

2022 No. 561 (C. 28)

BUILDING AND BUILDINGS

**The Building Safety Act 2022 (Commencement No. 1,
Transitional and Saving Provisions) Regulations 2022**

Made - - - -

19th May 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 170(2)(b), (4)(c), (5) and (6) of the Building Safety Act 2022(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Building Safety Act 2022 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2022.

(2) In these Regulations—

“the 1984 Act” means the Building Act 1984(b); and

“the 2022 Act” means the Building Safety Act 2022.

Provision coming into force on 28th May 2022

2. Section 132 of the 2022 Act (order for information in connection with building liability order) comes into force, for the purposes of making regulations, on 28th May 2022.

Provisions coming into force on 28th June 2022

3. The following provisions of the 2022 Act come into force on 28th June 2022—

- (a) section 2(2) and Schedule 1 (amendments of the Health and Safety at Work etc Act 1974(c));
- (b) section 3 (the regulator: objectives and regulatory principles);
- (c) sections 17 and 18 (strategic plan);
- (d) section 31, so far as it relates to sections 120D to 120H of the 1984 Act (higher-risk buildings: England);
- (e) section 41 (revocation etc of certain provision made under section 2(2) of the European Communities Act 1972(d)), in relation to England only;
- (f) section 55, so far as it relates to the paragraphs of Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act) specified in the Schedule to these Regulations, in relation to England only;
- (g) section 57 (fees and charges), in relation to England only;

(a) 2022 c. 30.
(b) 1984 c. 55.
(c) 1974 c. 37.
(d) 1972 c. 68.

- (h) sections 130 and 131 (building liability orders); and
- (i) section 132 (order for information in connection with building liability order), for all remaining purposes.

Provision coming into force on 28th July 2022

4. Section 48 of the 2022 Act (insurance: removal of requirements) comes into force on 28th July 2022, in relation to England only.

Provision coming into force on 1st October 2022

5. Section 160 of the 2022 Act (housing complaints made to a housing ombudsman) comes into force on 1st October 2022.

Transitional provision

6. For the purposes of the first strategic plan prepared under section 17 of the 2022 Act, and any revision to that plan under section 18 of the 2022 Act, the term “building functions” in section 17(2) is to be read as including any function which the regulator is satisfied is likely to become a building function during the period to which the plan relates.

Saving provisions

7.—(1) Notwithstanding the repeal of paragraphs 5 and 9 of Schedule 1 to the 1984 Act by paragraphs 83(3) and (7) of Schedule 5 to the 2022 Act, any provisions of the following regulations (as in force immediately before the coming into force of the repeal) made under paragraphs 5 or 9 of Schedule 1 to the 1984 Act continue in force and have effect as if made under section 105B of the 1984 Act and may be varied or revoked accordingly—

- (a) the Building (Inner London) Regulations 1985(a);
- (b) the Building (Inner London) Regulations 1987(b);
- (c) the Building (Local Authority Charges) Regulations 2010(c);
- (d) the Building Regulations 2010(d); and
- (e) the Building (Approved Inspectors etc.) Regulations 2010(e).

(2) Notwithstanding the repeal of section 106(3) of the 1984 Act by paragraph 67 of Schedule 5 to the 2022 Act, section 106(3) continues to have effect in any case where an application under that provision has been made to a magistrates’ court before the coming into force of the repeal.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Stuart Andrew
Minister of State

19th May 2022

Department of Levelling Up, Housing and Communities

(a) S.I. 1985/1936.
(b) S.I. 1987/798.
(c) S.I. 2010/404.
(d) S.I. 2010/2214.
(e) S.I. 2010/2215.

SCHEDULE

Regulation 3(f)

Paragraphs of Schedule 5 to the 2022 Act coming into force in relation to England on 28th June 2022

1. Paragraph 1, so far as it relates to the following paragraphs.
2. Paragraph 2.
3. Paragraph 3.
4. Paragraph 4(1), so far as it relates to paragraph 4(2).
5. Paragraph 4(2).
6. Paragraph 5(1), so far as it relates to paragraph 5(2).
7. Paragraph 5(2).
8. Paragraph 6.
9. Paragraph 9.
10. Paragraph 10.
11. Paragraph 11(1), so far as it relates to paragraphs 11(2) and 11(3).
12. Paragraphs 11(2) and 11(3).
13. Paragraph 12(1), so far as it relates to paragraph 12(2).
14. Paragraph 12(2).
15. Paragraph 13(1), so far as it relates to paragraphs 13(2), 13(5) and 13(6).
16. Paragraphs 13(2), 13(5) and 13(6).
17. Paragraph 14(1), so far as it relates to paragraphs 14(2), 14(3)(b) and 14(4)(b).
18. Paragraphs 14(2), 14(3)(b) and 14(4)(b).
19. Paragraph 15(1), so far as it relates to paragraphs 15(2) to 15(5), and 15(9).
20. Paragraphs 15(2) to 15(5), and 15(9).
21. Paragraph 16.
22. Paragraph 22(1), so far as it relates to paragraph 22(8).
23. Paragraph 22(8).
24. Paragraph 46(1), so far as it relates to paragraph 46(2).
25. Paragraph 46(2).
26. Paragraph 50.
27. Paragraph 51.
28. Paragraph 53.
29. Paragraph 55(1), so far as it relates to paragraphs 55(4)(a) and 55(6).
30. Paragraph 55(4)(a) and 55(6).
31. Paragraph 57(1), so far as it relates to paragraph 57(3).
32. Paragraph 57(3).

33. Paragraph 67.
34. Paragraph 71.
35. Paragraph 74(1), so far as it relates to paragraph 74(2).
36. Paragraph 74(2).
37. Paragraph 75.
38. Paragraph 76(1), so far as it relates to paragraph 76(3).
39. Paragraph 76(3).
40. Paragraph 77, so far as it relates to section 120A of the 1984 Act.
41. Paragraph 77, so far as it relates to section 120B of the 1984 Act, for the purposes only of regulations under the 1984 Act other than building regulations.
42. Paragraph 78.
43. Paragraph 81(1), so far as it relates to the definitions of “appropriate national authority”, “higher-risk building” and “the regulator” in paragraph 81(2).
44. The definitions of “appropriate national authority”, “higher-risk building” and “the regulator” in paragraph 81(2).
45. Paragraph 82.
46. Paragraph 83(1), so far as it relates to—
 - (a) paragraph 83(2),
 - (b) paragraph 83(3), so far as it relates to paragraph 5 of Schedule 1 to the 1984 Act,
 - (c) paragraph 83(7), and
 - (d) paragraph 83(9).
47. Paragraphs 83(2), 83(7) and 83(9), and paragraph 83(3) so far as it relates to paragraph 5 of Schedule 1 to the 1984 Act.
48. Paragraph 84(1), so far as it relates to paragraph 84(3).
49. Paragraph 84(3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Building Safety Act 2022 (c. 30) (“the Act”).

Regulation 2 of these Regulations brings section 132 of the Act into force on 28th May 2022 for the purposes only of making regulations.

Regulation 3 brings into force a number of provisions on 28th June 2022, namely, section 2(2) of the Act and Schedule 1, which provides for a number of amendments to the Health and Safety at Work etc Act 1974 (c. 37) relating to the Health and Safety Executive becoming the Building Safety Regulator (“the regulator”); section 3 which provides for the regulator’s objectives etc; sections 17 and 18 which make provision in relation to the regulator’s strategic plans; section 31, which allows the Secretary of State to define “higher-risk buildings” for the purposes of the Building Act 1984 (c. 55); section 41, which disapplies procedural provisions of the European Union (Withdrawal) Act 2018 (c. 16) in relation to changes to building regulations; section 55 and parts of Schedule 5, which contains consequential and minor amendments to the Building Act 1984; section 57, which creates power (by regulations) to charge fees and impose charges in

relation to functions under the Building Act 1984; and sections 130 to 132 which make provision in relation to building liability orders.

Regulation 4 brings into force on 28th July 2022 section 48 of the Act which removes requirements in relation to insurance for approved inspectors from the Building Act 1984.

Regulation 5 brings section 160 of the Act into force on 1st October 2022. This section removes the existing requirement ('the democratic filter') for social housing residents who wish to escalate a complaint from their landlord's complaints process to the Housing Ombudsman to either wait eight weeks or utilise a 'designated person', that is, an MP, Councillor or recognised tenant panel.

Regulation 6 contains transitional provision such that the regulator's first strategic plan, and any revisions to that first plan, can cover matters that are not building functions at the time the plan or revision is prepared but that the regulator considers are likely to become building functions within the period covered by the plan.

Regulation 7 contains saving provision so that regulations made under paragraphs 5 and 9 of Schedule 1 to the Building Act 1984 (the repeals of which paragraphs are commenced, in relation to England, by regulation 2 and the Schedule to these Regulations) continue in force notwithstanding the repeal of those paragraphs. It also saves the jurisdiction of the magistrates' court in relation to disputes under section 106 of the Building Act 1984 where an application has been made to the court prior to the repeal of section 106(3) coming into force.

An impact assessment has been produced in relation to the Act and copies can be obtained at <https://publications.parliament.uk/pa/bills/cbill/58-02/0139/BuildingSafetyBillImpactAssessment.pdf> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF, United Kingdom.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/561>

ISBN 978-0-34-823543-2



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