



Building Safety Act 2022 Industry Update

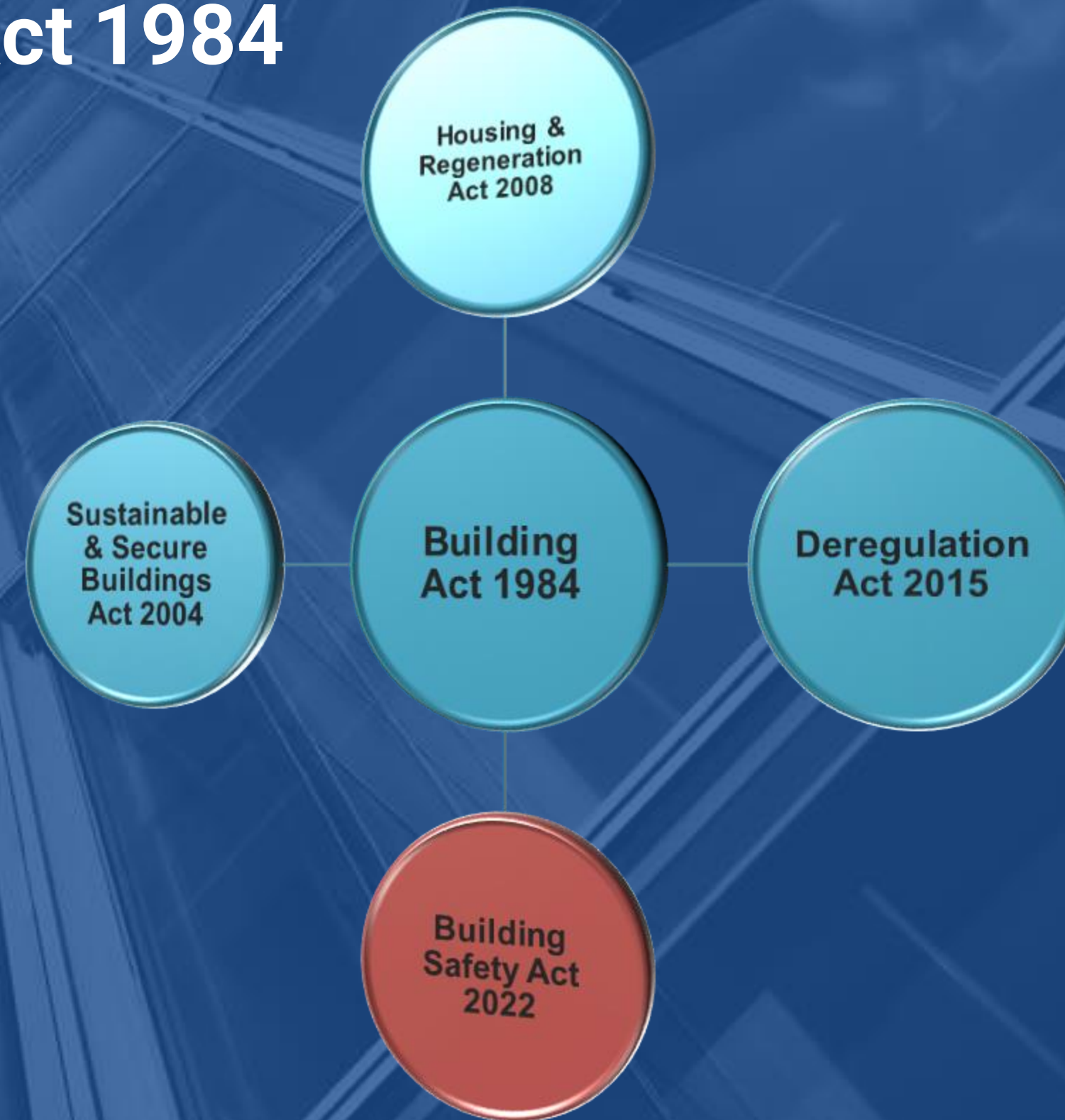
Overview of recent developments

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The Building Act 1984

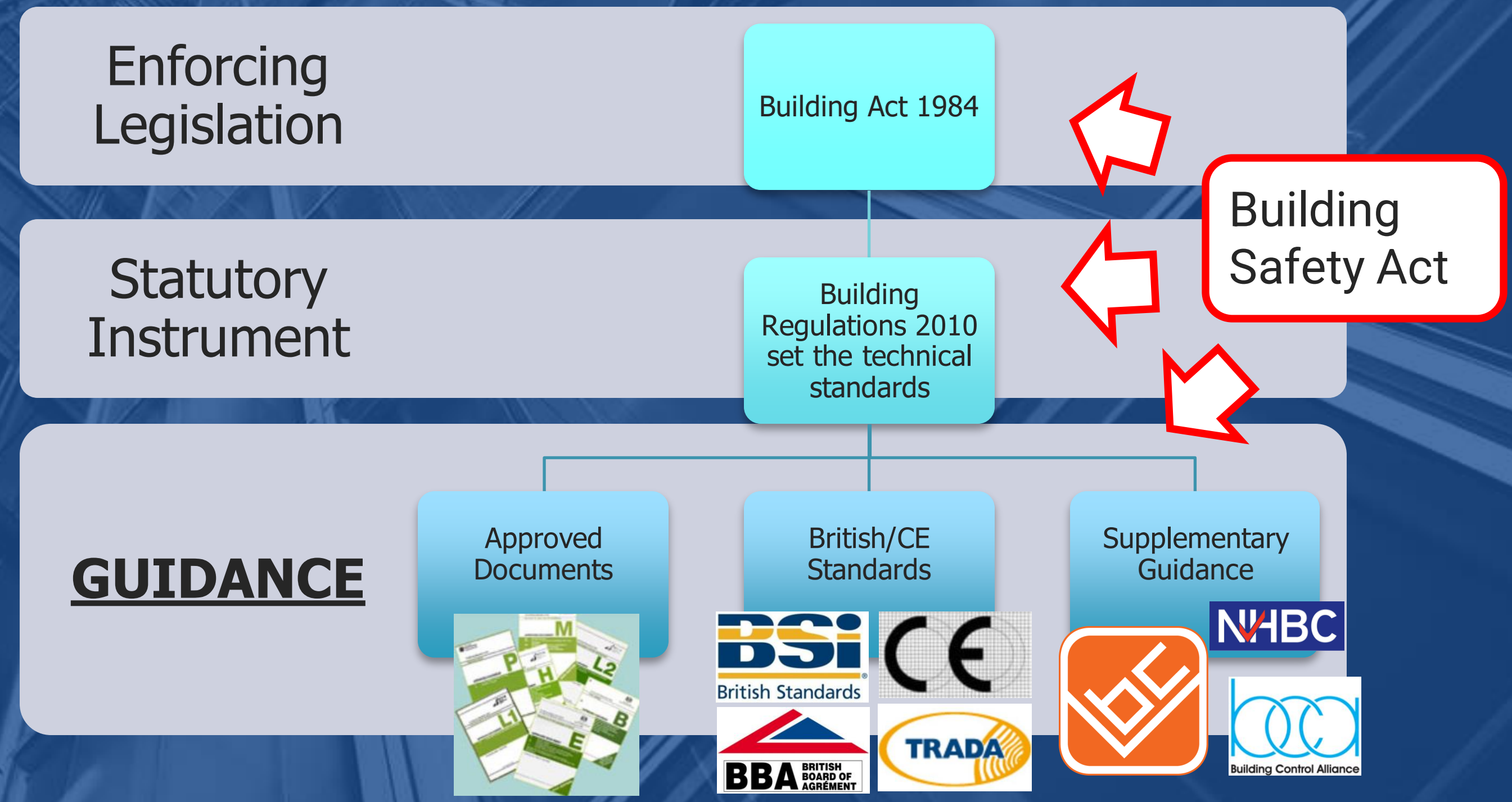


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Current Building Regulation Structure





Building Control – A brief history

The Great Fire of London 1666
Rebuilding Act 1667



https://en.wikipedia.org/wiki/Great_Fire_of_London

Dwelling death Statistics recently (approximate):

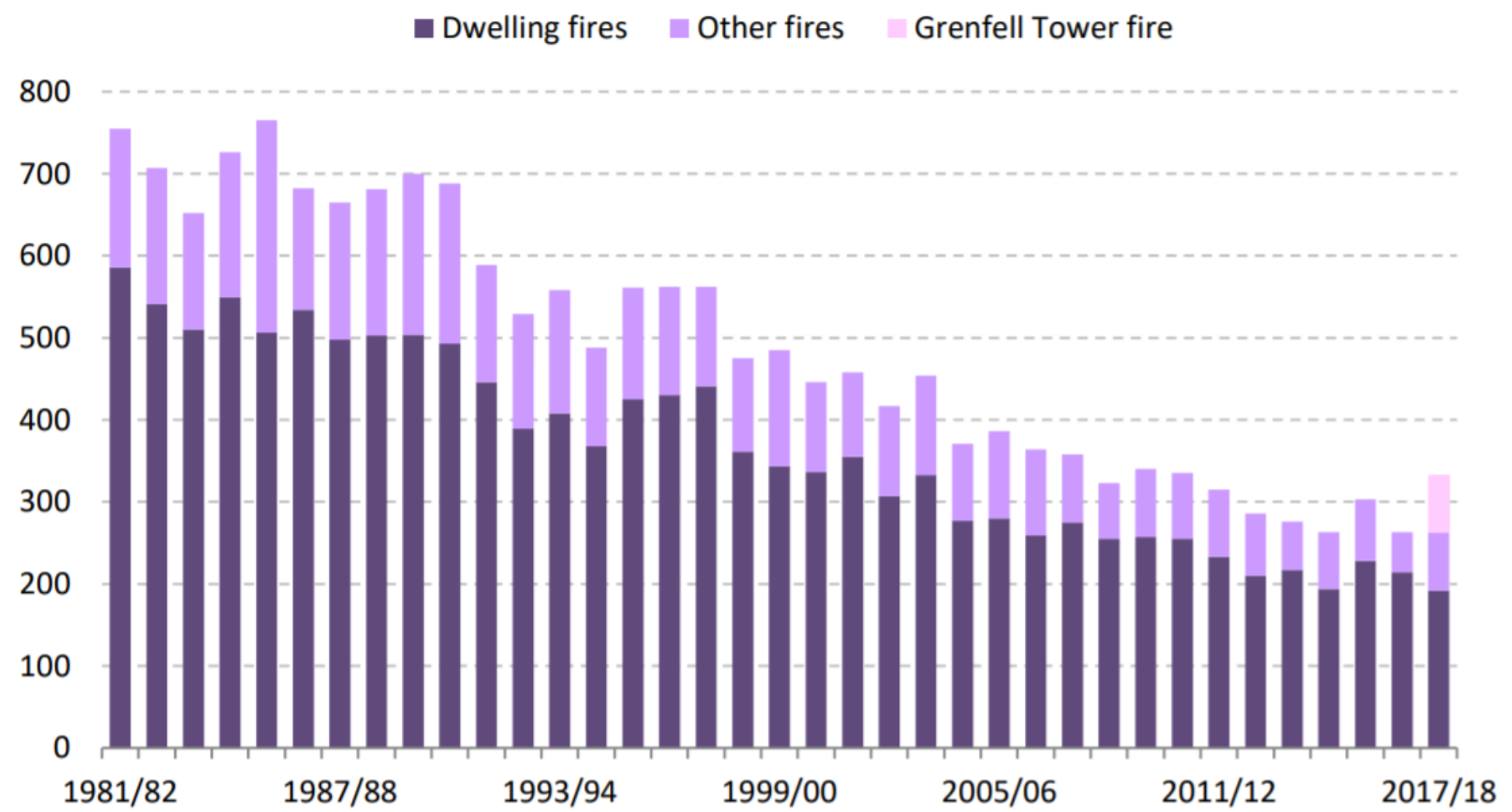

- Fire related – 200
- Falling down stairs – 1000
- Radon related – 1100+
- Overheating – 2000
- Global warming??
- Poor ventilation??

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Why is Fire Safety important?



Figure 4.1 Total fire-related fatalities in dwellings or other fires, England; 1981/82 to 2017/18

Home Office

Fire and rescue incident statistics:
England, year ending June 2018

Statistical Bulletin 25/18
8 November 2018

Why is Fire Safety important?

Fixing our shoddy new-build homes could bankrupt us

Three luxury flats in a new block were so badly built that bricks are already falling out. The owners' legal battle has cost £250,000 — so far

<https://www.thetimes.co.uk/article/fixing-our-shoddy-new-build-homes-could-bankrupt-us-nkb3f2gjf>





Hackitt Report & Building Regs Review

Building a Safer Future

Independent Review of Building
Regulations and Fire Safety:
Final Report

May 2018
Dame Judith Hackitt DBE FREng

Cm 9607

- *Implementation Plan published December 2018*
- *New regulatory framework*
- *Single streamlined regulatory route*
- *Duty holder roles and responsibilities*
- *Gateway points for regulatory oversight*
- *Rigorous enforcement powers*
- *Industry competence*

- *53 recommendations made*

Building a Safer Future
An Implementation Plan

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The Building Safety Bill & Building Act 1984

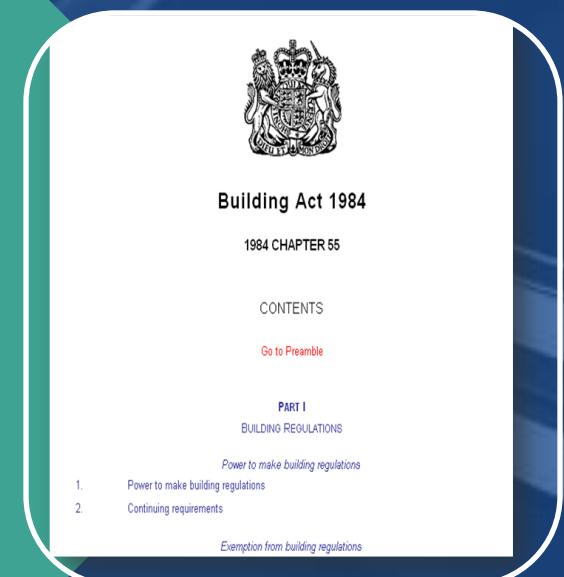


An Act is known as an 'Act of Parliament'

3 sets of readings as a Bill in each House

Royal Assent by the Queen

Legal Scrutiny





Building Safety Act

Parts & Contents – Overview

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Building Safety Act 'Parts'

- *Part 1 – Overview of the 'Act'*
- *Part 2 – The new Building Safety Regulator, definitions, scope, functions*
- *Part 3 – Amendments to the Building Act 84 – Duty holder regime, registration of building control*
- *Part 4 – Higher-risk buildings, Occupied building obligations and the roles of Accountable Person and Building Safety Manager*
- *Part 5 – Other provision about safety, standards, etc*
- *Part 6 – General*
- *Schedules 1 to 11*





Building Safety Act

The Building Safety Regulator

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Building Safety Regulator Overview



- *Health & Safety Executive*
- *Regulatory decisions under the new regime*
- *Implementing the new stringent regulatory regime*
- *Advising on Building Standards*
- *Overseeing Building control Bodies*
- *Competence in the built environment*
- *Assistance from 'Designated Bodies'*

- *Control of materials*
- *Developing guidance*

Probity

Building Safety Regulator Developments



HSE's people

- HSE board of Non-Executives
- Management Board
- Speeches
- Diversity and equality
- Tackling discrimination
- Equality Duty →

Peter Baker

Chief Inspector of Buildings - Health & Safety Executive



Peter has over 30 years' experience with HSE as an Inspector and in a number of senior operational roles dealing with a wide range of industry sectors, including construction, major hazard industries and local authorities. Peter led HSE's reform and delivery of the regulatory regime for chemical and downstream oil industries, and was appointed HSE's Chief Inspector of Construction in 2015.

From 2017, Peter led HSE's involvement in the Government's Building Safety Programme following the Grenfell Tower tragedy. As Chief Inspector of Buildings he is now at the forefront of establishing the new Building Safety Regulator in HSE and leading the delivery of the stronger, more robust building safety regime for higher risk buildings working with government, industry, partner regulators and residents.

As Director of HSE's Building Safety and Construction Division, Peter also has Executive Board responsibility for HSE's construction operations across Great Britain.

2 The building safety regulator

- (1) In [this Part](#) "the regulator" means the Health and Safety Executive.
- (2) [Schedule 1](#) contains amendments of provisions of the Health and Safety at Work etc Act 1974 that relate to the regulator.

Building Safety Regulator Overview



6 Facilitating improvement in competence of industry and building inspectors

(1) The regulator must provide such assistance and encouragement as it considers appropriate to—

(a) persons in the built environment industry, and

(b) registered building inspectors,

with a view to facilitating their improving the competence of persons in that industry or members of that profession (as the case may be).

(2) For the meaning of "the built environment industry" and "registered building inspector" see section 30.

Building Safety Regulator Overview



4 Duty to facilitate building safety: higher-risk buildings

- (1) The regulator must provide such assistance and encouragement to relevant persons as it considers appropriate with a view to facilitating their securing the safety of people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (2) The assistance and encouragement that must be provided under subsection (1) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (3) For this purpose "relevant persons" means—
 - (a) residents of higher-risk buildings within the meaning of Part 4,
 - (b) owners of residential units in such buildings,
 - (c) persons who are accountable persons within the meaning of Part 4, and
 - (d) persons upon whom duties are imposed by virtue of paragraph 5B of Schedule 1 to the Building Act 1984 (dutyholders).

BSA Definition of “in-scope” buildings

Parts 3 & 4: Meaning of “higher-risk building”

Preliminary defined as:

- *Buildings with two or more dwellings*
- *Two or more Rooms for Residential Purposes*
- *Student accommodation*
- *Meets the height condition (18m or 7 storeys)*

BSB Excluded:

- *Secure residential institutions*
- *Temporary accommodation*

Amendments

BSR will regulate high-rise buildings:

1. have at least 2 residential units
2. are hospitals or care homes (during design and construction)

Meet height condition



Building Safety Regulator Functions

Other duties and powers:

- *System of building information*
- *Building Advisory Committee*
- *Residents Committee (disabled residents)*
- *Powers to direct local authorities to do anything required to assist the regulator*

Enforcement Powers:

- *Compliance and Stop Notices*
- *Investigatory powers and possible imprisonment*





Building Safety Act

Dutyholder regime

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Dutyholders – Accountability

Robert Jenrick MP (Secretary of State for Housing, Communities and Local Government)

“the draft Bill will introduce a new era of accountability, making it clear where the responsibility for managing safety risks lies throughout the design, construction and occupation of buildings in scope. There will be tougher sanctions for those that fail to meet their obligations.”



Key dutyholders during construction:

- Client, principal designer, principal contractor
- Other designers and contractors

Contravention of building regulations is a criminal offence

Legal Action & Liability

(13) Amendments to the Defective Premises Act 1972 and commencing section 38 of the Building Act 1984

The Bill will amend the Limitation Act 1980 to extend the period in which a claimant can bring a claim under section 1 of the Defective Premises Act 1972. Currently, under the Defective Premises Act 1972 claimants can seek compensation in respect of the work to construct a dwelling, if the dwelling is unfit for habitation, within 6 years of the work taking place. The Government thinks that it is right to extend that period from 6 to 15 years, to afford leaseholders and other claimants more time to bring proceedings. The measures will apply retrospectively, and the amendment will make provision to ensure that all parties have access to a fair trial.

Currently the Defective Premises Act 1972 only applies to the 'provision' of a dwelling. We will also be extending the cause of action under the Defective Premises Act 1972 to include refurbishment works. This change will also be subject to the extended 15-year limitation period. This change will only apply prospectively.

Additionally, we will be commencing section 38 of the Building Act 1984. This provision will also be subject to the extended 15-year limitation period and will apply prospectively only.

Commencement: The expansion of the Defective Premises Act 1972 to include refurbishments and extension to the limitation period for the existing duty will come into force two months after the Bill receives Royal Assent; we intend to commence section 38 of the Building Act 1984 at the same time.

PROSPECTIVE

38 Civil liability.

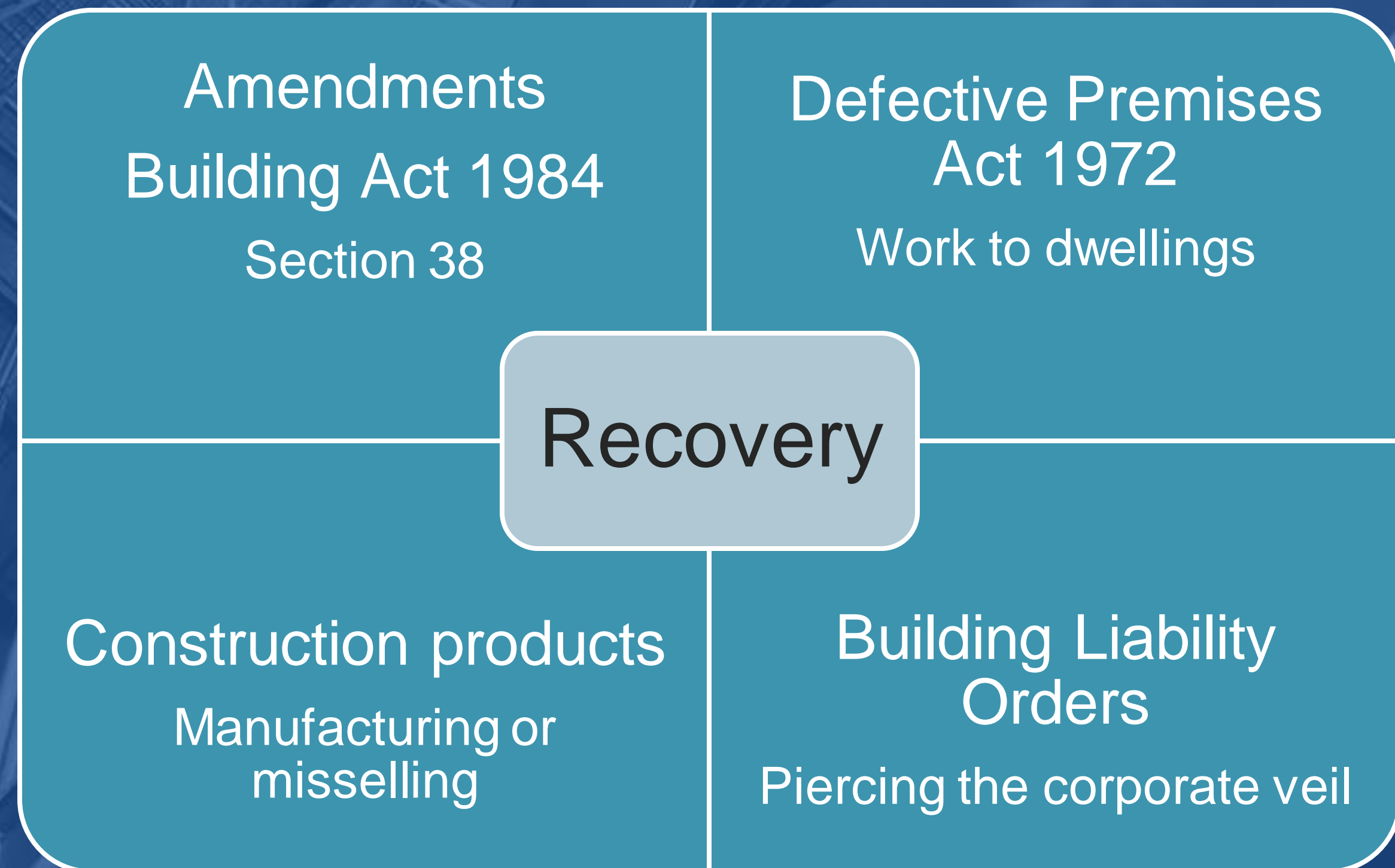
- (1) Subject to this section—
- breach of a duty imposed by building regulations, so far as it causes damage, is actionable, except in so far as the regulations provide otherwise, and
 - as regards such a duty, building regulations may provide for a prescribed defence to be available in an action for breach of that duty brought by virtue of this subsection.
- (2) Subsection (1) above, and any defence provided for in regulations made by virtue of it, do not apply in the case of a breach of such a duty in connection with a building erected before the date on which that subsection comes into force unless the regulations imposing the duty apply to or in connection with the building by virtue of section 2(2) [F51 or 2A] above or paragraph 8 of Schedule 1 to this Act.
- (3) This section does not affect the extent (if any) to which breach of—
- a duty imposed by or arising in connection with this Part of this Act or any other enactment relating to building regulations, or
 - a duty imposed by building regulations in a case to which subsection (1) above does not apply, is actionable, or prejudice a right of action that exists apart from the enactments relating to building regulations.
- (4) In this section, "damage" includes the death of, or injury to, any person (including any disease and any impairment of a person's physical or mental condition).

Textual Amendments

F51 Words in s. 38(2) inserted (16.11.2004) by Sustainable and Secure Buildings Act 2004 (c. 22), ss. 4(3), 11(4)



Dutyholders – New routes to recovery



Dutyholders – Claims and Redress

New better defined duty holders roles

Designers, developers and contractors to meet new duty holder obligations focusing on competency, increased supervision and co-ordination in relation to designs.

Applies regardless of building height and type.

Duty holders framework – roles responsibilities, mechanisms for appointment/proper procurement and demonstration of competence BSI PAS 8670 and 8671

Civil and criminal liability for breaches

Section 38 of the Building Act Enacted will allow civil claims for damage or personal injury for breaches of duty under the building regulations.

Sections 35 of the Building Act Expanded on breaches of the the regulations with tougher penalties (fines or imprisonment)

Applies regardless of building height and type.



Dutyholders – Claims and Redress

Extension of S1 of the Defective Premises Act 1972 (s135 of BSA)

The DPA allows the person commissioning or who has legal or equitable interest of a building to seek claims against a person taking on work in connection with 'a residential dwelling' if work is carried out in such a way that that causes the dwelling to be unfit for habitation upon completion.

*Applies to any residential building of any height and any defect not just fire safety.
DPA and limitations act application changes to increase retrospectively for 30 years*

Construction Product Regulations (BSA s146-155)

The Act has a new clause that allows for claims against product manufacturers in relation to failures that cause a building to be unfit for habitation. May allow for cost contribution claims made against product manufacturers.

Building Liability Orders (s130 – 132)

Entities with 'relevant liability' may be targeted – 'Piercing the corporate veil'.



Dutyholders – Accountability

72 Meaning of “accountable person”

- (1) In this Part an “accountable person” for a higher-risk building is—
- (a) a person who holds a legal estate in possession in any part of the common parts (subject to subsection (2)), or
 - (b) a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to any part of the common parts.

This subsection is subject to subsection (5) (special rule for commonhold land).



73 Meaning of “principal accountable person”

- (1) In this Part the “principal accountable person” for a higher-risk building is—
- (a) in relation to a building with one accountable person, that person;
 - (b) in relation to a building with more than one accountable person, the accountable person who—
 - (i) holds a legal estate in possession in the relevant parts of the structure and exterior of the building, or
 - (ii) is within section 72(1)(b) because of a relevant repairing obligation (within the meaning of that section) in relation to the relevant parts of the structure and exterior of the building.
- (2) For the purposes of this section—
- (a) the reference to “the relevant parts of the structure and exterior” of a building is to its structure and exterior except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business;
 - (b) the reference to “possession” does not include the receipt of rents and profits or the right to receive the same.
- (3) Subsection (1)(b) is subject to section 75(2) (powers of tribunal where more than one accountable person is within subsection (1)(b)).

Dutyholders – Accountability



34 Dutyholders and general duties

In Schedule 1 to the Building Act 1984 (building regulations) after paragraph 5 insert—

"Appointed persons

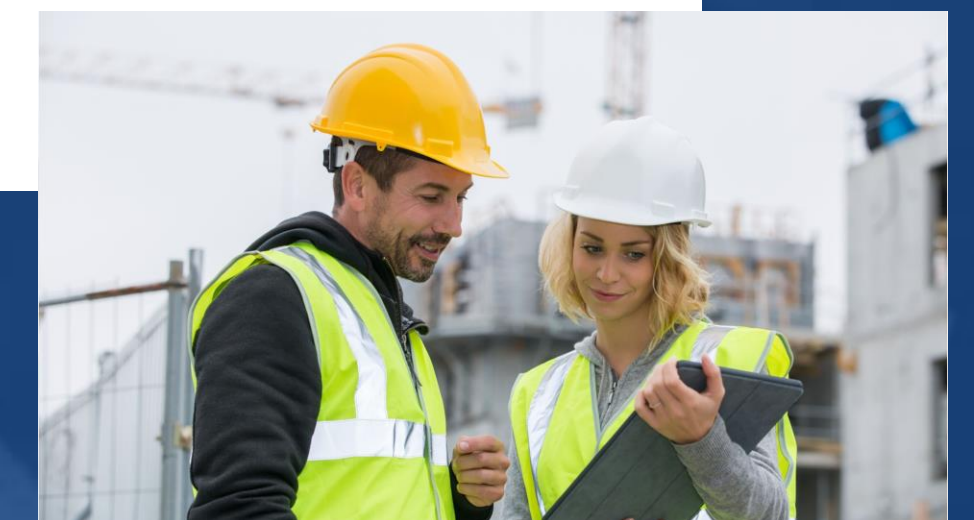
- 5A (1) Building regulations may require prescribed appointments to be made in relation to any work.
- (2) Building regulations may make provision about appointments, including provision about—
- (a) the persons who are to make appointments;
 - (b) the persons who may be appointed;
 - (c) the time by which appointments must be made;
 - (d) the period for which persons are to be appointed;
 - (e) the termination of appointments;
 - (f) the replacement of appointed persons.
- (3) The regulations may provide that in prescribed circumstances an appointment is treated as made.
- (4) In this Schedule "appointed person", in relation to any work, means a person appointed in relation to that work under building regulations made by virtue of this paragraph.

Dutyholders – General duties



General duties

- 5B (1) Building regulations may, for the purpose of facilitating compliance with any requirement of building regulations in relation to any work or other matter to which building regulations are applicable –
- (a) impose duties on relevant persons in connection with the planning or management of the work or other matter;
 - (b) require relevant persons to co-operate with other relevant persons.
- (2) The following are “relevant persons” for this purpose –
- (a) any appointed person;
 - (b) any prescribed person.”





Dutyholders – Competence

“Competence requirements

- 5C (1) Building regulations may, in relation to any work or other matter to which building regulations are applicable, impose competence requirements on—
- (a) any appointed person, or
 - (b) any prescribed person.
- (2) A “competence requirement” is a requirement relating to—
- (a) the skills, knowledge, experience and behaviours of an individual;
 - (b) the capability of a person other than an individual to perform its functions under building regulations.
- (3) The regulations may require an appointed person who is not an individual to give an individual acting under its control who has the appropriate skills, knowledge, experience and behaviours the task of managing its functions as an appointed person.”

Client’s duties include ensuring work is done in compliance with regulations and **competency requirements**



Dutyholders – Competence



Built environment – Core criteria for building safety in competence frameworks – Code of practice

April 2021 Version 3



BSI Flex 8670: v3.0 2021-04

Ministry of Housing, Communities & Local Government

bsi.

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Building Safety Act

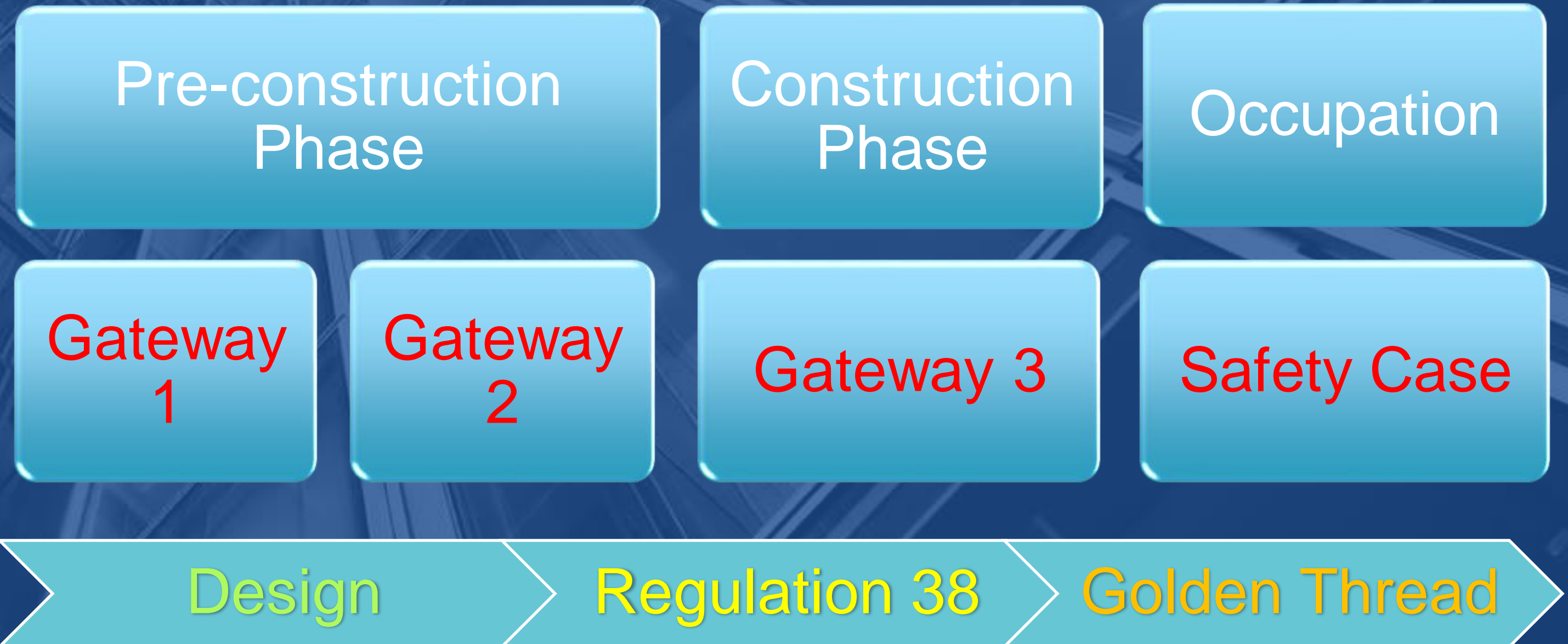
The Gateway Process

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Building Safety Act - Gateway Overview



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Building Safety Act - Gateway Overview



The RIBA Plan of Work organises the process of briefing, designing, delivering, maintaining, operating and using a building into eight stages. It is a framework for all disciplines on construction projects and should be used solely as guidance for the preparation of detailed professional services and building contracts.

	0	1	2	3	4	5	6	7
	Strategic Definition	Preparation and Briefing	Concept Design	Spatial Coordination	Technical Design	Manufacturing and Construction	Handover	Use
Stage Boundaries:	Stages 0-4 will generally be undertaken one after the other. Stages 4 and 5 will overlap in the Project Programme for most projects. Stage 5 commences when the contractor takes possession of the site and finishes at Practical Completion. Stage 6 starts with the handover of the building to the client immediately after Practical Completion and finishes at the end of the Defects Liability Period. Stage 7 starts concurrently with Stage 6 and lasts for the life of the building.							
Stage Outcome at the end of the stage	The best means of achieving the Client Requirements confirmed	Project Brief approved by the client and confirmed that it can be accommodated on the site	Architectural Concept approved by the client and aligned to the Project Brief	Architectural and engineering information Spatially Coordinated	All design information required to manufacture and construct the project completed	Manufacturing, construction and Commissioning completed	Building handed over, Aftercare initiated and Building Contract concluded	Building used, operated and maintained efficiently
Core Tasks during the stage	Prepare Client Requirements Develop Business Case for feasible options including review of Project Risks and Project Budget Ratify option that best delivers Client Requirements Review Feedback from previous projects Undertake Site Appraisals	Prepare Project Brief including Project Outcomes and Sustainability Outcomes Undertake Feasibility Studies Agree Project Budget Source Site Information including Site Surveys Prepare Project Programme Prepare Project Execution Plan	Prepare Architectural Concept incorporating Strategic Engineering requirements and aligned to Cost Plan, Project Strategies and Outline Specification Agree Project Brief Derogations Undertake Design Reviews with client and Project Stakeholders Prepare stage Design Programme	Undertake Design Studies, Engineering Analysis and Cost Exercises to test Architectural Concept Coordinate design aligned to Cost Plan, Project Strategies and Outline Specification Initiate Change Control Procedures Prepare stage Design Programme	Develop architectural and engineering technical design Prepare and coordinate design team Building Systems information Prepare and integrate specialist subcontractor Building Systems information Prepare stage Design Programme	Finalise Site Logistics Manufacture Building Systems and construct building Monitor progress against Construction Programme Inspect Construction Quality Resolve Site Queries as required Undertake Commissioning of building Prepare Building Manual	Hand over building in line with Plan for Use Strategy Undertake review of Project Performance Undertake seasonal Commissioning Rectify defects Complete initial Aftercare tasks including light touch Post Occupancy Evaluation	Implement Facilities Management and Asset Management Undertake Post Occupancy Evaluation of building performance in use Verify Project Outcomes including Sustainability Outcomes
Project Strategies might include:	<ul style="list-style-type: none"> - Conservation (if applicable) - Cost - Fire Safety - Health and Safety - Inclusive Design - Planning - Plan for Use - Procurement - Sustainability 							
Planning Note:	Planning Applications are generally submitted at the end of Stage 3 and should only be submitted earlier when the threshold of information required has been met. If a Planning Application is made during Stage 3, a mid-stage gateway should be determined and it should be clear to the project team which tasks and deliverables will be required. See Overview guidance.							
Procurement:	The RIBA Plan of Work is procurement neutral - See Overview guidance for a detailed description of how each stage might be adjusted to accommodate the requirements of the Procurement Strategy.							
Information Exchanges at the end of the stage	Client Requirements Business Case	Project Brief Feasibility Studies Site Information Project Budget Project Programme Procurement Strategy Responsibility Matrix Information Requirements	Project Brief Derogations Signed off Stage Report Project Strategies Outline Specification Cost Plan	Signed off Stage Report Project Strategies Updated Outline Specification Updated Cost Plan Planning Application	Manufacturing Information Construction Information Final Specifications Residual Project Strategies Building Regulations Application	Building Manual including Health and Safety File and Fire Safety Information Practical Completion certificate including Defects List Asset Information	Feedback on Project Performance Final Certificate Feedback from light touch Post Occupancy Evaluation	Feedback from Post Occupancy Evaluation Updated Building Manual including Health and Safety File and Fire Safety Information as necessary

Procurement Route

Traditional Design & Build 1 Stage: Appoint client team, Appoint design team, Appoint contractor

Design & Build 2 Stage: Appoint client team, Appoint design team, Appoint contractor

Construction Management Contractor-led: Appoint client team, Appoint design team, Appoint contractor

Information Exchanges

ER: Employer's Requirements
CP: Contractor's Proposals

RIBA Architecture.com

Core RIBA Plan of Work terms are defined in the RIBA Plan of Work 2020 Overview glossary and set in Bold Type. Further guidance and detailed stage descriptions are included in the RIBA Plan of Work 2020 Overview.

© RIBA 2020

Building Safety Act – Planning Gateway 1

Fire safety measures included at an early Planning Stage

- *Town and Country Planning changes (pre BSA)*
- *Relevant buildings*
- *Establishes the BSR as a mandatory consultee*
- *Fire Safety Statements*
- *Exemptions*

Issues

- *Planning Problems*
- *The competency and skills challenge*
- *Wider regulatory framework of BSA?*



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Gateway 1 – Fire Statement

*Two options - dynamic fire statement form
or static fire statement form*



Relevant building (height condition)

- *Site address, description, etc*
- *Competence of person completing*
- *Building Schedule*
- *Plans, information, proposals, etc*
- *Specific technical complexities*
- *Signatories*

Fire statement placed on planning register

Draft guidance: fire statement

The purpose of this document is to provide guidance on the completion of a fire statement where there is a requirement to submit a fire statement with an application for planning permission.

Users of this guidance should be aware of and familiarise themselves with Article 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (see Annex B).

The fire safety matters contained in a fire statement are relevant only to the extent they are relevant to land use planning. The level of detail and focus of information should not contain the breadth and depth of information on fire safety which will be submitted at building control application stage. Requirements of the fire statement will not duplicate or require compliance with the building regulations or the Fire Safety Order¹, and local planning authorities will not be responsible for any building regulation matters or the enforcement of building control requirements. Rather fire statements will support the consideration of information on fire safety issues relevant to land use planning matters e.g. where fire safety issues relate to site layout and access. It is the intention that the information provided within fire statement is focussed and concise, specific and relevant to the development, and proportionate to the scale, type and complexity of the proposal.

As many fire safety matters relevant to land use planning impact on the external layout of a site including the spaces between buildings, fire statements are required to include information on the entire development as set out on the plan which identifies the land to which the application relates which must be submitted with the application (often referred to as "the red line boundary").

There are two options for completing the fire safety form published by the Secretary of State:

- dynamic fire statement form (which can be completed electronically using drop down answer fields)
- static fire statement form (which can be printed and filled in by hand)

¹Regulatory Reform (fire safety) Order 2005

Gateway 1- Fire safety first principles

Identification of base design criteria

Key Information

- *Occupancy*
- *Fire hazards*
- *Location/Site*
- *Size (Height)*
- *Guidance/deviations*

Not full Fire Strategy



Building Safety Act - Gateway 2

Strengthened oversight at technical design and pre-construction stage:

- *Enhances current building control 'deposit of plans' with the BSR controlling in scope buildings*
- *Implements a 'hard stop' where construction cannot begin until the BSR has approved the application*
- *Complete plans plus a Fire and Emergency File and Construction Control Plan. Decisions to be well considered and justified with realistic fire safety management expectations*
- *Requirements set for construction including effective change information and competence management.*



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Building Safety Act - Gateway 3

Strengthened oversight at completion, commissioning and handover stage:

- **Final/completion certificate stage**
- **Implements 'hard stop' where the BSR must approve the scheme, undertaking final inspections issue a certificate**
- **Required as built detailed documentation on building required to issue a certificate**
- **Documents and information must be handed over to Accountable Person (the golden thread)**



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Golden Thread & Regulation 38

Simple/Complex buildings?

- **Escape routes**
- **Fire-separating elements**
- **Fire/life safety systems**
- **Fire doorsets**
- **Type of evacuation?**
- **Assumptions RE management?**



Fire Strategy plans/document!

Fire Risk Assessments!

R38 ONLINE VERSION

Regulation 38: Fire safety information

This section deals with the following regulation of the Building Regulations 2010.

Fire safety information

38. (1) This regulation applies where building work—

(a) consists of or includes the erection or extension of a relevant building; or

(b) is carried out in connection with a relevant change of use of a building, and Part B of Schedule 1 imposes a requirement in relation to the work.

(2) 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.

(3) In this regulation—

(a) "fire safety information" means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;

(b) a "relevant building" is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;

(c) a "relevant change of use" is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and

(d) "responsible person" has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Intention

The aim of this regulation is to ensure that the person responsible for the building has sufficient information relating to fire safety to enable them to manage the building effectively. The aim of regulation 38 will be achieved when the person responsible for the building has all the information to enable them to do all of the following.

a. Understand and implement the fire safety strategy of the building.

b. Maintain any fire safety system provided in the building.

c. Carry out an effective fire risk assessment of the building.

110 Approved Document B Volume 1, 2019 edition ONLINE VERSION Building Regulations 2010



Building Safety Act

Building Control regime &
More...

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Building Control – Strengthened oversight

- *The BSR is the 'Regulator' for higher-risk buildings*
- *Regulation of Building Control Approvers
Local Authority & Approved Inspectors*
- *Register of BCB's*
- *Building Registration*



Building Control

"PART 2A
REGULATION OF BUILDING CONTROL PROFESSION



"Registered building inspector"

In this Act "registered building inspector" means an individual registered as a building inspector in accordance with this Part.

Register of building inspectors

- (1) The regulatory authority must establish and maintain a register of building inspectors.
- (2) The register may provide for different classes of building inspectors (for example, according to qualifications or experience).

- ***Authorised officers***
- ***Regulatory Enforcement regime***

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Building Control – Strengthened oversight



Individuals

- *registered building inspector (RBI)*
- *private / public sector building control professionals*
- *unified and regulated building control profession*
- *Code of Conduct (CoC)*
- *Building inspector competence framework (BICoF)*

Private sector

- *registered building control approver (RBCA)*
- *private sector building control body*
- *Professional Conduct Rules (PCRs)*
- *Operational Standards Rules (OSRs)*

Public sector

- *local authority (LA)*
- *public sector building control body*
- *Operational Standards Rules*

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DRAFT

Building Inspector Competence Framework (BICoF)

October 2022



- Awareness
- Appreciation
- Understanding
- Comprehensive

Four BSR registration classes for individual building inspectors:

- Class 1 Building Inspector (Associate/Assistant)
- Class 2 Building Inspector (Standard)
- Class 3 Building Inspector (Complex/HRBs)
- Class 4 Building Inspector (Manager)

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Building Control – Enforcement



- *Increase of time-limits for formal enforcements of non-compliance with Building Regulations (see sections 35 and 36 of the Building Act 1984). It extends prosecutions for contravention of the Regulations from 2 years to 10 years.*
- *Requirement to correct non-compliant work from 1 year to 10 years.*
- *Stronger sanctions*



'Safety Cases' for existing buildings over 18m

- *Accountable persons to start registering buildings and submitting certain building information from April 2023*
- *Building Assessment Certificate process expected April 2024.*
- *New dutyholder competence and golden thread requirements expected to begin by October 2023*
- *Mandatory Occurrence reporting system*
- *Duties on residents to ensure safety*
- *Leaseholder protection*

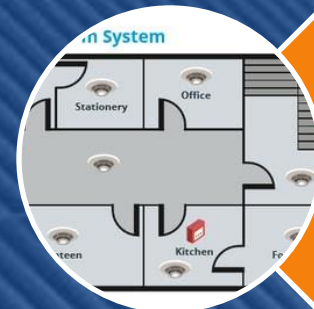
- *The Golden Thread of information.*
- *Building Regulation 38 changes?*



Guidance on 'Safety Case Reports'

The safety case report should include:

- *The major hazards associated with the building*
- *What measures are in place to manage, control and mitigate the risks*
- *Safety management systems and the physical provisions and precautions in the building*
- *How measures are maintained*
- *What checks are being done to make sure the measures will work when they are needed*
- *How the safety case is kept up to date (periodic reviews, before/after major changes, refurbishments, etc)*



Building information



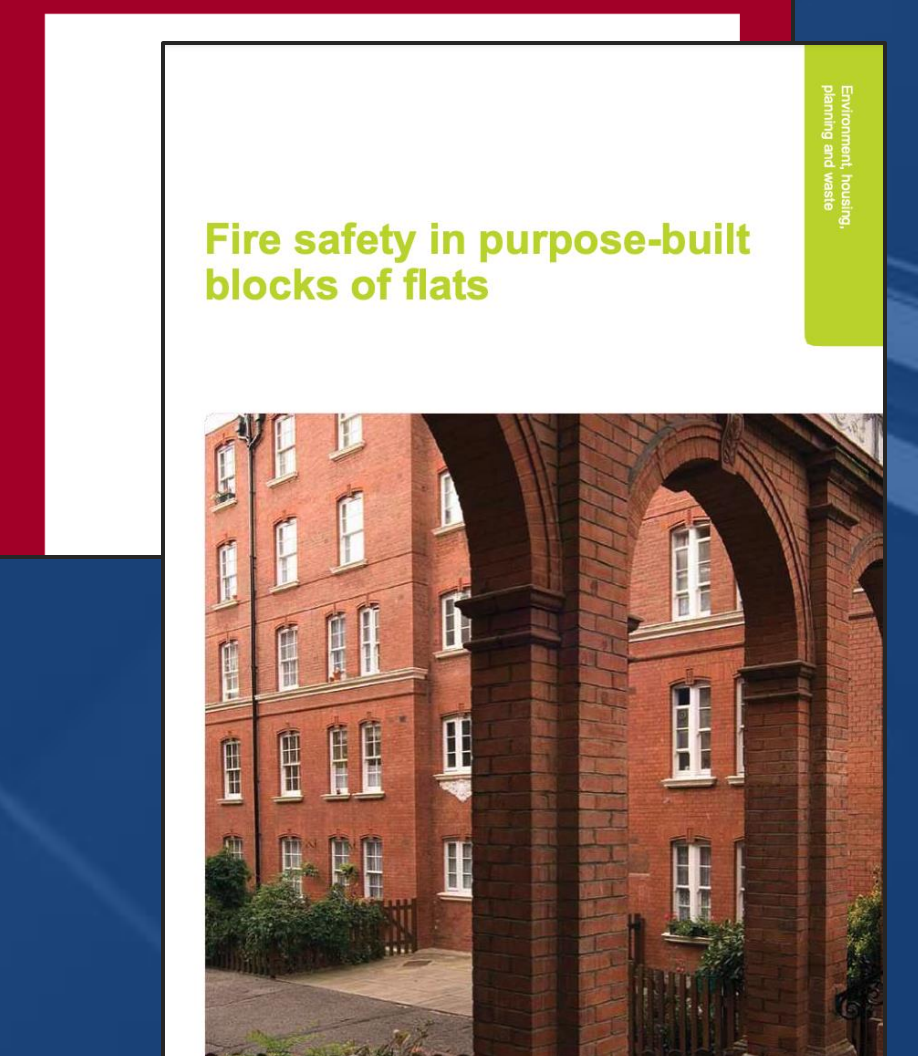
Identify risks



Risk prevention & protective measures



Safety management systems





Building Safety Act

Other provisions

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BSA interaction with Fire Safety Act 2021



Fire Safety Act 2021

2021 CHAPTER 24

The Fire Safety Act clarifies the parts of a premises that apply under the Fire Safety Order (FSO). The FSO applies to all non-domestic premises and multi-occupied residential buildings such as blocks of flats

The new legislation clarifies that where a building contains 2 or more sets of domestic premises, the FSO applies to:

- the building's structure and external walls (including windows, balconies, cladding, insulation and fixings) and any common parts*
- all doors between domestic premises and common parts such as flat entrance doors (or any other relevant door)*

New complaints procedures



- ***New Homes Ombudsman***

Approve a code of practice about the standards of conduct and quality of work

- ***Housing Ombudsman***

Prevents the apparent “democratic filter” and allows social housing complainants to escalate a complaint directly to the Housing Ombudsman

<https://www.housing-ombudsman.org.uk/>

Housing
Ombudsman Service

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Construction Products Regulations

- Construction Products (Amendment etc.) (EU Exit) Regulations 2020
- Imposes requirements on product manufacturers
- Declarations of performance
- Secretary of State may regulation make provision for products that are ‘safety critical’
- Definition – *‘any product that would cause death or serious injury to any person’*
- Current discussions (CPA, ASFP, etc)



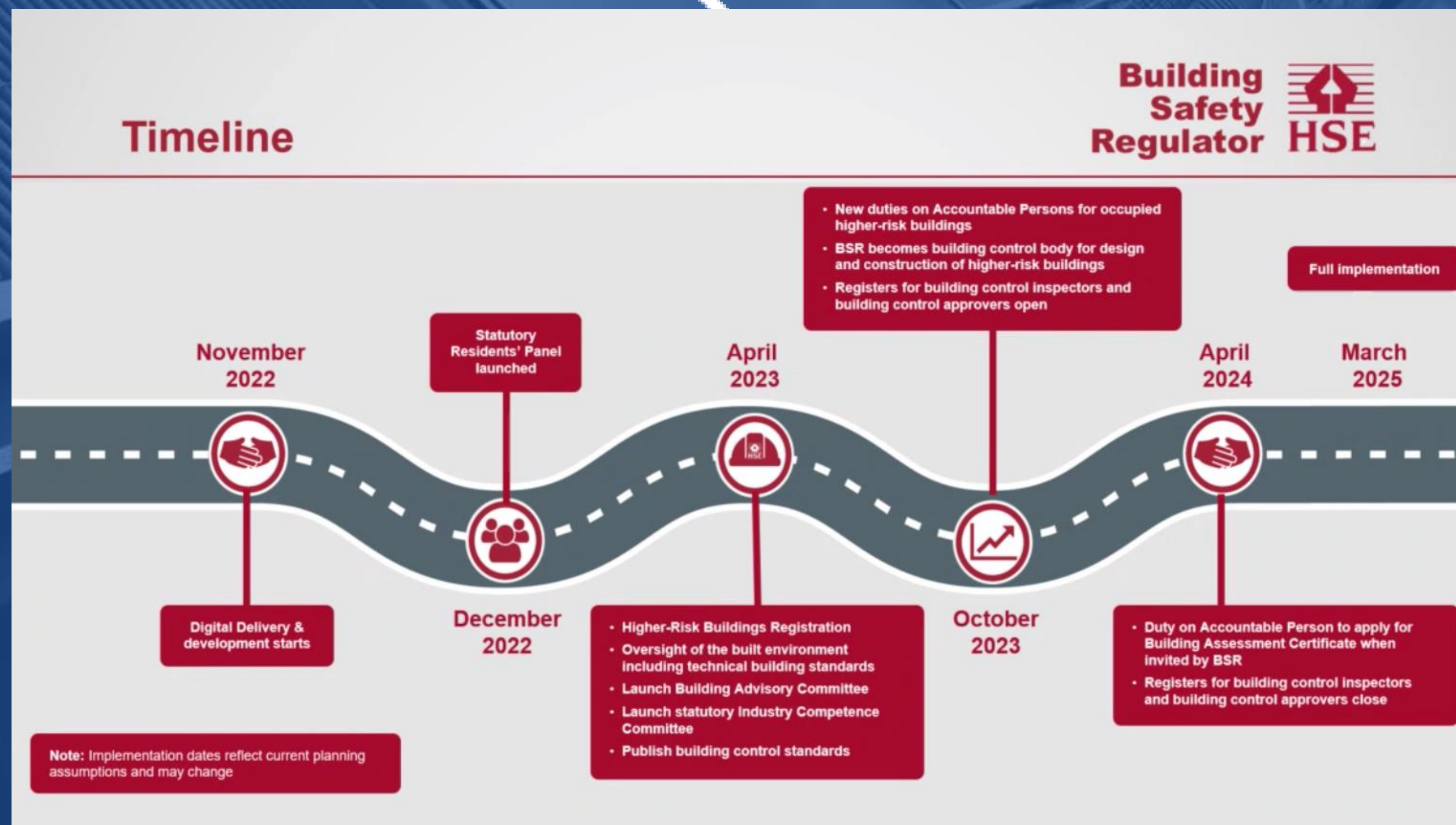
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BSA timeline and transitional arrangements??



Complete/Underway

- Delivery and development
- Secondary Legislation
- Statutory Instruments
- Act Amendments
- New industry frameworks

Next year

- Industry Competence/registration
- Building Registrations
- Advisory Committees

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Thank you for listening
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