

Understanding Building Safety Regulations

Duties and Processes Applicable to All Buildings and Enhanced Duties and Processes Specifically for Higher-Risk Buildings (HRBs)

S3 - Suitable for Comments

Revision: P01

Date: 2024-05-18



Building a Safer Future

Definition of Higher-risk-Building (HRB)

On June 14, 2017, the Grenfell Tower fire tragically took 72 lives and injured over 70 residents. This event has fundamentally influenced our approach to fire safety. In May 2018, Dame Judith Hackitt's report, "Building a Safer Future," led to the Building Safety Act 2022 and over 32 new regulations.

This new regulatory regime is vast and rapidly implemented, transforming how building safety is managed throughout a building's lifecycle. BIM4 Housing members support these changes and has established leading guidance, contributing to the government's efforts and the Building Safety Regulator (BSR).

We are proud to Build a Safer Future, together.

Dame Judith Hackitt emphasized the importance of driving change for the right reasons. The new framework impacts the entire industry, especially for buildings over 18m (seven storeys), which are crucial to our business.

This guidance document outlines the key aspects of the new regulations, provides valuable **links** to reliable **guidance** and provide a **process maps** allowing you to navigate the requirements.

Understanding these requirements and our responsibilities is essential.

Please read this document and direct any questions to:

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Please feel free to add your comments directly to the MIRO board via this link:

https://miro.com/app/board/uXjVNZu1W8=?share_link_id=560018420253

Password: Bu1d1ngSafety

Definition of **higher-risk building** for the design and construction part of the higher-risk regime is provided by [section 120\(1\) of the Building Act 1984](#) and the [Higher-Risk Building \(Descriptions and Supplementary Provisions\) Regulations 2023](#).

www.legislation.gov.uk
Building Safety Act 2022
(1) For the purposes of this Act, a "higher-risk building" means a building or part of a building which is or has been or is to be used as a dwelling and is or has been or is to be used for one or more of the purposes specified in subsection (2).
(2) The purposes specified in this subsection are—
(a) the provision of residential accommodation;
(b) the provision of premises for the purpose of carrying on a business;
(c) the provision of premises for the purpose of providing services to the public;
(d) the provision of premises for the purpose of providing services to the armed forces of the Crown;
(e) the provision of premises for the purpose of providing services to the police or other law enforcement authorities;
(f) the provision of premises for the purpose of providing services to the fire and rescue services;
(g) the provision of premises for the purpose of providing services to the health service;
(h) the provision of premises for the purpose of providing services to the education system;
(i) the provision of premises for the purpose of providing services to the transport system;
(j) the provision of premises for the purpose of providing services to the financial services industry;
(k) the provision of premises for the purpose of providing services to the media or entertainment industry;
(l) the provision of premises for the purpose of providing services to the government or a government department;
(m) the provision of premises for the purpose of providing services to the armed forces of the Crown;
(n) the provision of premises for the purpose of providing services to the police or other law enforcement authorities;
(o) the provision of premises for the purpose of providing services to the fire and rescue services;
(p) the provision of premises for the purpose of providing services to the health service;
(q) the provision of premises for the purpose of providing services to the education system;
(r) the provision of premises for the purpose of providing services to the transport system;
(s) the provision of premises for the purpose of providing services to the financial services industry;
(t) the provision of premises for the purpose of providing services to the media or entertainment industry;
(u) the provision of premises for the purpose of providing services to the government or a government department.



Criteria for determining whether a new building that is being designed and constructed is a "higher-risk building"

The guidance relates to the design and construction of a new building that is being designed and constructed under the Building Act 1984 as amended by the Building Safety Act 2022 and the Higher-Risk Building (Descriptions and Supplementary Provisions) Regulations 2023.



BUILDING AND BUILDING REGULATIONS
The Building and Building Regulations 2023 (SI 2023/1000) are made under the Building Act 1984 and the Building Safety Act 2022. They relate to the design and construction of new buildings that are higher-risk buildings. The regulations set out the requirements for the design and construction of new buildings that are higher-risk buildings. The regulations also set out the requirements for the design and construction of new buildings that are higher-risk buildings.

Responsibility of Building Safety Regulator (BSR)

The Building Safety Act establishes a new BSR, within the Health and Safety Executive

The Building Safety Regulator (BSR) will:

Be the overseeing body responsible for ALL buildings (not just tall buildings).
Oversee the inspection of HRBs during their design and construction through the new Gateway process.
Be responsible for registering HRBs and assessing safety cases for those buildings during their occupation.

Defects Liability Period

30 years for dwellings constructed before 2022-06-28
15 years for those constructed after 2022-06-28

New Duties and Processes

All Buildings

New duties and processes that apply to ALL buildings

Enhanced new duties and processes that apply to HRBs only

New Duties and Processes

BSR governance & new enforcement powers
New duty holder roles
New Building Inspector registration and competency
New competency requirements
Wider changes to building regulations to align the existing system with the new system
New Building Safety Levy

HRBs

Enhanced new duties and processes that apply to HRBs only

New Duties and Processes

3 new hardstop 'Gateways'
BSR to directly oversee Building Control
Change control process
Golden thread
Mandatory occurrence reporting
New accountable person role
Register of buildings >18m / seven storeys
Transitional arrangements (change to the definition of commencement)

Key specified dutyholders

Client: external client/ Appointing Party

Principal designer: responsible for overseeing the design

Designer: anyone producing designs such as, designers, architects, structural engineer, supplier or subcontract designers etc.

Principal contractor: responsible for overseeing the construction

Additionally (and only relative to HRBs):

Principal accountable person: responsible for the building safety in occupation - external client, or management company.

Accountable person: Where applicable, responsible to the principal accountable person.

Principal Accountable person

Principal accountable person: responsible for the building safety in occupation - client, or management company.

Following the Grenfell tragedy, the Building Safety Bill was introduced in 2021 and received Royal Assent on April 28, 2022.

The Building Safety Act 2022 brings significant regulatory changes aimed at overhauling industry practices.

While some changes affect higher-risk buildings (HRBs), **many apply to all construction projects**, regardless of height.

Content referenced throughout this guidance report has been taken from the Department for Levelling Up, Housing and Communities, Building Safety Act 2022, and its associated secondary legislation, regulations, and guidance documents.



Design and building work: meeting building requirements
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Safety in high-rise residential buildings: accountable buildings
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Building a Safer Future

Building Safety Act 2022

Introduction:

The Building Safety Act 2022 is structured into six parts to ensure the safety of people in buildings and improve building standards.

HRBs:

Defines high-risk buildings (HRBs) and outlines the requirements for them when occupied, including the duties of the accountable person and resident obligations.

Regulator and Its Functions:

Establishes the Building Safety Regulator (BSR) within the HSE, overseeing all building control functions.

Other Provisions:

Mandates developers to join a New Homes Ombudsman scheme and grants powers to regulate construction products. Enhances the Architect Registration Board's ability to monitor architect competence and removes the 'democratic filter' for social housing complaints.

Building Act 1984 Amendments:

Amends the Building Act 1984 to specify buildings in scope and the new regulatory regime during commissioning, design, and construction. Introduces requirements for registering building inspectors and control approvers to improve competence.

General Provisions:

Includes general provisions on the Act's commencement, application to the Crown Estate, and regulations. The Act contains 171 clauses and 11 schedules divided into six parts.

Building Safety Regulator (BSR)

The Building Safety Act establishes the BSR within the Building and Safety Executive, reporting to the Secretary of State.

The BSR oversees building regulations, approved documents, and building control, and develops the regulatory regime. It consults with advisory committees on building, industry competence, and resident representation.

For high-risk buildings (HRBs), the BSR form a multidisciplinary team with registered building inspectors and Fire and Rescue authorities to ensure effective regulation.

This is in addition to statutory consultations.

The BSR's responsibilities include:

- Overseeing all buildings, not just tall ones.
- Acting as the building control authority for HRBs.
- Inspecting HRBs during design and construction via the Gateway process.
- Registering HRBs and assessing safety cases during occupation.

The BSR manage the safety and performance system for all buildings, advise ministers on building regulation changes, address emerging risks, and oversee building control bodies and inspectors. It aims to improve competence in the built environment industry and enforce the new regulatory regime for HRBs. This includes ordering remedial works, halting non-compliant projects, and replacing key dutyholders when necessary.

The duties of the accountable person (or the principal accountable person, where relevant)

Registering a HRB within 28 days of adirection from the BSR.

Prior to completion (and the Gateway 3 completion certificate application), assess the golden thread information received and confirm via a formal joint signed declaration (with the client) confirming that the golden thread information was appropriately provided to the relevant person and the relevant person has received them.

Following the successful issue of a Completion Certificate (Gateway 3), the accountable person must register the building with the BSR, providing proof of the Completion Certificate. This must be registered PRIOR to OCCUPATION.

Submission of key building information to the BSR via an online tool within 28 days of registration of the building. The BSR may publish this information (subject to exemptions on data that may have privacy or security implications).

Ongoing obligations to assess and prevent fire safety risks and maintain and update the safety case for the building.

Adherence to the requirements of the Fire Safety (England) Regulations 2022 (described as the responsible person).

Provide residents with key building safety and fire safety information and developing a resident engagement strategy.

Gateway 1

The new regime is implemented from 1st October 2023 with the Commencement stage by 5th April 2024

Where the submission of initial notice or deposit of plans has not been made by October 2023, Gateway 2 and the associated new regulatory regime applies to any HRBs on the project.

Golden Thread of Information

Information must be kept digitally, securely, and be the single source of truth for the building. Information should be available to those who need it, when they need it, and in a usable format.

HRB

In this document the meaning of the term High Rise Building (HRB) is equivalent to the Higher Risk Building (HRB)

Scope of Changes to the New Regulatory Framework

All Buildings

New duties and processes that apply to ALL buildings

New Duties and Processes

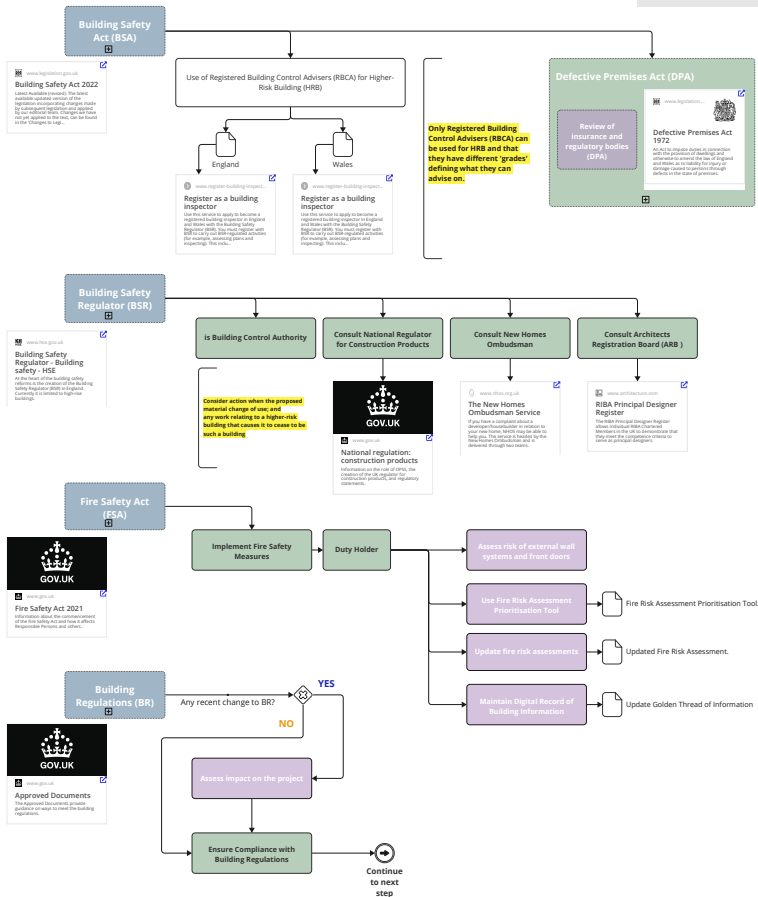
- BSR governance & new enforcement powers
- New dutyholder roles
- New Building Inspector registration and competency
- New competency requirements
- Wider changes to building regulations to align the existing system with the new system
- New Building Safety Levy

HRBs

Enhanced new duties and processes that apply to HRBs only

New Duties and Processes

- 3 new hardstop 'Gateways'
- BSR to directly oversee Building Control
- Change control process
- Golden thread
- Mandatory occurrence reporting
- New accountable person role
- Register of buildings >18m/seven storeys
- Transitional arrangements (**Complete Registration by 06/04/2024**)



This BPMN process diagram illustrates the steps asset owners should have taken to determine if their building qualifies as a Higher-Risk Building.

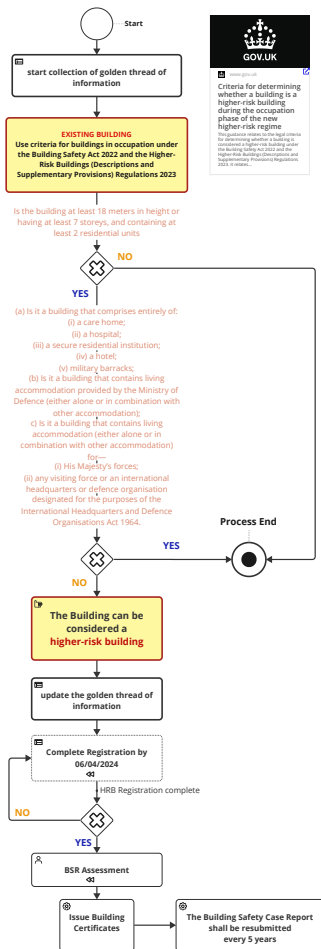
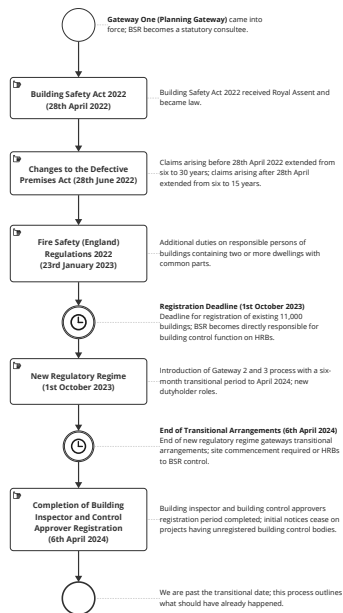
Regulatory Changes

The Building Safety Act has implemented significant regulatory changes to ensure the safety of buildings, particularly higher-risk buildings (HRBs).

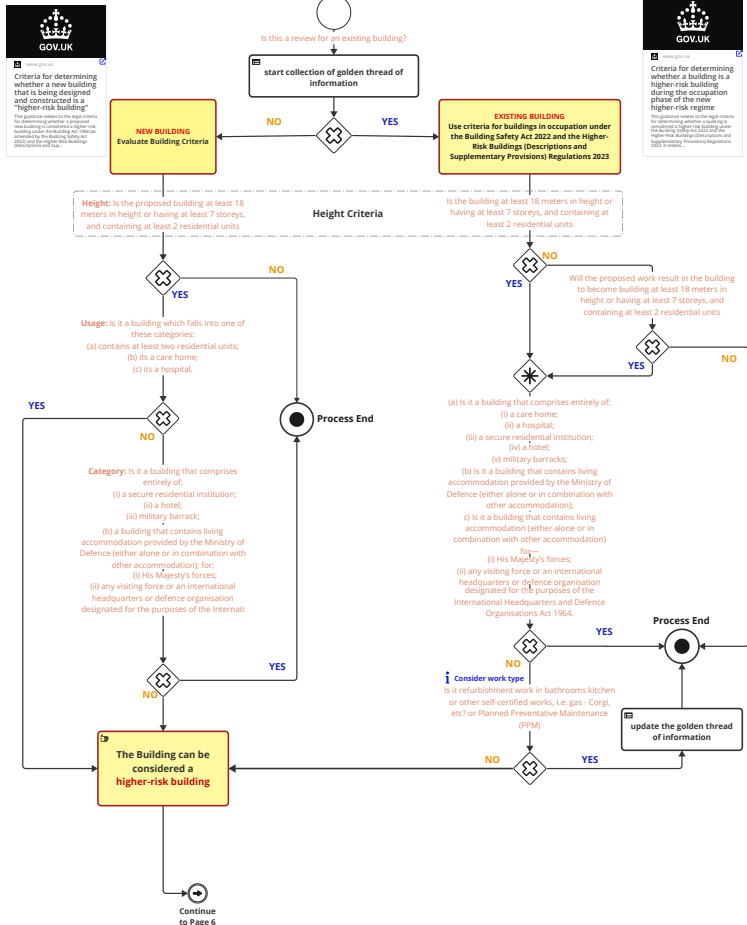
This process outlines the key milestones and requirements that have been rolled out since the Act's introduction.

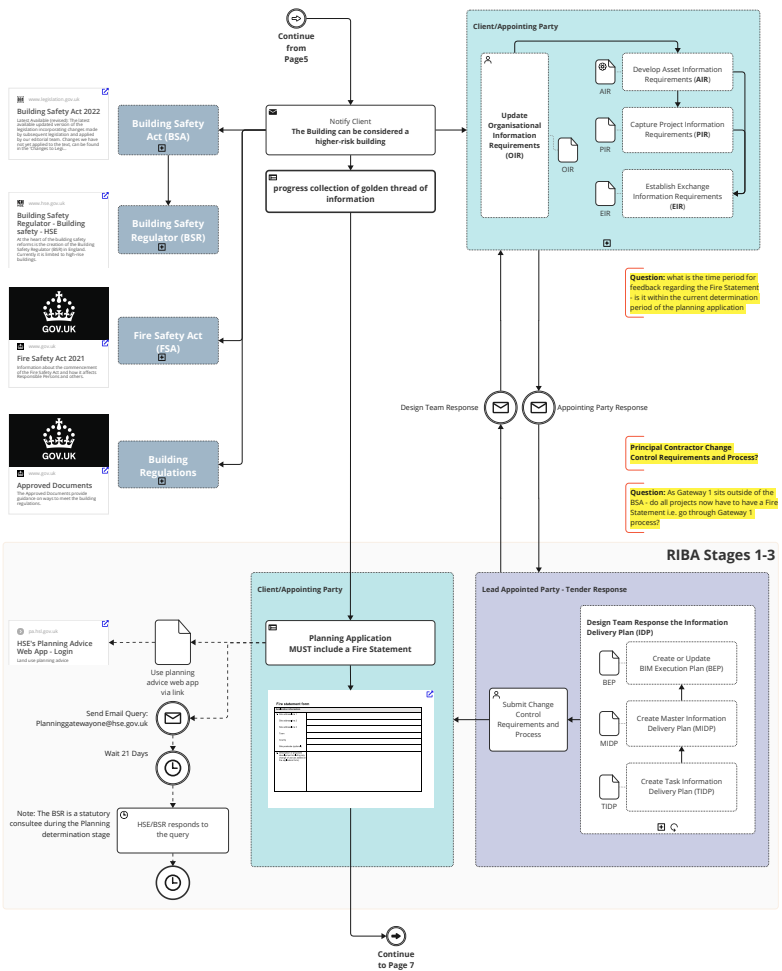
The timeline highlights critical dates and changes that have been enforced, culminating in the full implementation of the new regulatory regime and the completion of the transitional arrangements as of April 2024.

This BPMN process diagram depicts these events and milestones, providing a visual representation of the key regulatory changes and their implementation over time.



Begin Here to Determine If New Building or Work Must Undergo the Gateway Process. It Is the Responsibility of All Duty Holders to Verify.







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Typically at RIBA Stage 4 – Technical Design

Project Team

Design Team

Full design developed
(RIBA Stage 4)
to demonstrate compliance with
building regulations

Mobilization

Production of information

Client/Appointing Party

Information model acceptance



2 weeks notice to be given prior to submission, to give BSR time, to mobilise resource to review submission

Building Control Application
to
Building Safety Regulator (BSR)

The submitted application / supporting documents must holistically, completely and clearly demonstrate **FUNCTIONAL COMPLIANCE** with Building Regulations.

invalid

Quick initial
validation
review

Valid

The Building
Regulations 2010

These Regulations make and replace the Building Regulations, 1991 (SI 1991/276) (the 1991 Regulations), and consolidate all amendments to those Regulations with effect from 1 January 2010. The Regulations include removing the requirement, within the

Question:
Before Gateway 2 - What information is required to be submitted and approved?

We believe that full information is required to be submitted, with justification, as to why and how the design meets the regulations noted in Schedule 1 from A to S of the Building Regs 2010.

Request feedback to establish changes needed to re-apply

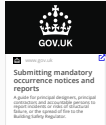
12 week statutory review to determine the application (unless otherwise agreed)

Refused
default where
not determined
in time

Rejected

If auto refused due to time-out how do you obtain feedback to establish what needs to be changed?

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to Page 8



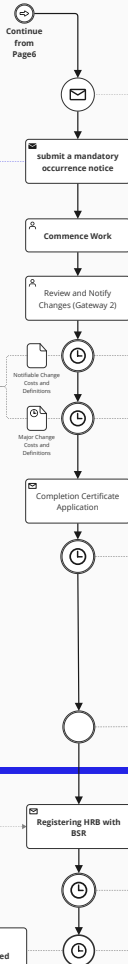
Note: Mandatory Occurrence Reporting inc. things that could become a hazard or safety issue. To be started at the beginning of the life of the project and continue through the whole of the lifecycle of the asset.



Question: How do you manage the delivery of as built information. For example do you label it as 'As Built' or 'Record' etc. Note the Building Safety Act reference used is 'As Built' - it has contractual implications, potentially create a lot of additional work



The Building Safety Case Report shall be resubmitted every 5 years to be re-evaluated



Notice to be given to BSR, 5 working days prior to starting on site

New definitions of when work on site has: Started & Commenced



NOTE: Works CANNOT commence on site, on that particular element(s) on site until Gateway 2 approval has been gained

Question: What experience do others have regarding the new definitions for Started and Commenced on site?

We understand it to be the following:

- Starting Date is not about strip out / demolition, but about when you will be putting things back in i.e. new partitions / re-cladding etc.
- Commencement Date is when the lowest floor slab is complete or ground floor or when 15% of refurbishment works are completed.

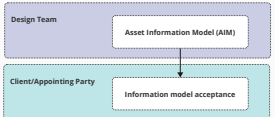
Notify 10 days before for a Notifiable change

Notify 6 weeks before for a Major change

Question: what is your experience, do you have any references, of how to deal with Partial completion/certification and registration to allow

Question: is the statutory period to determine the application 8 weeks?

8 weeks statutory period to determine the application



Building Project Completion

Note: more information is required - Building Regulation 38 Fire Safety Information It is a legal requirement of the Building Regulations 2010 approved document B for England and Wales, Regulation 38, that "The person carrying out the work shall give fire safety information to the responsible person not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier." For those not familiar with the term "Responsible person" the meaning of "Responsible Person" is detailed in Article (3) of the Regulatory Reform (fire safety) Order 2005.

8 weeks statutory period to determine the application

OCCUPATION