



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Miscellaneous and general

54 Functions under Part 3 of Building Act 1984

In the Building Act 1984 after section 90 insert—

“90A Functions under this Part: the regulator etc

- (1) The Secretary of State may by regulations provide that in specified cases, a specified function under this Part of local authorities in England is to be a function of the regulator instead of, or in addition to, the local authority in question.
- (2) The Secretary of State may by regulations provide that in specified cases, a relevant authority proposing to exercise a specified function under this Part must notify a specified relevant authority of specified matters.
- (3) The notification must be made in the specified way and by the specified time.
- (4) In this section—

“relevant authority” means the regulator or a local authority for an area in England;

“specified” means specified by regulations under this section.”

Commencement Information

- I1** S. 54 not in force at Royal Assent, see [s. 170\(4\)\(c\)](#)
I2 S. 54 in force at 1.10.2023 by [S.I. 2023/993](#), [reg. 2\(m\)](#)

Status: This version of this cross heading contains provisions that are prospective.

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

55 Minor and consequential amendments

Schedule 5 contains—

- (a) minor amendments of the Building Act 1984, and
- (b) amendments consequential on provision made by [this Part](#).

Commencement Information

- I3** S. 55 not in force at Royal Assent, see [s. 170\(4\)\(a\)\(iv\)\(v\)\(b\)\(viii\)\(c\)](#)
- I4** S. 55 in force at 28.6.2022 for specified purposes for E. by [S.I. 2022/561](#), [regs. 1\(2\)](#), 3(f)
- I5** S. 55 in force at 9.12.2022 for specified purposes for W. by [S.I. 2022/1287](#), [reg. 2\(b\)](#)
- I6** S. 55 in force at 1.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 2\(1\)\(f\)](#)
- I7** S. 55 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(w\)](#)
- I8** S. 55 in force at 1.10.2023 for specified purposes except in relation to W by [S.I. 2023/993](#), [reg. 2\(n\)](#)
- I9** S. 55 in force at 6.4.2024 for specified purposes except in relation to W. by [S.I. 2024/104](#), [reg. 2\(j\)](#)
(with [reg. 3](#))

56 Appeals

Schedule 6 makes provision about appeals under the Building Act 1984, including provision providing for—

- (a) certain appeals to be made to the regulator instead of the Secretary of State,
- (b) certain appeals relating to buildings in England to be made to the tribunal instead of a magistrates' court, and
- (c) a right of appeal against a decision of a local authority not to consider certain applications or notices on the ground that they are in respect of higher-risk building work.

Commencement Information

- I10** S. 56 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(ix\)\(c\)](#)
- I11** S. 56 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(x\)](#)
- I12** S. 56 in force at 5.9.2023 for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(xiv\)](#)
- I13** S. 56 in force at 1.10.2023 in so far as not already in force except in relation to W. by [S.I. 2023/993](#), [reg. 2\(o\)](#)

57 Fees and charges

In the Building Act 1984 after [section 105A](#) (inserted by [paragraph 29](#) of [Schedule 6](#)) insert—

“Fees, charges and levies

105B Fees and charges

- (1) The appropriate national authority may by regulations make provision authorising a relevant authority—
 - (a) to charge fees, and
 - (b) to recover charges,

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for or in connection with the performance of any of its functions under, or under an instrument made under, this Act.

- (2) The regulations may—
- (a) prescribe a fee or charge, or
 - (b) provide for the amount of any fee or charge to be determined by the relevant authority in accordance with the regulations;
- and may make provision about the effect of failing to pay a fee or charge in accordance with the regulations.
- (3) The regulations may in particular—
- (a) provide that the amount of any charge is to be determined by the relevant authority in accordance with a scheme made and published by it, and
 - (b) make provision about such schemes, including the principles to be embodied in such schemes.
- (4) In this section “relevant authority” means—
- (a) in relation to England, the regulator or a local authority for an area in England;
 - (b) in relation to Wales, the Welsh Ministers or a local authority for an area in Wales.”

Commencement Information

- I14** S. 57 not in force at Royal Assent, see **s. 170(4)(b)(x)(c)**
I15 S. 57 in force at 28.6.2022 for E. by S.I. 2022/561, **regs. 1(2), 3(g)**
I16 S. 57 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(xvi)**

58 Levy on applications for building control approval etc

In the Building Act 1984 after [section 105B](#) (inserted by section 57) insert—

“105C Levy on certain applications for building control approval etc

- (1) The Secretary of State may by regulations make provision for and in connection with the imposition, in respect of relevant applications or notices or specified descriptions of relevant applications or notices, of a levy for the purpose of meeting any building safety expenditure.
- (2) The levy is payable to the Secretary of State or a person designated by the Secretary of State.
- (3) The regulations may in particular make provision about—
- (a) the amount of the levy;
 - (b) the person by whom it must be paid;
 - (c) when the levy must be paid;
 - (d) the provision of information or documents to, or by, the Secretary of State or designated person;
 - (e) the consequences of a failure to pay the levy in accordance with the regulations;

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- (f) the determination of disputes (including provision conferring a right to appeal to the tribunal and provision about appeals).
- (4) The different provision that may be made by the regulations by virtue of section 120A(2)(b) includes in particular different provision in relation to—
 - (a) persons who are eligible to be members of a building industry scheme and are not members of that scheme, and
 - (b) other persons.
- (5) The regulations may contain exemptions, for specified descriptions of person.
- (6) The regulations may provide that, unless the building control authority is given a notification under subsection (7) in relation to a relevant application or notice (or a relevant application or notice of a specified description), the authority—
 - (a) may not take a specified step in relation to the application or notice (for example, may not grant an application, accept a notice or give a specified certificate in relation to works connected with the application or notice), or
 - (b) must take a specified step in relation to the application or notice (for example, must reject a notice).
- (7) A notification under this section is a notification given by the Secretary of State or designated person—
 - (a) that the levy payable in respect of the application or notice has been paid, or
 - (b) that no levy is payable in respect of the application or notice.
- (8) The regulations must provide for any amount received by a designated person by way of a levy to be paid to the Secretary of State, subject to retention of an amount, determined by or in accordance with the regulations, in respect of the costs of administering the levy.
- (9) A designation under this section must be published in such way as the Secretary of State considers appropriate.
- (10) In this section “relevant application or notice” means—
 - (a) an application for building control approval,
 - (b) an initial notice,
 - (c) an amendment notice, or
 - (d) a public body’s notice,
 relating to a relevant building or proposed relevant building (including any such application or notice relating to work that causes a building to become a relevant building or causes a relevant building to cease to be such a building).
- (11) In this section—
 - “amendment notice, “initial notice” and “public body’s notice” have the same meaning as in Part 2 (see section 58);
 - “building industry scheme” means a scheme established under section 126 of the Building Safety Act 2022;
 - “building safety expenditure” means expenditure incurred by the Secretary of State (whether before or after the passing of this Act) in providing financial assistance to persons (whether by way of grant,

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loan or otherwise) for the purposes of enabling them to improve the safety of persons in or about buildings in England;

“relevant building” means a building in England consisting of or containing—

- (a) one or more dwellings, or
- (b) other accommodation,

(and “accommodation” here includes temporary accommodation, for example in a hotel or hospital);

“specified” means specified in the regulations.”

Commencement Information

I17 S. 58 not in force at Royal Assent, see [s. 170\(4\)\(c\)](#)

I18 S. 58 in force at 6.4.2024 except in relation to W. by [S.I. 2024/104](#), [reg. 2\(k\)](#) (with [reg. 3](#))

PROSPECTIVE

59 Crown application

In Part 5 of the Building Act 1984 before section 132 insert—

“131A Crown application

- (1) The following provisions bind the Crown—
 - (a) Part 1 except sections 35B to 37, 39A and 40;
 - (b) Part 2;
 - (c) Part 2A except sections 58I to 58K, 58U, 58V and 58Z4 to 58Z6;
 - (d) Part 4 so far as it relates to a provision within any of the preceding paragraphs.
- (2) No contravention by the Crown of a provision within subsection (1)(a) to (d) makes the Crown criminally liable.
- (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.
- (4) Subsection (5) applies where—
 - (a) a contravention of a provision within subsection (1)(a) or (b), or of Part 4 so far as it relates to such a provision, occurs in relation to a building or proposed building for which a local authority is the building control authority, or
 - (b) a contravention of a provision within subsection (1)(c), or of Part 4 so far as it relates to such a provision, occurs in relation to Wales, and the Crown would, but for subsection (2), be criminally liable under this Act in respect of the contravention.
- (5) The High Court may, on the application of—
 - (a) the local authority (in a case within subsection (4)(a)), or
 - (b) the Welsh Ministers (in a case within subsection (4)(b)),

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declare unlawful the act or omission constituting the contravention.

- (6) In this section a reference to a provision includes any instrument made under it.
- (7) For the application to the Crown of Part 3, and Part 4 so far as it relates to that Part, see section 87.”

Commencement Information

I19 S. 59 not in force at Royal Assent, see [s. 170\(4\)\(c\)](#)

PROSPECTIVE

60 Application to Parliament

- (1) The Building Act 1984 is amended as follows.
- (2) In section 95 (power to enter premises) after subsection (4) insert—
- “(5) This section does not apply in relation to the Parliamentary Estate (as defined by section 131B).”
- (3) After section 131A (inserted by section 59) insert—

“131B Parts 1 and 2 etc: application to Parliament

- (1) In their application in relation to the Parliamentary Estate, Parts 1 and 2, and Part 4 so far as it relates to those Parts, have effect with the following modifications—
- (a) sections 35B to 37, 39A and 40 (enforcement etc) do not apply;
 - (b) any reference to the owner or occupier of a building or of any premises is to be read as a reference to—
 - (i) the Corporate Officer of the House of Lords,
 - (ii) the Corporate Officer of the House of Commons, or (as the case may be)
 - (iii) the Corporate Officers acting jointly.
- (2) In the following provisions—
- “Corporate Officer” means—
- (a) the Corporate Officer of the House of Lords,
 - (b) the Corporate Officer of the House of Commons, or
 - (c) the Corporate Officers acting jointly;
- “relevant provision” means—
- (a) any provision of, or of an instrument made under, Part 1 or 2, or
 - (b) any provision of Part 4 or of an instrument made under Part 4, so far as the provision relates to Part 1 or 2.
- (3) No contravention by a Corporate Officer of a relevant provision makes the Corporate Officer criminally liable.

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- (4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).
- (5) Where a contravention of a relevant provision occurs which, but for subsection (3), would result in a Corporate Officer being criminally liable, the High Court may, on the application of the local authority, declare unlawful the act or omission constituting the contravention.
- (6) In this section “the Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.”

Commencement Information

I20 S. 60 not in force at Royal Assent, see [s. 170\(4\)\(c\)](#)

Status:

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Changes to legislation:

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