

# BUILDING SAFETY REGIME

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The guide is regularly reviewed  
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November 2024

# BACKGROUND

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The [Building Safety Act](#), which became law in April 2022, is the foundation of a new building safety regime for the construction sector.

A significant amount of secondary legislation has now been introduced, as shown in this [timeline](#), together with supporting guidance from industry, and there is a major programme of remediation work underway to replace cladding deemed to be unsafe.

Following the fire at Grenfell Tower on 14 June 2017, the [Grenfell Tower Inquiry](#) was created to examine the circumstances leading up to and surrounding the fire, and its [final report](#) was published in September 2024.

Dame Judith Hackitt was also appointed by the Government to undertake an independent review of Building Regulations and fire safety, with a focus on their application to high-rise residential buildings. Her final report, [Building a Safer Future](#), was published in May 2018 and set out the need for a cultural shift in the industry to embed the 'systemic change' introduced by legislation and support the delivery of buildings that are safe.

The CLC published a [progress report](#) in August 2024 setting out the work that has been undertaken across the industry to support regulatory and cultural change.

*“There is insufficient focus on delivering the best quality building possible, in order to ensure that residents are safe, and feel safe.*

*“We need to adopt a very different approach to the regulatory framework covering the design, construction and maintenance of high-rise residential buildings which recognises that they are complex systems where the actions of many different people can compromise the integrity of that system.”*

**Dame Judith Hackitt**  
Chair of the Industry Safety Steering Group

Courtesy of Berkeley Group

## The [Building Safety Act](#) is the foundation of the new building safety regime.

It introduces new requirements through [secondary legislation](#) and reforms existing legislation, with the intention of providing clarity on how buildings should be constructed, maintained and made safe.

The Act applies to **all** buildings and includes additional requirements for Higher-Risk Buildings (HRBs). Transitional arrangements apply to [existing](#) and [new](#) HRBs where an initial notice or full plans were submitted to a local authority before 1 October 2023 and work was sufficiently progressed by 6 April 2024.

This guide sets out how the Act applies in England, although parts of the new regime do also apply in Scotland, Wales and Northern Ireland.

If you have any queries regarding the building safety regime, you can [contact the Building Safety Regulator \(BSR\)](#).

### Higher-Risk Building (HRB) - Definition

- At least 18 metres in height or at least seven storeys, **and**
- Contains at least two residential units or is a hospital or care home.

[Guidance](#) is available to determine if:

- a new building being constructed is an HRB
- an existing building being altered is, or will become, an HRB
- an occupied building is an HRB.

Hotels and secure residential institutions are **not** classed as HRBs.

Buildings referred to as 'High-Rise Residential Buildings' by the BSR must be registered with the BSR prior to occupation. Hospitals and care homes are **not** required to be registered.



Courtesy of Wates Group

## NEW BODIES

### The Act creates three new bodies to provide oversight of the regime

- **Building Safety Regulator** to oversee the safety and standards of all buildings.
- **National Regulator for Construction Products** to oversee and enforce a more effective regulatory regime for construction products.
- **New Homes Ombudsman** to enable owners of new build homes to raise complaints.

## NEW RESPONSIBILITIES

### The Act defines new responsibilities

- **Accountable Persons** have a range of duties in relation to relevant occupied Higher-Risk Buildings to ensure that they are registered, building safety risks are managed, and the concerns of residents are addressed.
- **Building Owners, Landlords and Developers** are required to pay for the remediation of historical safety defects and may need to pay the Building Safety Levy on new residential projects.
- **Dutyholders** are required to manage building safety risks during the design and construction of all buildings.

## NEW SYSTEMS

### The Act introduces new systems

- **Building Control** is now a regulated profession.
- **Competence** is required of all individuals appointed to work on projects, and organisations must demonstrate they have the right organisational capability.
- **Gateways** are 'decision' points at three key stages of a Higher-Risk Building: before planning permission is granted, before building work can begin, and before a building can be occupied.
- **Golden Thread** must be created, stored electronically, and updated throughout the lifecycle of a Higher-Risk Building.
- **Mandatory Occurrence Reporting** to the Building Safety Regulator of fire and structural safety occurrences in Higher-Risk Buildings which could cause a significant risk to life safety.

## EXISTING LEGISLATION

### The Act reforms existing legislation

- **Approved Document B** of the Building Regulations has been updated to improve fire safety in buildings.
- **Architects Act** has been amended to give the Architects Registration Board new powers to monitor and assess the competence of architects throughout their careers.
- **Building Act - Section 38** will be brought into force, allowing a claim for compensation for damage caused by a breach of Building Regulations.
- **Building Liability Orders** have extended the liability for projects undertaken by a company to any associated companies, such as a parent or sister company.
- **Defective Premises Act** has been amended to extend both the liability period in which a claim can be made and its remit to include refurbishment work.
- **Fire Safety Order** has been strengthened to ensure residents receive relevant fire safety information.

## OTHER ACTIVITIES

### Other activities outside the scope of the Act

- **Cladding remediation programmes** provide financial support to remediate or replace unsafe cladding.
- **External Wall System (EWS1) form** is a consistent way of confirming that cladding on a residential building has been assessed by a suitable expert.
- **London Mayor's Building Safety Standards** require a higher standard of safety for new buildings in London.

The Building Safety Act creates three new bodies to provide effective oversight of the new regime.

## BUILDING SAFETY REGULATOR

The Building Safety Act established the [Building Safety Regulator \(BSR\)](#) which is led by the Director of Building Safety at the Health and Safety Executive (HSE).

The objective of the BSR is to secure the safety of people in and around buildings, improve the standard of buildings, and support individuals and organisations with responsibilities to fulfil their duties as set out in its [strategic plan](#).

The BSR [charges fees](#) for the services it provides.

### The Building Safety Regulator has committed to:

- ✓ Exercising its powers in line with regulatory best practice
- ✓ Taking a consistent and proportionate approach to implementing and enforcing the new regulatory framework
- ✓ Targeting [enforcement activity](#) at cases where action is needed
- ✓ Working closely with existing regulators, local authorities, and fire and rescue authorities.



Courtesy of Berkeley Group

## The Building Safety Regulator is leading the implementation and enforcement of the new regulatory framework.

### For Higher-Risk Buildings

- ✓ Ensuring compliance with the three Gateway stages with the power to stop:
  - work from starting
  - work already underway
  - occupation of a completed building
- ✓ Ensuring that the HSE fulfils the role of a statutory consultee for planning applications
- ✓ Fulfilling the role of Building Control Body
- ✓ Ensuring that a 'Golden Thread' of information is provided
- ✓ Maintaining a [register](#) of occupied buildings
- ✓ Reviewing Safety Case Reports
- ✓ Issuing Building Assessment Certificates
- ✓ Setting out the requirements for Mandatory and Voluntary Occurrence Reporting.

### For All Buildings

- ✓ Overseeing the safety and standards of all buildings
- ✓ Taking [enforcement action](#) against building owners, dutyholders and Accountable Persons that do not meet their legal obligations
- ✓ Overseeing Building Control Bodies and their inspectors
- ✓ Maintaining registers of [Building Control Approvers](#) and [Building Inspectors](#)
- ✓ Helping the built environment industry, Building Control Bodies and Building Inspectors to improve their competence.

*“The Building Safety Regulator will be a bold and effective regulator, working closely with stakeholders to create a built environment which has residents’ safety at its heart, where everyone is competent and takes responsibility to ensure buildings are of high quality and safe.*”

*“Implementing the new regime is a joint endeavour between the BSR and industry, and we are very grateful for all the work that Build UK is doing.”*

**Philip White**  
HSE Director of Building Safety

### The Building Safety Regulator maintains three committees:

[Building Advisory Committee](#) to provide advice and support to the Building Safety Regulator on all matters other than competence.

[Industry Competence Committee](#) to provide advice to the Building Safety Regulator and industry on competence-related matters.

[Residents’ Panel](#) made up of Higher-Risk Building residents and representatives to provide input and real-life experience into guidance, documents and research.

## NATIONAL REGULATOR FOR CONSTRUCTION PRODUCTS

The Building Safety Act will establish a stronger regulatory framework for construction products through secondary legislation. The Office for Product Safety and Standards (OPSS), which regulates a wide range of products, has extended its remit to take on responsibility as the **National Regulator for Construction Products**.

The OPSS, together with local Trading Standards, has powers to enter business premises, inspect and test goods and equipment, and examine documents. As the regulator for construction products, the OPSS aims to deliver:

- ✓ safer construction products, better buildings, and improved protection for people and communities
- ✓ confidence and growth in the construction products market through effective regulation and enforcement.

### The National Regulator for Construction Products is expected to:

- ✓ Work with national and local regulators to provide clarity and support to businesses on compliance with the law
- ✓ Provide targeted, proportionate enforcement of the [Construction Products Regulations](#)
- ✓ Oversee improvements in the investigation of concerns and market surveillance of construction products
- ✓ Take action where product risks exist, including removing non-compliant products from the market and prosecution in the most serious cases.

### CE & UKCA Marking

A CE or UKCA mark is required in Great Britain for products and kits (products placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated into the construction works) that have a [Designated Standard](#) (Harmonised European Standard).

### Code for Construction Product Information

The [Code for Construction Product Information \(CCPI\)](#) sets out the information that should be provided by manufacturers to those specifying or installing their products. Manufacturers can pay to have their information verified, and CCPI verification can be requested by clients, designers and contractors.

### Construction Product Testing

[Testing for a Safer Future](#), an Independent Review of the Construction Product Testing Regime led by Paul Morrell OBE, sets out a number of recommendations to strengthen the system for testing and certifying construction products.

The legislation that will establish OPSS as the National Regulator for Construction Products is not yet in place.



## NEW HOMES OMBUDSMAN

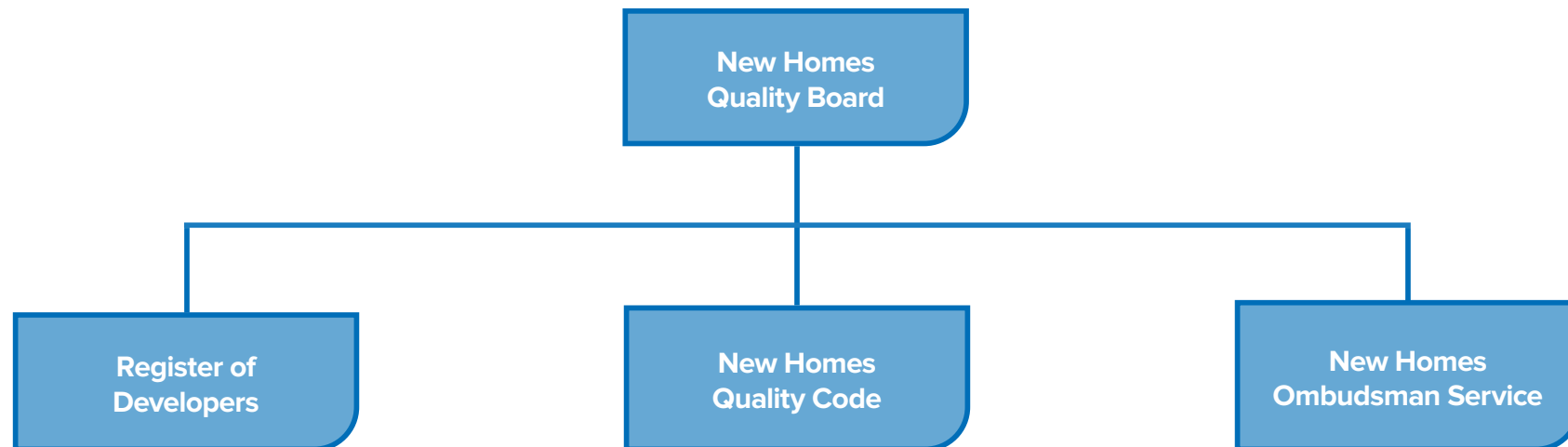
The Building Safety Act requires a New Homes Ombudsman to be established to help owners of new build homes resolve issues with their properties that the developer has been unable or unwilling to fix.

This has resulted in a new framework led by the [New Homes Quality Board](#) to oversee reforms in the build quality of new homes as well as the customer service provided by developers.

It is an independent not-for-profit body which aims to improve developer behaviour, deliver a consistently high standard of quality and service for new build homes, and strengthen redress for customers where this high standard is not met.

### The New Homes Quality Board will:

- ✓ Appoint and oversee the performance of the independent New Homes Ombudsman Service
- ✓ Oversee compliance with the New Homes Quality Code
- ✓ Hold the Register of Developers
- ✓ Collect an annual registration fee from developers to fund the new arrangements
- ✓ Sanction poorly performing developers
- ✓ Report and publish details on industry performance
- ✓ Provide support and information to customers and industry.



## Register of Developers

Housebuilders and developers who build new homes will be expected to register with the New Homes Quality Board.

[Registered Developers](#) agree to follow the New Homes Quality Code and comply with decisions of the New Homes Ombudsman Service and can be removed from the register if they do not meet the required standards.

## New Homes Quality Code

The [New Homes Quality Code](#) establishes ten mandatory requirements which must be complied with by Registered Developers.

## New Homes Ombudsman Service

The [New Homes Ombudsman Service](#) provides a free and independent service to help owners of new build homes resolve issues with their properties during the first two years, which the Registered Developer has been unable or unwilling to fix.

It will impartially assess and adjudicate on issues that have arisen at or after occupation and which are not major defects, as well as complaints around the reservation and legal completion of the property.

This is not yet the statutory body required under the Building Safety Act.



The Building Safety Act and secondary legislation defines new responsibilities for all those who design, build, own or manage Higher-Risk Buildings (HRBs), which are in addition to existing duties under the [Construction \(Design and Management\) Regulations \(CDM\)](#).

## ACCOUNTABLE PERSONS

The new role of [Accountable Person](#) refers to the individual or organisation that owns or has responsibility for a relevant [HRB during occupation](#), as well as any individual or organisation that is responsible for the repair or maintenance of common parts of that building, for example corridors and lobbies.

If there is just one Accountable Person for an HRB, then that individual or organisation is deemed to be the **Principal Accountable Person**. Where there is more than one Accountable Person, the individual or organisation responsible for the structure and exterior of the building will be deemed to be the Principal Accountable Person.

Accountable and Principal Accountable Persons must be identified, along with their contact details and the parts of the building for which they are responsible.

### Duties of Accountable Persons include:

- ✓ Taking all reasonable steps to [prevent the spread of fire and/or structural failure](#) and reduce the impact should an incident occur
- ✓ [Providing information](#) to relevant individuals and organisations.

### Duties of the Principal Accountable Person include:

- ✓ Taking all reasonable steps to [prevent the spread of fire and/or structural failure](#) and reduce the impact should an incident occur
- ✓ Ensuring that occupied High-Rise Residential Buildings are [registered](#) with the Building Safety Regulator (BSR)
- ✓ [Registering all new High-Rise Residential Buildings](#) with the BSR before they are occupied
- ✓ Preparing and maintaining a [Safety Case](#) with the information required to manage the fire and structural safety of a building, and submitting a summary, known as the [Safety Case Report](#), within 28 days of the BSR requesting it
- ✓ Applying for a [Building Assessment Certificate](#) when requested by the BSR
- ✓ Preparing a [Resident Engagement Strategy](#) in accordance with the [Code of Practice for Remediation](#)
- ✓ Establishing and operating an effective Mandatory Occurrence Reporting system.

The legislation that sets out the information that should be included in a Safety Case Report is [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#).

## BUILDING OWNERS, LANDLORDS AND DEVELOPERS

The Building Safety Act makes building owners, landlords and developers responsible for the costs of rectifying historical safety defects, including the removal or remediation of unsafe cladding, on buildings over five storeys or 11 metres in height.

### Developer Remediation Contract

Large developers have signed a [contract](#) with the Government agreeing to remediate life-critical fire safety issues in relation to completed buildings of more than 11 metres in height that they have played a role in designing, constructing or refurbishing since 1992.

They have also agreed to identify and withdraw any of these buildings due to be funded by Government remediation programmes and to reimburse any funding already received for them.

Developers are **not** responsible for defects that have arisen solely as a result of alterations or failure to maintain them following the completion of construction or refurbishment work. They are also not responsible for any 'betterment' beyond what is required to remediate or mitigate life-critical fire safety issues.

Eligible developers are also expected to join the [Responsible Actors Scheme](#). Those that do not join the scheme or have their membership revoked will be [prohibited](#) from carrying out major development and securing Building Control Approval and may be subject to [enforcement action](#) if they undertake prohibited development.

### The Building Safety Levy

The [Building Safety Levy](#) is expected to be paid by developers and charged on the majority of new residential buildings requiring Building Control Approval in order to support remediation works. It will be in addition to any [planning obligations](#), for example Section 106 agreements, and the [Community Infrastructure Levy](#).

The Building Safety Levy is intended to apply to developments of 10 units or more, be charged on a square metre basis with different geographic rates based on local authority boundaries, and become part of the building control process.

### Remediation Orders

'Interested persons', which include local authorities, fire and rescue services, the BSR, the Secretary of State for Housing, Communities and Local Government, and any person with a legal interest in relevant residential buildings over 11 metres or five storeys, can apply for a [remediation order](#) to compel landlords to remedy relevant defects by a specified time.

The Government has confirmed the basis of the [Building Safety Levy](#) but the legislation is not yet in place.

## DUTYHOLDERS

The Building Safety Act introduces [new duties](#) on individuals and organisations that commission, design, construct or refurbish buildings to ensure that they comply with Building Regulations.

Whereas dutyholders under CDM are responsible for ensuring that construction projects are safe to build, use and maintain, dutyholders under the Building Safety Act are responsible for ensuring that completed buildings are safe to occupy. This means the dutyholder roles may be undertaken by different individuals and organisations.

All dutyholders must be competent to undertake their roles. Individuals must demonstrate the appropriate skills, knowledge, experience and behaviours, and organisations must demonstrate organisational capability.

Dutyholders are required to work together to plan, manage, co-ordinate and monitor the design, construction and any refurbishment work. If there is a [change in dutyholder](#), the Building Control Body for the building must be notified.

<b>Client</b>	Commissions the building work
<b>Principal Designer</b>	In control of the design work
<b>Designer</b>	Carries out design work
<b>Principal Contractor</b>	In control of the construction and refurbishment work
<b>Contractor</b>	Carries out construction and refurbishment work



Courtesy of Bouygues UK

The legislation that sets out the responsibilities of dutyholders under the Building Safety Act is [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#).

The Building Safety Act introduces new systems to improve levels of competence, raise standards of building safety, and ensure a more consistent approach across the industry.

## BUILDING CONTROL

Building control is the system whereby an approved Building Control Body verifies that construction work complies with Building Regulations and issues a completion certificate.

For a **Higher-Risk Building (HRB)**, the Building Safety Regulator (BSR) is the [Building Control Body](#), unless the HRB met the requirements of the transitional arrangements which ended on 6 April 2024. There is detailed guidance on the [building control process for HRBs](#), which has been supplemented by a [question and answer sheet](#). The online [application process](#) also has guidance on submitting and managing applications and there is a series of FAQs on a dedicated [microsite](#).

For all **other buildings**, the Building Control Body can be either a Local Authority Building Control department or a Building Control Approver (a private company providing Building Inspectors).

All Building Control Approvers and Building Inspectors must be registered with the BSR.

There are four classes of [Registered Building Inspector \(RBI\)](#) and Building Inspectors must complete a competence assessment and register for the appropriate class based on the types of buildings they are competent to work on.

Work carried out by a Competent Person registered with a [Competent Person Scheme](#) does **not** need to be approved by a Building Control Body.

### The new building control framework includes:

- ✓ [Operational Standards Rules](#) for Building Control Bodies
- ✓ A [register](#) of Building Control Approvers
- ✓ [Professional Conduct Rules](#) for Registered Building Control Approvers (RBCAs)
- ✓ A [register](#) of Building Inspectors
- ✓ A [competence framework](#) against which Building Inspectors will be assessed
- ✓ [Code of Conduct](#) for Registered Building Inspectors (RBIs).

### The legislation that sets out the new building control system is:

- [The Building \(Higher-Risk Building Procedures\) \(England\) Regulations 2023](#)
- [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#)
- [The Building Act 1984 \(Commencement No. 3\) \(England\) Order 2023](#)
- [The Building \(Restricted Activities and Functions\) \(England\) Regulations 2023](#)
- [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024](#)

## COMPETENCE

The Building Safety Act defines competence as having the **appropriate skills, knowledge, experience and behaviours** and requires all individuals carrying out design, construction and refurbishment work to be competent for their roles.

Organisations must also demonstrate that they have the **organisational capability** to fulfil their roles, including appropriate management policies, procedures, systems and resources.

There is a legal duty on anyone that appoints an individual or organisation to ensure that they meet these requirements.

### Organisational Capability

The [Common Assessment Standard](#) is an established third-party certification scheme, developed by Build UK and recognised by Government in [PPN 03/24](#), which can be used to ensure businesses in the construction supply chain have the organisational capability to fulfil their roles.

There are two levels of certification - desktop and site-based - and companies apply to a Recognised Assessment Body for the level that is most appropriate for their business based on a range of factors including trade, size and the requirements of their clients.

### Occupational Competence

The [Industry Competence Steering Committee](#) oversees 12 Working Groups set up to determine the specific competence requirements for the various occupations in the industry, including designers, managers, supervisors and installers.

Cards carrying the CSCS logo provide evidence of an individual's occupation and qualifications. All cards should now be checked using [CSCS Smart Check](#) which will also identify any expired or fraudulent cards.

Courtesy of Sharpfibre

## GATEWAYS

The Building Safety Act introduces a series of ‘decision’ points, known as **Gateways**, for HRBs.

The three Gateways are to ensure that building safety issues have been properly considered at key stages of a project, and they require either consultation with the Health and Safety Executive (HSE) or approval from the BSR.

- ✓ **Gateway One** - Before planning permission is granted
- ✓ **Gateway Two** - Before building work can begin
- ✓ **Gateway Three** - Before a building can be occupied

### Gateway One

[Planning Gateway One](#) requires clients and designers to consider the fire safety needs of a project - including site layout, safe escape routes, materials, and safe access for firefighters - at the early design and planning stage and before obtaining planning permission. Hospitals and care homes are **excluded** from the requirements of Gateway One.

The HSE is a statutory consultee for HRB [planning applications](#) and will provide advice to the Local Authority on fire safety matters within applications prior to planning permission being granted. Clients may be asked to review their application following feedback from the HSE.

The HSE is able to provide [advice](#) on fire safety matters before a planning application is submitted.





## Gateway Two

Gateway Two is a 'stop/go' decision point when the BSR must be satisfied that the building complies with all relevant Building Regulations, there are arrangements in place to ensure its safe construction, and it is suitable for its intended occupation.

[Building Control Approval](#) must be obtained from the BSR before construction can begin, though a building may go through Gateway Two for the whole project or in stages.

Construction can only take place on parts of the building with Building Control Approval.

Changes to existing plans or the agreed building strategy must be recorded in a [Change Control Log](#) and classed as follows:

- ✓ a **major change** which requires an application to the BSR and approval before work commences
- ✓ a **notifiable change** where work can begin once the BSR has been notified
- ✓ a **recordable change** which is neither a major change nor a notifiable change.

The BSR will take enforcement action if construction of any part of a HRB takes place without the required Building Control Approval.



The legislation that implements Gateway Two is [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023](#).

### Gateway Three

Gateway Three is a ‘stop/go’ decision point when building work is completed. The BSR must be satisfied that the building complies with all relevant Building Regulations and is safe to occupy. A [completion certificate](#) must be obtained for the building, and enforcement action may be taken if any part of a building does not comply with Building Regulations or is occupied without a completion certificate. The offence of occupying part of a building without a completion certificate does **not** apply to [hospitals and care homes](#).

High-Rise Residential Buildings must be [registered](#) with the BSR before occupation, and enforcement action may be taken if any part of a building is occupied without being registered.

### Safety-Critical Elements

[Safety-Critical Elements](#) of a building should be subject to an appropriate inspection and testing regime during installation and the details recorded in the Golden Thread.

For an element to be designated ‘safety-critical’, there must be an unacceptable risk of serious or fatal injury if it were to fail, be installed incorrectly or be omitted.



The legislation that implements Gateway Three is [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023](#) and [The Higher-Risk Buildings \(Keeping and Provision of Information etc.\) \(England\) Regulations 2024](#).

## GOLDEN THREAD

The Building Safety Act introduces the requirement for a '[Golden Thread](#)' of information for all HRBs to provide an accurate and up to date record of their design, construction and occupation in an accessible electronic format.

The Golden Thread is created by the Client with the objective of ensuring that there is a 'single source of truth' of what has been built, enabling those responsible for HRBs to manage, operate and maintain them safely.

### Golden Thread Overview

Build UK has produced an [overview of the Golden Thread](#), which explains who is responsible for creating the Golden Thread for different types of HRBs, the information and documents that must be included, and how it will be used.

## MANDATORY OCCURRENCE REPORTING

The Building Safety Act introduces [Mandatory Occurrence Reporting \(MOR\)](#) for HRBs in scope of the new regime. Mandatory Occurrences are incidents and risks that must be notified and reported to the BSR, during the construction and occupation phases of an HRB, that have caused, or if not remedied are likely to cause, the death or serious injury of a significant number of people and involve structural failure and/or the spread of fire or smoke in the building. Dutyholders must establish and operate a MOR system and failure to do so is an offence.

**Voluntary Occurrence Reporting** will also be required for all buildings although further information is not yet available.

### MOR Overview

Build UK has produced an overview of MOR, including a template MOR system for use during the construction of HRBs, which is available to members to help ensure a consistent approach.

### CROSS-UK

Collaborative Reporting for Safer Structures UK ([CROSS-UK](#)) is a voluntary confidential system for reporting fire and structural safety issues relating to buildings and other structures in the UK.

The legislation that sets out the requirements for the Golden Thread and Mandatory Occurrence Reporting is [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023](#). Additional requirements for the Golden Thread are set out in:

- [The Higher-Risk Buildings \(Management of Safety Risks etc\) \(England\) Regulations 2023](#)
- [The Higher-Risk Buildings \(Keeping and Provision of Information etc.\) \(England\) Regulations 2024](#)
- [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#).

The Building Safety Act amends a range of existing legislation and supporting guidance, including extending liabilities under the Defective Premises Act.

## APPROVED DOCUMENT B

The Secretary of State has approved a series of documents that give practical guidance on how to meet the requirements of the [Building Regulations](#). When changes are made to the Building Regulations or new guidance is issued, a separate amendment is published which should be read in conjunction with the original Approved Document. Periodically the Approved Document is updated to incorporate the amendments.

[Approved Document B \(Fire Safety\)](#) provides guidance in relation to fire safety, including means of escape, fire spread, structural fire protection and fire service access. It currently consists of the following:

- ✓ [Amendments to Approved Document B](#) – September 2024
- ✓ [Amendments to Approved Document B](#) – March 2024
- ✓ [Volume 1: Dwellings](#) – 2019 edition incorporating 2020 and 2022 amendments
- ✓ [Volume 2: Buildings other than Dwellings](#) – 2019 edition incorporating 2020 and 2022 amendments.

### Recent amendments to Approved Document B include:

- A ban on the [use of combustible materials](#) in and on external walls of all new buildings with a storey at least 18 metres above ground level, which either contained one or more dwellings or were hospitals, residential care homes, student accommodation and dormitory buildings for boarding schools (December 2018).
- An [extension](#) to the ban on the use of combustible materials in and on external walls of hotels, hostels and boarding houses at least 18 metres above ground level, along with an amendment to the list of combustible materials covered by the ban (December 2022).
- Limits on the combustibility of materials used in and on external walls of residential buildings between 11 – 18 metres (December 2022).
- Guidance on [second staircases](#) in new residential buildings above 18 metres (March 2024) with transitional arrangements:
  - Until 30 September 2026, new Building Regulations applications can meet either the new **or** the previous guidance.
  - After 30 September 2026, any applications following the previous guidance where building work has started prior to that date will have 18 months to sufficiently progress.
- The [requirement](#) for sprinklers to be installed in all new care homes from 2 March 2025 and the withdrawal of the National Classes fire testing standards in favour of the European standard (September 2024).

## ARCHITECTS ACT

The **Architects Act** has been amended to give the [Architects Registration Board](#) new powers to monitor and assess the competence of architects throughout their careers.

Its Professional Conduct Committee has the power to issue a reprimand, impose a fine, and suspend or remove architects from the Register of Architects. To improve transparency, disciplinary orders will also now be shown on the Register.

### Architects Registration Board

The title of architect is legally restricted, and the Architects Registration Board is an independent professional regulator, established by Parliament as a statutory body.

Only those individuals that have obtained the approved architecture qualifications and are deemed competent by the Architects Registration Board are allowed to join the Register of Architects and practice the profession.

## BUILDING ACT

The Building Safety Act will bring [Section 38 of the Building Act](#) into force, allowing a claim for compensation to be brought for 'damage', including damage to a property or injury to a person, caused by a breach of Building Regulations.

It will apply to work undertaken on any building **after 28 June 2022** and a claim for compensation can be made by the individual who has suffered injury or damage (for example someone living in a flat who develops a respiratory condition due to damp or damage caused by a fire in the property) against those whose breach of Building Regulations was responsible for the damage.

## BUILDING LIABILITY ORDERS

The Building Safety Act grants powers to the High Court to make a [Building Liability Order](#), which extends a company's liability under the **Building Act** or the **Defective Premises Act**, or as a result of a **building safety risk** (a risk to the safety of people in or about the building arising from the spread of fire or structural failure).

In the event of a claim, it makes associated companies - such as the parent, a sister company and/or original developer - jointly and severally liable, even where the company that carried out the work has since been dissolved.



Courtesy of Skanska UK

## DEFECTIVE PREMISES ACT

The [Defective Premises Act](#) applies to **all** dwellings - not just those in Higher-Risk Buildings - and requires those involved in constructing the dwelling to ensure that it is 'fit for habitation' when the work is completed. The Building Safety Act has amended the liability period and scope of the Defective Premises Act as follows:

1. For dwellings constructed **before** 28 June 2022, claims for compensation can be made within 30 years of the work being completed, rather than six.
2. For dwellings constructed **after** 28 June 2022, claims for compensation can be made
  - within 15 years of the work being completed
  - for all work on an existing dwelling, including refurbishment.

Documents related to buildings should be retained for at least the relevant liability period and this may require a review of current policies to align with the new requirements. Further information can be found in Build UK's guidance on [PI Insurance for Construction](#).

## FIRE SAFETY ORDER

The Building Safety Act has strengthened the [Regulatory Reform \(Fire Safety\) Order](#), which applies to the non-domestic parts of buildings of any height containing two or more domestic premises, and enabled the introduction of new [Fire Safety Regulations](#) which will be **enforced** by the relevant Enforcing Authority (EA).

A [Responsible Person](#) must carry out, or appoint a competent person to carry out, an assessment of the fire risks to people on the premises or within the vicinity and review it regularly. The Fire Risk Assessment must now be recorded in writing and provided to residents.

For Higher-Risk Buildings, the Responsible Person must co-operate with the Accountable Person to enable them to carry out their duties.

### Fit for Habitation - Definition

In order for a dwelling to be fit for habitation, it must be capable of occupation for a reasonable time:

- without risk to the health or safety of the occupants; and
- without undue inconvenience or discomfort to the occupants.

It is for a court to decide on the facts of whether a dwelling was fit for habitation at the time the work was completed, and the claimant will need to prove that the dwelling was not fit for habitation as a result of the work that was done. A dwelling can be found to be not fit for habitation even if the defect which has made it so was **not** evident at the time of completion.

It is also not a valid defence in a case brought under the Defective Premises Act to have followed established practice at the time.

### Recovery Strategy Unit

The Government has set up a [Recovery Strategy Unit](#) to identify and take action, including through the courts, against developers and building owners who do not deal with identified safety defects within a reasonable timescale.

### Fire Risk Assessment

- ✓ Identifies any areas where a fire might start
- ✓ Includes recommendations to reduce the likelihood of a fire starting
- ✓ Identifies fire safety measures required
- ✓ Sets out how to keep people safe in the event of a fire

There are a number of new requirements and programmes relating to building safety that are outside the scope of the Building Safety Act but should be considered as part of the new building safety regime.

## CLADDING REMEDIATION PROGRAMMES

The [Building Remediation Hub](#) covers:

- [Building Safety Fund](#) which pays for the removal and replacement of unsafe non-aluminium composite material (ACM) cladding systems on residential buildings 18 metres and over in height in London in both the private and social housing sectors.
- [Cladding Safety Scheme](#) which pays for the removal and replacement of unsafe cladding systems on residential buildings over 11 metres (11 - 18 metres in London).

[Private Sector ACM Cladding Remediation Fund](#) pays for the removal and replacement of unsafe ACM cladding systems on residential buildings 18 metres and over in height in the private sector.

[Social Sector ACM Cladding Remediation Fund](#) pays for the removal and replacement of unsafe ACM cladding systems on residential buildings 18 metres and over in height owned by housing associations and local authorities.

*All these programmes apply in England only.*



Courtesy of The Insulated Render and Cladding Association (INCA)

## EXTERNAL WALL SYSTEM (EWS1) FORM

An **EWS1 form** is completed by a specialist fire engineer to provide information to mortgage lenders on the type of cladding on a residential building.

The Royal Institution of Chartered Surveyors (RICS) provides [guidance](#) on when an EWS1 form is required as it depends on the type of building and the presence of cladding.

It includes an assessment, and the building is given one of the following ratings:

- **Option A** - External wall materials are unlikely to support combustion
- **Option B** - Combustible materials are present in an external wall with sub-options of:
  - **B1** - fire risk is sufficiently low that no remedial works are required, or
  - **B2** - fire risk is high enough that remedial works are required.

To ensure a proportionate approach, the assessment should be carried out in accordance with [PAS 9980](#), which provides recommendations and guidance on assessing the risk of fire spread and whether any mitigating measures are necessary.

## LONDON MAYOR'S BUILDING SAFETY STANDARDS

The Mayor of London has introduced his own [Building Safety Standards](#), which require a higher standard of fire safety for new buildings in London as follows:

1. Certain types of buildings must include Automatic Fire Suppression Systems.
2. All new external walls of all buildings (of any height) should contain only materials of Class A2-s1, d0 or Class A1, in accordance with BS EN 13501-1:2007+A1:2009.
3. All new, and conversions of existing, buildings must include water supplies for firefighting in accordance with Water UK's [national guidance document](#).
4. Developers must register any in-built electrical products, including white goods, and encourage residents to register any white goods of their own.
5. Product registration, product recalls and electrical safety information should be included in the residents' manual for all new homes.

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