

- **Applies to England**

- 18M IN HEIGHT OR AT LEAST 7 STOREYS
- CONTAINS AT LEAST 2 RESIDENTIAL UNITS,
- A CARE HOME
- A HOSPITAL

- **Exclusions**

- SECURE RESIDENTIAL INSTITUTION
- HOTEL
- MILITARY BARRACKS

- **Definitions**

- RESIDENTIAL UNIT – A DWELLING OR ANY OTHER UNIT OF LIVING ACCOMODATION

MEANING OF “BUILDING”

Meaning of “building”

4.—(1) Subject to paragraph (2), where a structure is not attached to any other structure, that structure is a “building”.

(2) Subject to paragraph (5), where a structure that is not attached to any other structure contains one or more independent sections, each independent section is a “building”.

(3) Subject to paragraph (4), where two or more structures are attached, that set of structures are a “building”.

(4) Subject to paragraph (5), where two or more structures that are attached contains one or more independent sections, each independent section is a “building”.

(5) Paragraphs (2) and (4) do not apply while a building is being constructed or proposed to be constructed.

(6) An “independent section” is a section that—

(a) has access, which can be reached from anywhere in the section, for persons to enter and exit the wider building; and

(b) either—

(i) has no access to any other section of the wider building; or

(ii) only has access to another section of the wider building which does not contain a residential unit.

(7) “Access” means a doorway, archway or similar opening but does not include a doorway, archway or similar opening intended for exceptional use including emergency use or use for the purpose of maintenance.

(8) The “wider building” means—

(a) in relation to a section of a structure that is not attached to any other structure, that structure;

(b) in relation to a section within two or more structures that are attached, that set of structures.

(9) Where a section is a “building” pursuant to paragraphs (2) or (4), any plant room containing equipment for the provision of services to that section is to be considered as part of that building.

(10) The rule in paragraph (9) does not apply to the reference to “building” in sub-paragraphs (i) and (ii) of section 73(1) of the 2022 Act and in section 73(2) of that Act.

HEIGHT OF A BUILDING AND STOREYS

Determining height of a building

5.—(1) Subject to paragraph (2), the height of a building is to be measured from ground level to the top of the floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms).

(2) Where the top storey is not directly above the lowest part of the surface of the ground adjacent to the building, the height of the building is to be measured vertically from the lowest part of the surface of the ground adjacent to the building to the point which is a horizontal projection from the top of the floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms).

Storeys

6.—(1) Subject to paragraph (2), when determining the number of storeys a building has the following is to be ignored—

- (a) any storey which is below ground level;
- (b) any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms; and
- (c) any storey consisting of a gallery with an internal floor area that is less than 50% of the internal floor area of the largest storey vertically above or below it which is not below ground level.

(2) Where a section is a building pursuant to regulation 4(2) or (4), any storey directly beneath the building which is not below ground level is to be counted in determining the number of storeys the building has.

(3) A storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.

IMPLEMENTING THE NEW BUILDING CONTROL REGIME

Open consultation

Consultation on implementing the new building control regime for higher-risk buildings and wider changes to the building regulations for all buildings

Published 20 July 2022

- New dutyholders roles and responsibilities
- Hard stops (gateways) for higher risk buildings
- Regulators notices
- Work in existing higher risk buildings
- Change control process for higher risk buildings
- Regularisation of building work
- Golden thread of information
- Mandatory occurrence reporting
- More rigorous enforcement powers
- Changes to building regulation system for non HRB's
- Transitional provisions

DESIGN AND CONSTRUCTION – DUTY HOLDERS

CLIENT

- Make suitable arrangements to plan manage and monitor a project
- Appoint a Principal Designer and a Principal Contractor
- Provide building information to every designer and contractor ensuring they are aware the projects includes any higher risk building work
- Cooperate and share information with other dutyholders

DESIGNERS

- Not to start design work until satisfied the Client is aware of their duties
- Ensure the design complies with the Building Regulations
- Provide sufficient information to other dutyholders
- Consider other work if only carrying out part of the design
- Provide advice to Principal Designer or Client if the design relates to an HRB

CONTRACTORS

- Not to start works until satisfied the Client is aware of their duties
- Provide each worker under their control with appropriate supervision, instructions and information to ensure the building work complies with the Building Regulations

PRINCIPAL DESIGNER

- Plan, Manage and Monitor design work during the design phase
- Co-ordinate matters relating to the design work to ensure compliance with the Building Regulations
- Ensure all designers co-operate, communicate and co-ordinate their work with the Client, Principal Contractor and other Designers
- Liaise with the Principal Contractor and share information
- Assist the Client to provide information to other designers and contractors

PRINCIPAL CONTRACTOR

- Plan, Manage and Monitor all the building work
- Co-ordinate matters relating to the building work to ensure compliance with the Building Regulations
- Ensure all contractors co-operate, communicate and co-ordinate their work with the Client, Principal Designer and other Contractors
- Liaise with the Principal Designer and share information
- Assist the Client to provide information to other designers and contractors

COMPETENCE REQUIREMENTS OF DUTY HOLDERS

PAS 8671:2022

Built environment – Framework
for competence of individual
Principal Designers – Specification



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PAS 8672:2022

Built environment – Framework for
competence of individual Principal
Contractors – Specification



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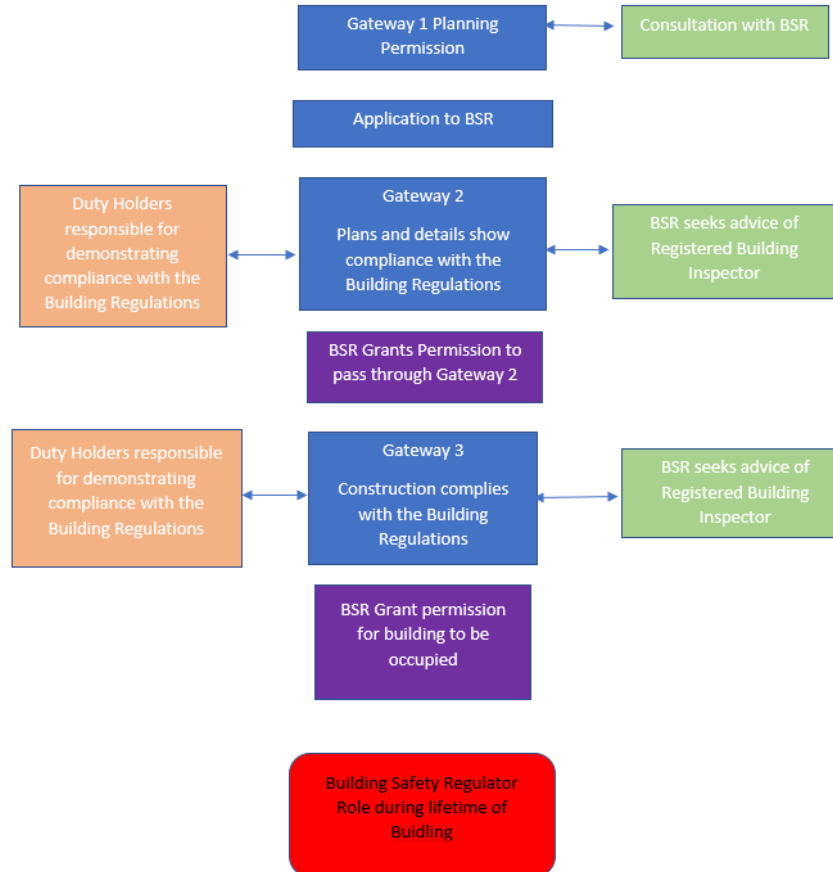


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DESIGN AND CONSTRUCTION PHASE – HIGH RISK BUILDINGS

APPLICATION PROCESS FOR HIGHER RISK BUILDINGS – BUILDING SAFETY BILL



GATEWAY 2 – DESIGN STAGE APPLICATION

- **Contact Information:** The name, address, telephone number and (if available) an email address of the client, principal contractor (or sole contractor) and the principal designer (or sole or lead designer).
- **Statement:** A statement confirming that the application for building control approval is made under the proposed new Higher-Risk Building regulations.
- **Description of an existing building:** Where the higher-risk building work consists of work to an existing building, the applicant must include a description of the existing building. This description should include the details of the current use of the building as well as the current use of each storey, the height of the building and the number of storeys.
- **Description of the proposed building work:** The applicant must provide a description of the proposed higher-risk building work. This should include:
 - The details of the intended use of the higher-risk building and the intended use of each storey;
 - The height of the higher-risk building;
 - The number of storeys in the higher-risk building;
 - The provision to be made for the drainage of the higher-risk building;
 - Any required precautions to be taken in the building over a drain, sewer or disposal main to comply with applicable building regulations; and
 - The steps to be taken to comply with any local enactment that applies.
- **Prescribed Documents:** As part of the building control approval application the applicant will be required to provide the following prescribed documents (further detail on prescribed documents can be found below):
 - A competence declaration confirming that the client is satisfied that their Principal Designer and Principal Contractor are competent to carry out their roles; and written records of the steps the client has taken to be satisfied of their competence;
 - A planning statement setting out the status of planning permission (if required for the development);
 - A design and build approach document setting out the proposed standards to be used;
 - A fire and emergency file setting out fire and structural safety information about the proposal;
 - A construction control plan describing the strategies for managing building work to maintain building regulations compliance;
 - A change control plan setting out how changes during construction will be considered, recorded and when the Building Safety Regulator should be notified or consulted;
 - A description of the mandatory occurrence reporting framework; and,
 - A partial completion strategy (where the applicant proposes occupation of part of the building before completion of the higher-risk building work).

GATEWAY 2 – DESIGN AND BUILD APPROACH DOCUMENT

Design and build approach document

3.28 The purpose of the proposed design and build approach document is to encourage dutyholders to carefully consider how compliance will be achieved for each applicable building regulation requirement before construction starts. As part of the design and build approach document, they will be required to set out whether they intend to follow any guidance to meet the building regulations requirements (e.g. Approved Documents, British Standards, Design Codes, etc.).

3.31 We propose that a design and build approach document must set out the approach taken in designing the higher-risk building and the building standards to be applied, in particular:

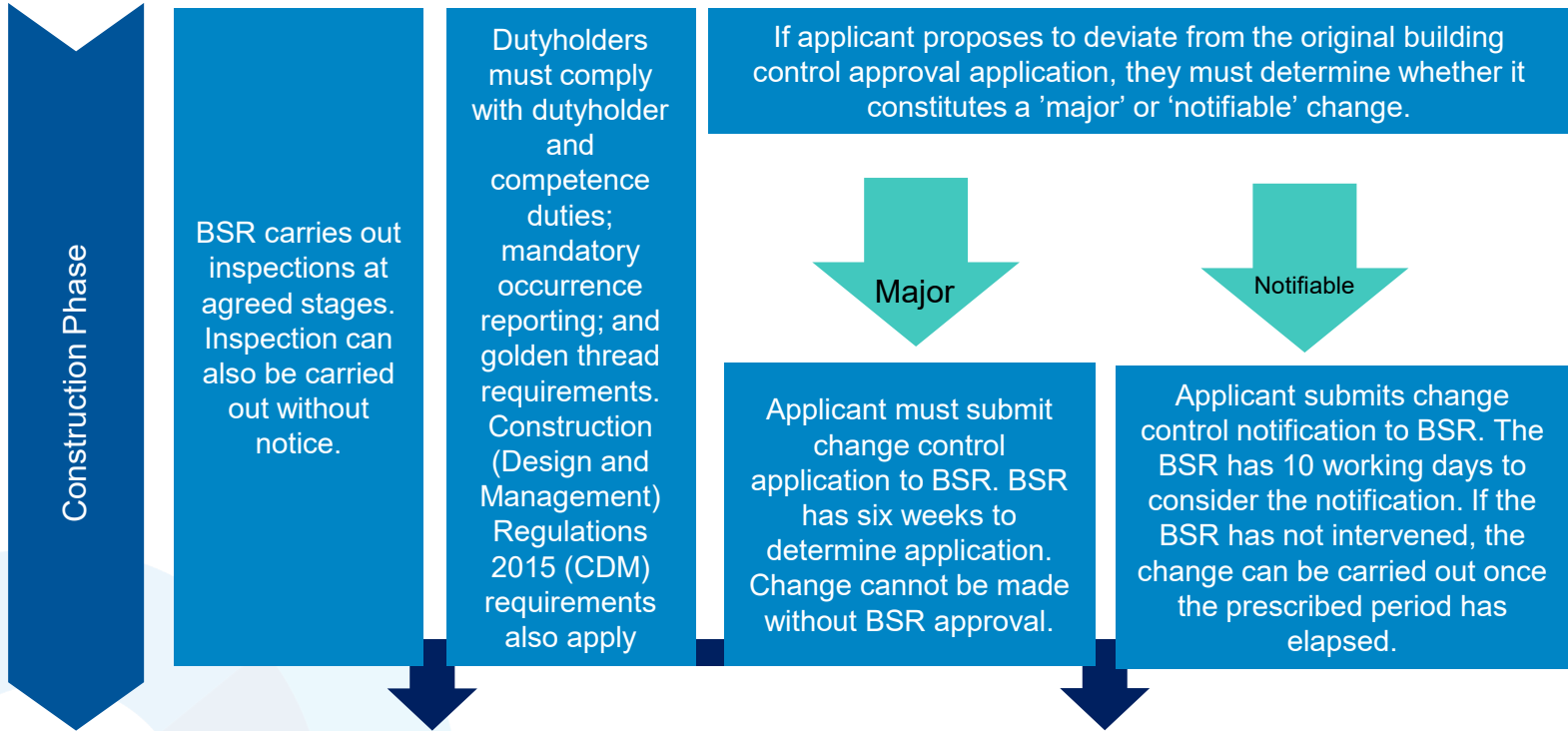
- The approach taken in relation to each element of the building to ensure compliance with all applicable requirements of the building regulations and why it is appropriate; and,
- Where compliance is not intended to be achieved by following an approach specified in an approved document, the reasons for adopting an alternative approach to compliance together with an explanation of why the alternative approach is appropriate for the building and how it ensures compliance with all applicable requirements of the building regulations.

GATEWAY 2 – FIRE AND EMERGENCY FILE

3.33 We propose that a fire and emergency file must explain:

- The matters that were considered when assessing how the building safety risks identified during design and construction could impact the proposed building when in use;
- The proposals adopted and approach taken in relation to designing the proposed building to ensure compliance with the applicable requirements of the building regulations relating to the building safety risks and why it is appropriate;
- The measures, strategies and policies it is proposed the building owner should adopt in order to manage and maintain the proposed building once in use to ensure residents and users can be safely evacuated in an emergency. This should include any assumptions made as to the intended occupiers of the building and their likely characteristics and behaviours; and,
- The proposed fire strategy demonstrating compliance with functional requirements A3 and B1 to B5 of Schedule 1 to the Building Regulations 2010.

CONSTRUCTION PHASE



CONSTRUCTION PHASE – MANDATORY OCCURRENCE REPORTING

3.41 As part of the new, more stringent building safety regime, we propose to introduce mandatory reporting of safety occurrences during the design, construction and occupation stages of higher-risk buildings. Mandatory occurrence reporting will require dutyholders to report certain fire and structural safety issues ('safety occurrences') to the Building Safety Regulator. This will enable the Building Safety Regulator to capture any risks that could have a potential impact on fire and structural safety and assess its relevance to other buildings, help drive intelligence led enforcement, promote safety-conscious culture change and improve fire and structural safety standards and best practice across the industry.

3.42 Dutyholders will need to establish and operate an effective mandatory occurrence reporting system to enable those on the site or in the building to report safety occurrences to the dutyholders; and report safety occurrences to the Building Safety Regulator in a required manner. Dutyholders will be required to provide a statement describing their mandatory occurrence reporting system as part of a building control approval application to ensure they have arrangements in place before construction starts.

CONSTRUCTION PHASE – CHANGE CONTROL

Record-keeping

6.3 To make sure there is robust record keeping during higher-risk building work, we propose that the client or someone on their behalf must ensure there is a record of all the controlled changes that have been made. All changes from the original building control approval application must be recorded in a change control log or logs. We propose that the following information should be included in the change control log or logs:

- The name of the individual recording the change;
- A description of the proposed change;
- An explanation of the reason why the change has been proposed;
- Whether the change is a notifiable change or a major change;
- A list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a brief summary of any advice provided;
- An assessment of which agreed document is affected by the proposed change and confirmation that a revised version has been produced;
- An explanation, in relation to the proposed change, of how the building work will, after the proposed change is carried out, meet all applicable building regulations; and,
- A revised version of any agreed document affected by the change.

CONSTRUCTION PHASE – MAJOR OR NOTIFIABLE CHANGE

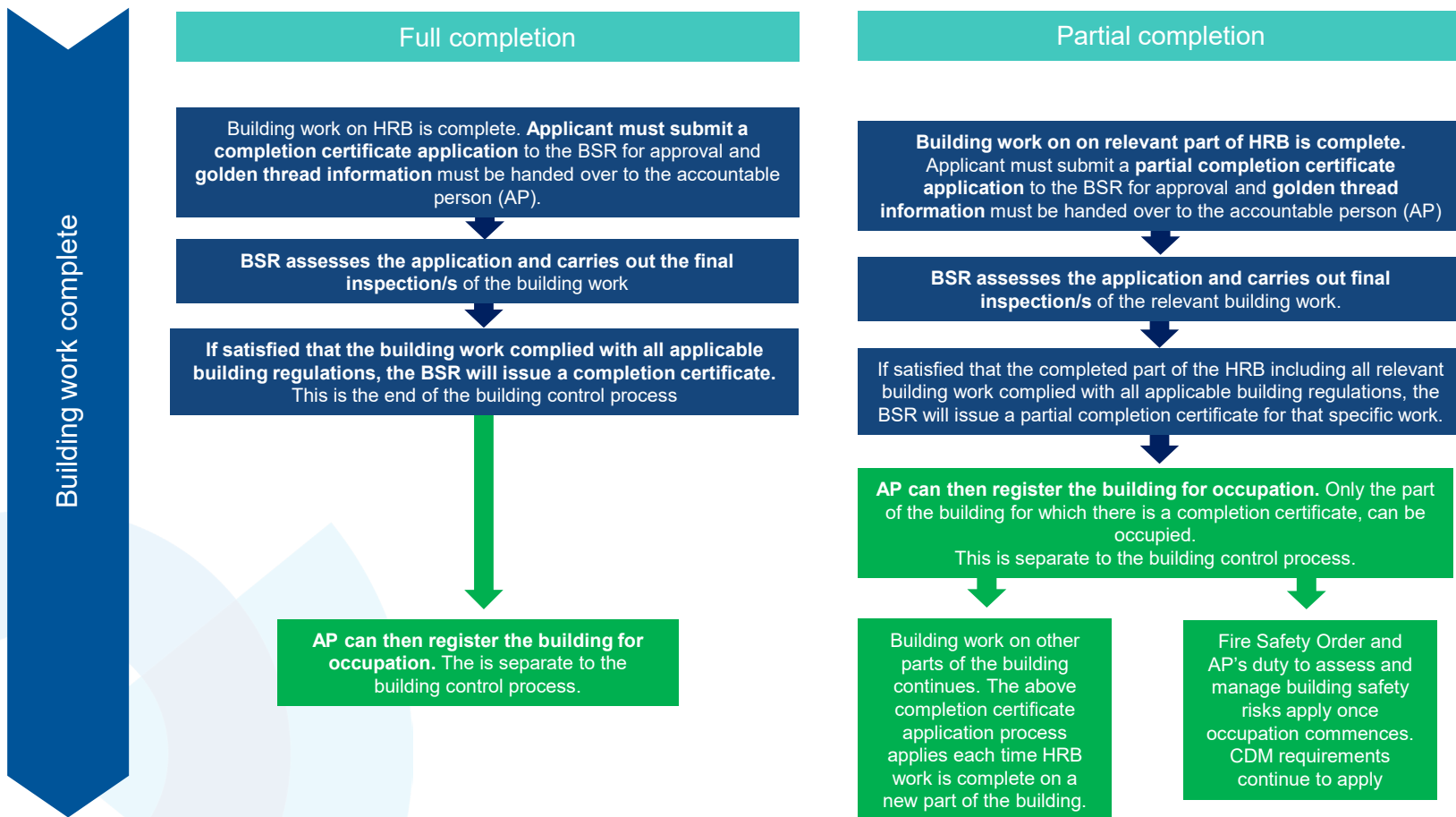
MAJOR CHANGE

- Change in proposed use – commercial units
- Changes in overall dimensions of building
- Change in number of fire compartments
- Change in evacuation routes
- Change to the fire strategy
- Change in product affecting fire classification
- Change in design or construction standard
- Change to structural design
- Change to introduce large panel systems

NOTIFIABLE CHANGE

- Change of Dutyholder
- Change of staged approval submissions
- Change to layout of individual flats providing the change does not impact common parts
- Substituting “like for like” products
- Change to partial completion strategy

GATEWAY 3 – COMPLETION CERTIFICATE APPLICATION



GATEWAY 3 – COMPLETION CERTIFICATE APPLICATION

- **Contact Information:** The name, address, telephone number and (if available) an email address of the client, principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- **Statement:** A statement confirming that the completion certificate application is made under the new regulations;
- **Description of the higher-risk building work:** The applicant must provide a description of the higher-risk building work. This should include:
 - The location of the higher-risk building created by the higher-risk building work;
 - The details of the intended use of the higher-risk building and the intended use of each storey;
 - The height of the higher-risk building;
 - The number of storeys in the higher-risk building;
 - The provision to be made for the drainage of the higher-risk building;
 - Any required precautions taken in the building over a drain, sewer or disposal main to comply with applicable building regulations; and,
 - The steps taken to comply with any local enactment that applies.
- **Compliance with building regulations statement:** A statement, signed by the client or someone on their behalf, confirming that to the best of the client's knowledge the higher-risk building, as built, complies with all applicable requirements of the building regulations.
- **Golden thread statement:** A statement, signed by both the client, or someone on their behalf, and the relevant person, confirming that a copy of the golden thread information was appropriately provided to the relevant person and the relevant person has received them.
- **Plan:** The applicant must provide a plan to a scale of not less than 1:1250. The plan must outline the size and position of the building and its relationship to adjoining boundaries; the boundaries of the curtilage of the building, and the size, position and use of every other building or proposed building within the curtilage of the building; and the width and position of any street on or within the boundaries of the curtilage of the building. The applicant should also provide such other plans as is necessary to show that the higher-risk building work would comply with all applicable requirements of the building regulations.
- **Prescribed Documents:** As part of the completion certificate application the applicant will be required to provide updated prescribed documents reflecting the building 'as-built' as well as compliance declarations from the client, Principal Designer and Principal Contractor, and a list of all the written mandatory occurrence reports submitted to the Building Safety Regulator (please see further details below).
 - Construction control plan and confirmation it has been followed;
 - Change control plan and confirmation it has been followed;
 - Design and build approach document and confirmation it has been followed;
 - fire and emergency file; and,
 - Compliance declarations (please see further details below).

GOLDEN THREAD INFORMATION

8.14. We propose that for a new building the information in the golden thread that the client should handover to the principal accountable person is:

- the information required to be submitted to the Building Safety Regulator in a completion certificate application (the prescribed documents). The application will include the following:
 - i. Plans of the completed building work
 - ii. Construction Control Plan
 - iii. Change Control Plan
 - iv. Design and Build Approach Document
 - v. Fire and Emergency File
 - vi. Compliance declarations
- the relevant information/evidence required to support the prescribed documents
- completion certificate issued by the Building Safety Regulator under the building regulations.
- any further information that is relevant to the ongoing safety of the building and is not covered by the material above – this could include documents/information required to be submitted to the Building Safety Regulator at building control approval stage, and information required through the statutory change control process during the construction phase. We would expect that most information would be covered in the bullets above.

WHO IS RESPONSIBLE FOR THE GOLDEN THREAD?

8.6 It is expected that the design and construction phases will overlap and influence each other, rather than run consecutively. **The Principal Designer should be responsible for updating and managing the golden thread during the design phase.** We propose that they will be specifically responsible for:

- Creating and developing the golden thread (although initial information about the building may be provided by the client) and managing and updating this throughout the design phase;
- Finalising the golden thread and handing it over to the Principal Contractor on completion of the design phase;
- Collaborating with the Principal Contractor to ensure any design work done during the construction phase is captured in the golden thread;
- Ensuring that the golden thread meets the required standards/principles; and,
- Cooperating and sharing information with the Principal Contractor as necessary.

8.7 **The Principal Contractor is responsible for managing the golden thread in the construction phase of the project** and will be specifically responsible for:

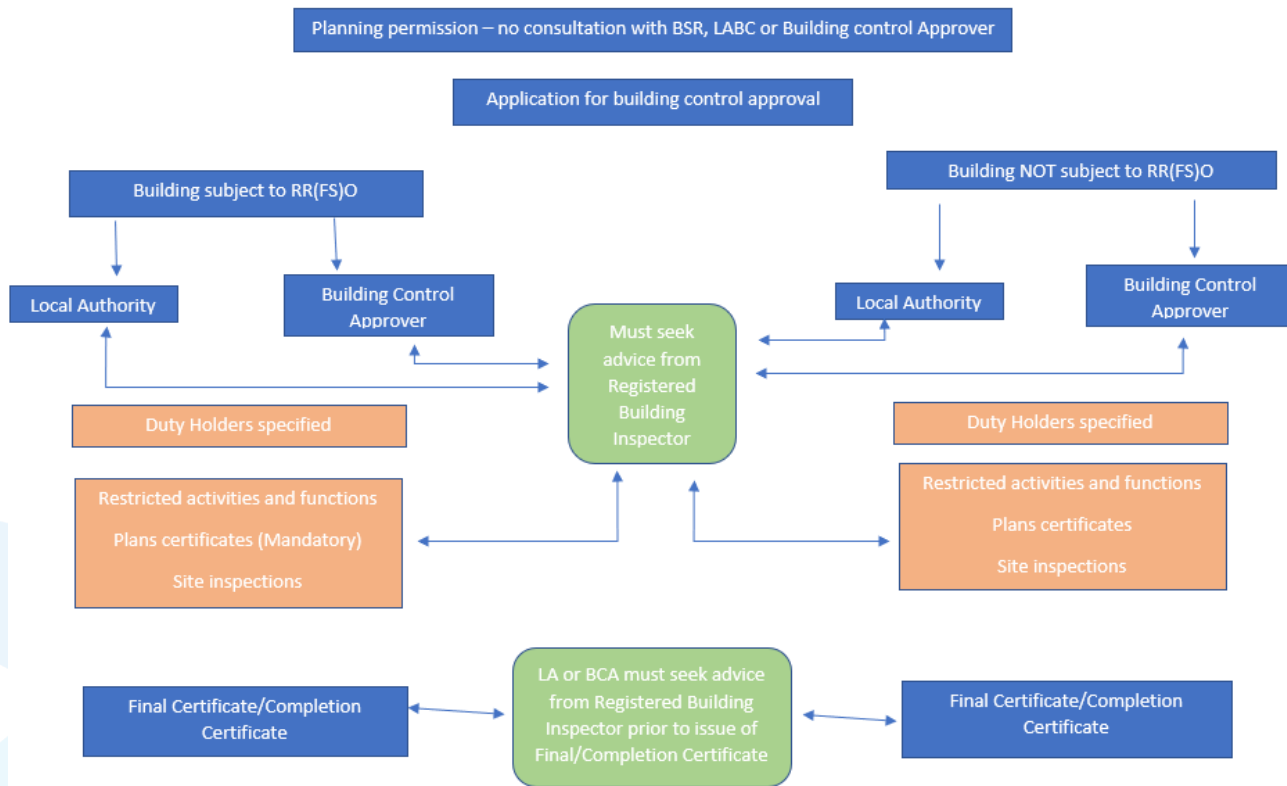
- Managing and updating the golden thread throughout the construction phase;
- Finalising the golden thread and handing it over to the client at building completion;
- Ensuring that the golden thread meets the required standards/principles; and,
- Cooperating, collaborating and sharing information with the Principal Designer as necessary



Design and Construction Non Higher Risk Buildings

DESIGN AND CONSTRUCTION – NON-HIGH RISK BUILDINGS

APPLICATION PROCESS FOR NON-HIGHER RISK BUILDINGS – BUILDING SAFETY BILL



DESIGN AND CONSTRUCTION – DUTY HOLDERS

CLIENT

- Make suitable arrangements to plan manage and monitor a project
- Appoint a Principal Designer and a Principal Contractor
- Provide building information to every designer and contractor ensuring they are aware the projects includes any higher risk building work
- Cooperate and share information with other dutyholders

DESIGNERS

- Not to start design work until satisfied the Client is aware of their duties
- Ensure the design complies with the Building Regulations
- Provide sufficient information to other dutyholders
- Consider other work if only carrying out part of the design
- Provide advice to Principal Designer or Client if the design relates to an HRB

CONTRACTORS

- Not to start works until satisfied the Client is aware of their duties
- Provide each worker under their control with appropriate supervision, instructions and information to ensure the building work complies with the Building Regulations

PRINCIPAL DESIGNER

- Plan, Manage and Monitor design work during the design phase
- Co-ordinate matters relating to the design work to ensure compliance with the Building Regulations
- Ensure all designers co-operate, communicate and co-ordinate their work with the Client, Principal Contractor and other Designers
- Liaise with the Principal Contractor and share information
- Assist the Client to provide information to other designers and contractors

PRINCIPAL CONTRACTOR

- Plan, Manage and Monitor all the building work
- Co-ordinate matters relating to the building work to ensure compliance with the Building Regulations
- Ensure all contractors co-operate, communicate and co-ordinate their work with the Client, Principal Designer and other Contractors
- Liaise with the Principal Designer and share information
- Assist the Client to provide information to other designers and contractors

COMPETENCE REQUIREMENTS OF DUTY HOLDERS

PAS 8671:2022

Built environment – Framework
for competence of individual
Principal Designers – Specification



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PAS 8672:2022

Built environment – Framework for
competence of individual Principal
Contractors – Specification



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EXPECTATIONS OF DUTYHOLDERS



The strategic context for the regulatory framework

Building Safety Regulator

England

April 2023

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Dutyholders

3.5 Dutyholders are those that commission and carry out building works. They are responsible for complying with the Act and Building Regulations made under it.

3.6 Dutyholders are responsible for preventing, managing, and controlling their building risks from design to demolition on any building project.

3.7 Building control should expect dutyholders to proactively demonstrate how their project will comply with Building Regulations. This should include an explanation of how their project meets the functional requirements of the Building Regulations from design into occupation. This should include:

- i) identified risks and their management arrangements
- ii) evidence on which guidance informed design and construction
- iii) evidence on how dutyholders have assessed the appropriateness of the guidance used to demonstrate specific elements of compliance.

3.8 Dutyholders should engage with occupiers, for example for refurbishment works. This will help them check, improve and maintain the standard of their buildings in compliance with the law.

BUILDING CONTROL APPROVAL APPLICATIONS – LOCAL AUTHORITIES

- **Contact Information:** The name, address, telephone number and (if available) an email address of the client, the Principal Designer (or sole or lead designer) and Principal Contractor (or sole contractor) (if known at this stage);
- **Statement:** confirming that the application for building control approval is made under the specified Regulations;
- **Statement:** confirming whether or not the application is in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work;
- **Description of an existing building:** Where the building work consists of work to an existing building, the applicant must include a description of the existing building. This description should include the details of the current use of the building as well as the current use of each storey, the height of the building and the number of storeys.
- **Description of the proposed building work:** The applicant must provide a description of the proposed building work. This should include:
 - The details of the intended use of the building and the intended use of each storey;
 - The height of the building and the number of storeys;
 - The provision to be made for the drainage of the building;
 - Any required precautions to be taken in the building over a drain, sewer or disposal main to comply with applicable building regulations; and
 - The steps to be taken to comply with any local enactment that applies.
- **Plan:** We propose the applicant must provide a plan to a scale of not less than 1:1250. The plan must outline the size and position of the building and its relationship to adjoining boundaries, the boundaries of the curtilage of the building, and the size, position and use of every other building or proposed building within the curtilage of the building. The applicant should also provide such other plans as is necessary to show that the building work would comply with all applicable requirements of the building regulations, including Part B (fire safety) i.e. full plans.

PLANS CERTIFICATES – REGISTERED BUILDING CONTROL APPROVERS

83. The Building Safety Act 2022 introduces powers for government to make changes to the building regulations to:

- Require a plans certificate to be given in prescribed cases;
 - Deal with the consequences of failing to comply with such a requirement; and
 - Allow for the ability to submit a plans certificate subject to further plans being inspected by the registered building control approver at a later date.
- Make plans certificates mandatory for any work – provided it falls under the building regulations – to all non higher risk buildings that fall under the Regulatory Reform (Fire Safety) Order 2005. This includes where the building work results in the building falling under the Order.
 - Allow for cancellation of initial notices where a registered building control approver or public body is carrying out building control on a building subject to the Regulatory Reform (Fire Safety) Order 2005 without a plans certificate. This includes cases where a registered building control approver has not approached the fire and rescue service within a prescribed timescale of the initial notice being submitted.
 - Allow for cancellation of initial notices related to plans certificates submitted subject to further information to follow but this has not happened.
 - Amend the form for plans certificates to include a statement stating the developer has confirmed to the registered building control approver that further plans will be provided for inspection by a specific time before the work relating to those plans is started.

TRANSITIONAL PROVISIONS

12.11 For transitional arrangements to apply to an individual building, developers would need to both:

- Submit an initial notice or deposit full plans by the day the new regime comes into force.
- Commence work in line with the proposed new definition of commencement on the individual building within six months from the day the new regime comes into force.

NEW REGIME PROPOSED TO COME INTO FORCE OCTOBER 2023

Defining commencement of work in relation to new buildings

11.16 We propose that either of the following two definitions for commencing work on new buildings (both higher-risk and non higher-risk) should apply depending on the construction method:

- i. Completion of the sub-structure of a building up to and including the foundations and any basement levels the construction of walls up to damp proof course level, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground floor structure; or
- ii. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure.

In Occupation

IN OCCUPATION – DEFINITION OF HIGHER RISK BUILDING

STATUTORY INSTRUMENTS

2023 No. 275

BUILDING AND BUILDINGS, ENGLAND

The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

Made - - - - *6th March 2023*

Coming into force - - *6th April 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 120A(2) and (3) and 120D(2), (3) and (4) of the Building Act 1984 (“the 1984 Act”)(1), and sections 65(2) and (3) and 168(2) and (3) of the Building Safety Act 2022 (“the 2022 Act”)(2).

In accordance with section 120E(1)(3) of the 1984 Act and section 66(1) of the 2022 Act, the Secretary of State has consulted the Health and Safety Executive(4) and such persons as the Secretary of State considers appropriate.

In accordance with section 120F(2)(5) of the 1984 Act the Secretary of State has asked the Health and Safety Executive for advice under section 120H(1)(6) of that Act and in accordance with section 67(2) of the 2022 Act the Secretary of State has asked the Health and Safety Executive for advice under section 70(1) of that Act.

In accordance with section 120F(3) of the 1984 Act and section 67(3) of the 2022 Act the Secretary of State has carried out a cost-benefit analysis and published it(7).

In accordance with section 120A(7)(b) of the 1984 Act and section 168(6)(b) of the 2022 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

- **Applies to England**

- **18M IN HEIGHT OR AT LEAST 7 STOREYS**
- **CONTAINS AT LEAST 2 RESIDENTIAL UNITS,**

- **Exclusions**

- **CARE HOME**
- **HOSPITAL**
- **SECURE RESIDENTIAL INSTITUTION**
- **HOTEL**
- **MILITARY BARRACKS**

- **Definitions**

- **RESIDENTIAL UNIT – A DWELLING OR ANY OTHER UNIT OF LIVING ACCOMODATION**

REGISTER A HIGH-RISE RESIDENTIAL BUILDING

STATUTORY INSTRUMENTS

2023 No. 315

BUILDING AND BUILDINGS, ENGLAND

The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023

Made - - - - 9th March 2023
Laid before Parliament 14th March 2023
Coming into force - - 6th April 2023

The Secretary of State makes sections 25(1) to (3) and (7), 2 Safety Act 2022(1).

In accordance with section 7(4) the regulator(2) and such other

No consultation by the Secretary of State for these Regulations because the section 7(2) of the Building Safety



Emergency Alerts Test on Sunday 23 April, 3pm

[Home](#) > [Housing, local and community](#) > [Planning and building](#) > [Building regulation](#)

Guidance

Register a high-rise residential building

Use this service to apply to register a high-rise residential building in England.

Before you start

A high-rise residential structure has:

- at least 7 floors or is at least 18 metres in height
- at least 2 residential units

A high-rise residential building can contain one or more high-rise residential structures.

Apply to register 2 or more structures as a single building when they're connected by either:

- a walkway, lobby or basement, that contains a residential unit
- an internal wall containing normal use doors

You must tell us the following information about the building:

- the number of floors at or above ground level
- its height in metres
- the number of residential units
- the year it was originally built
- its address or addresses

If your building is made up of more than one high-rise residential structure, you must tell us that information for each structure.

We'll also ask about the principal accountable person and any other accountable persons.

You must declare that all the information you have told us is correct.

To complete your application, you must pay £251 per building. You need to pay by credit or debit card.



**BUILDING TRUST
FOR A SAFER AND SUSTAINABLE WORLD**

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