

---

STATUTORY INSTRUMENTS

---

**2023 No. 993**

**The Building Safety Act 2022 (Commencement  
No. 5 and Transitional Provisions) Regulations 2023**

**Transitional provisions in relation to plans deposited before 1st October 2023**

3.—(1) Subject to paragraph (2), notwithstanding the repeal of section 16 of the 1984 Act by paragraph 20 of Schedule 5 to the 2022 Act, where plans were deposited with a local authority in accordance with section 16 of the 1984 Act before 1st October 2023 then the local authority continues to be the building control authority and the 1984 Act continues to apply in relation to such plans, as if the plans amendments had not been made, until—

- (a) the plans are rejected under any provision of the 1984 Act or regulations made under it (as that provision had effect immediately before 1st October 2023),
- (b) the plans lapse in accordance with section 32 of the 1984 Act (lapse of building control approval), or
- (c) the building work to which the plans relate is completed,

whichever occurs first.

(2) In relation to any case to which Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023<sup>(1)</sup> applies then paragraph (1) has effect subject to the provisions of Schedule 3 to those Regulations which are applicable in that case.

(3) Notwithstanding the omission of article 45 of the Regulatory Reform (Fire Safety) Order 2005<sup>(2)</sup> by paragraph 90 of Schedule 5 to the 2022 Act, the requirement to consult under article 45 continues to apply, as that provision had effect immediately before 1st October 2023, in relation to any plans deposited with a local authority in accordance with section 16 of the 1984 Act before that date.

(4) In this regulation “the plans amendments” means the amendments provided for in section 36 of, and paragraphs 14(8), 15(10), 20, 21(3) and (4), 22(3) to (6), 23(3) and (4), 26(3) and (4), 27(3) to (5), 29, 32(4), (5) and (6)(d), and 79 of Schedule 5 to, the 2022 Act.

---

(1) [S.I. 2023/909](#).

(2) [S.I. 2005/1541](#). Article 45 was omitted by paragraph 90 of Schedule 5 to the 2022 Act.