
STATUTORY INSTRUMENTS

2023 No. 993

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

Transitional and saving provisions in relation to lapse of building control etc

5.—(1) Subject to paragraph (2), notwithstanding the commencement of section 36 of the 2022 Act (lapse of building control approval etc)—

- (a) section 32 of the 1984 Act continues to apply, as that provision had effect immediately before 1st October 2023, in relation to any plans deposited with a local authority pursuant to section 16 of the 1984 Act before that date;
- (b) section 50(8) of the 1984 Act continues to apply, as that provision had effect immediately before 1st October 2023, in relation to any plans certificate given to a local authority and accepted or treated as accepted under section 50 of the 1984 Act before that date;
- (c) section 52(5) of the 1984 Act continues to apply, as that provision had effect immediately before 1st October 2023, in relation to any initial notice given to a local authority and accepted or treated as accepted under section 47 of the 1984 Act before that date.

(2) The saving provision set out in paragraph (1)(a) ceases on 6th April 2024 in relation to any plans where the work described in the plans was not started before that date and accordingly section 32 of the 1984 Act (lapse of building control approval), as amended by the 2022 Act, applies from that date but subject to the modifications in paragraph (4).

(3) The saving provisions set out in paragraphs (1)(b) and (1)(c) cease on 6th April 2024 in relation to any initial notice or, as the case may be, any plans certificate where the work described in the notice or certificate was not started before that date and accordingly section 53A of the 1984 Act applies from that date.

(4) Where paragraph (2) applies, section 32 of the 1984 Act (lapse of building control approval) has effect in relation to those plans as if—

- (a) subsection (1) provided that the relevant day were the day the plans were deposited;
- (b) the reference in subsection (3) to the application having not been made were a reference to the plans having not been deposited;
- (c) subsection (4) were omitted.

(5) In this regulation “plans certificate” has the meaning in section 50 of the 1984 Act.