

Building Safety Act 2022 update - secondary legislation

03 October 2022

Introduction

We have previously released three articles on the Building Safety Act (the Act), and you can find copies of those articles [here](#).

As we flagged in our second and third articles, whilst the outline of elements of the Act was relatively clear, the detail — such as the duty holder regime and the role of the “accountable person” — was to be set out in secondary legislation. At the time, that was not yet published.

In this article, we look at the progress of that secondary legislation and the timetable for future publications.

Consultations

Since the Act gained royal assent on 28 April 2022, the Department for Levelling Up, Housing and Communities has launched three consultations seeking views from the public on the package of secondary legislation.

Higher Risk Buildings Regulations

On 9 June 2022, the government launched [a consultation on the Higher Risk Buildings \(Descriptions and Supplementary Provisions\) Regulations](#).

These Regulations will complete the definition of a ‘higher-risk building’ for the new safety regime, as well as excluded buildings.

This consultation closed on 21 July 2022, and the government expects to publish a response to its consultation by 13 October before a final version of the regulations are laid before Parliament for consideration by both houses.

Further consultations

On 20 July 2022, the government launched two further consultations on Parts 3 and 4 of the Act, which will both last for 12 weeks, closing on 12 October 2022.

Again, we anticipate that once the consultations close, the government will consider feedback, publish its response within 12 weeks and then lay final versions of the regulations before Parliament for consideration by both houses.

Part 3 of the Building and Safety Act

The first [consultation on part 3 of the Act](#) covers the implementation of the regime for higher-risk buildings and wider changes to regulations for all buildings. Policy proposals include, among other things:

- a series of new robust hard stops to strengthen building control before a building is occupied;
- the process of certifying building works that have been carried out without regulations approval; and
- establishing greater record keeping and management in higher-risk buildings (golden thread).

Part 4 of the Building and Safety Act

The [second consultation](#) comprises the new safety regime for higher-risk buildings once they are occupied.

This includes a proposed series of Gateway points during the design and construction of a higher-risk building, such as registration of all buildings in scope of the regime, as well as certification; management and storage of the golden thread of information; and accountable persons.

Timetable for legislation

By way of wider guidance, the government has previously provided a timetable for the implementation of the Act and accompanying legislation, which you can find [here](#) indicating that the secondary legislation relating to the Act will come into force between October 2022 and April 2023, and for the transition of the main regime to be complete by October 2023.

We will provide further updates regarding these developments as and when they happen. In the meantime, please contact us for advice on how to prepare your business for these changes.

Contact

Tim Claremont

Partner

tim.claremont@brownejacobson.com

+44 (0)20 7871 8507