

NEWSLETTER



What we Know so far

The Bill is intended to ensure that building safety is a top priority and to address issues of a lack of accountability during the life cycle of a building. The Building Safety Regulator (established by the HSE) will oversee the design, construction and occupation of high-risk buildings and will give advice to local regulators, landlords and building owners, the construction and building design industry as well as to building occupants.

Gateway One – Planning Stage, Planning applications will need to demonstrate that fire safety requirements have been considered and incorporated. The Building Safety Regulator (BSR) will have specialist fire safety input to assist the Local Planning Authority in their approval process. The BSR will have powers to issue a ‘stop notice’ if they become aware that a high risk building has not been through Gateway One.



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Gateway Two – the BSR needs to be satisfied that a building’s design meets the functional requirements of the Building Regulations. Construction duty holders will need to submit critical information to the BSR to demonstrate how the building, once built, will comply with the requirements of the Building Regs.

Gateway Three – begins when construction of the building is completed and the building control body assesses whether the work has been carried out in accordance with the Building Regs. Documents and information on the final, as-built building must be submitted to the BSR who will then issue a completion certificate, if they are satisfied.



Building Safety Regulator

Accountable person – defined as a duty holder of a building during its occupation (after the building has passed gateway three). The accountable person could be an individual, partnership or corporate body. The responsibilities include;

- Registering a building with the BSR.
- Applying for Building Assurance Certificate, which is issued when the BSR is satisfied the Accountable Person is complying with their duties under the Bill.
- Assessing (and revising) building safety risks and taking all reasonable steps to prevent the occurrence and control the impact of a major incident arising from building safety risks in or around the building.
- Preparing (and revising) a safety case report for a building which contains their assessment of the building safety risks and the steps that have been taken to prevent a major incident.
- Keeping information on a building and ensuring it is up to date.
- Developing systems for investigating complaints and for Mandatory Occurrence Reporting.



Building Safety Regulator - The BSR will be led by HSE Chief the appointed Chief inspector.

- The HSE is a statutory consultee for planning applications.
- Decision points during design and construction.
- Giving duty holders clear accountability and statutory responsibilities as buildings are designed, built, refurbished and occupied.
- A golden thread of building information - identified, stored and updated throughout the buildings life cycle.
- Mandatory reporting of prescribed fire and structural safety occurrences to the BSR.
- The BSR will established and maintain 3 specific committees - Residents Panel, Industry Competence Committee and Building Advisory Committee.

Application of the Bill in the Future

Existing buildings which fall into the scope (residential buildings above 18m or 7-storeys with 2 or more residential units) are expected to comply with the Bill. The Government is expected to provide further detail on how existing buildings will be brought under the Bill, but most likely this will be a defined time period for transition and compliance.

It is likely that higher risk buildings in the future could include premises under 18m / 6-storey threshold such as hospitals, care homes, prisons and offices.



When will the Bill come into force?

The Bill is due to come into force on the 1st of October 2023, however general industry opinion is that the Bill will not come into force until 2024 but work that might be needed to comply should not be put off. Work is likely to include considering what current and future buildings will fall into scope of the Bill, gathering information to create the 'golden thread', thinking about what document storage requirements are needed to record building information, the work needed to bring existing buildings up to standard (so they can continue to be occupied), what upskilling might be needed for duty holders and how this will be paid for.