

Building Safety Act Non-High-Risk Buildings

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Regional Director

Five Priorities

5 priorities for Building Safety Act 2022 compliance

It is key for everyone in the industry to understand their legal obligations under the Building Safety Act 2022.

Here are the core areas to consider as a first step to ensuring compliance with new legislation.

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Learn more:

sweco.co.uk/bsa



Transforming society together

1

Checking your obligations

Any involvement on any project brings with it a legal requirement to undertake the role you are performing competently and to ensure compliance with building regulations.

You should understand how you are going to establish and document your competence and if you are a Client, Principal Designer or Principal Contractor understand how you will verify the competence of people you bring into the team to assist designing or constructing the building.

Key question:

Are you a Client, Principal Designer, Designer, Principal Contractor or Contractor?

2

Managing information

The Act establishes that the design and construction phases serve the occupied phase of the building and critical to this is the provision of information so the building can be managed in the manner it was designed and constructed to be.

Key question:

If you are a Client, Principal Designer or Principal Contractor, how are you going to plan, manage and monitor your project to ensure compliance with the regulations – throughout the design and construction process?

Note

The Building Safety Act applies to all building projects - any scheme that did not make an application before 1 October and not started before 6 April 2024 must meet the new legal requirements.

3

Checking the scope

Understand if your project is in scope and comes under the control of the Building Safety Regulator.

Is the building over 18m in height and seven storeys or over? Does it have two or more residences or is it student accommodation, a hospital or care home?

Key question:

Has your project had a notice served and accepted prior to 1 October 2023, with work starting (sufficiently progressed) before 6 April 2024?

4

Understanding the Gateways

If your project is in-scope and you need to go through the Gateway Process, you must ensure your programme allows for the hard stops at Gateway 2 and 3.

Key question:

Do you fully understand the Prescribed Documents that are essential to getting approval at Gateway 2 and a Completion Certificate at Gateway 3?



5

Ensuring Duty Holder compliance

For building work not controlled by the Building Safety Regulator and the Gateway Process, the Building Safety Act and revised Building Regulations have new processes requiring appointment of Duty Holders on ANY project.

Key question:

Are you prepared to provide information and declarations of compliance by Duty Holders, in order to obtain a completion certificate?

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Question?

Key question:

Are you a Client, Principal Designer, Designer, Principal Contractor or Contractor?

Intent of Building Safety Act



Intent of Building Safety Act



Intent of Building Safety Act



Intent of Building Safety Act

- Early Engagement between Competent Duty Holders;
- Compliant Design (Competence);
- Compliant Construction (Competence);
- Communication/Information to allow client to manage building safely and effectively;
- The most important phase of a building's life is when it is in occupation

Intent of Building Safety Act

Responsible Persons

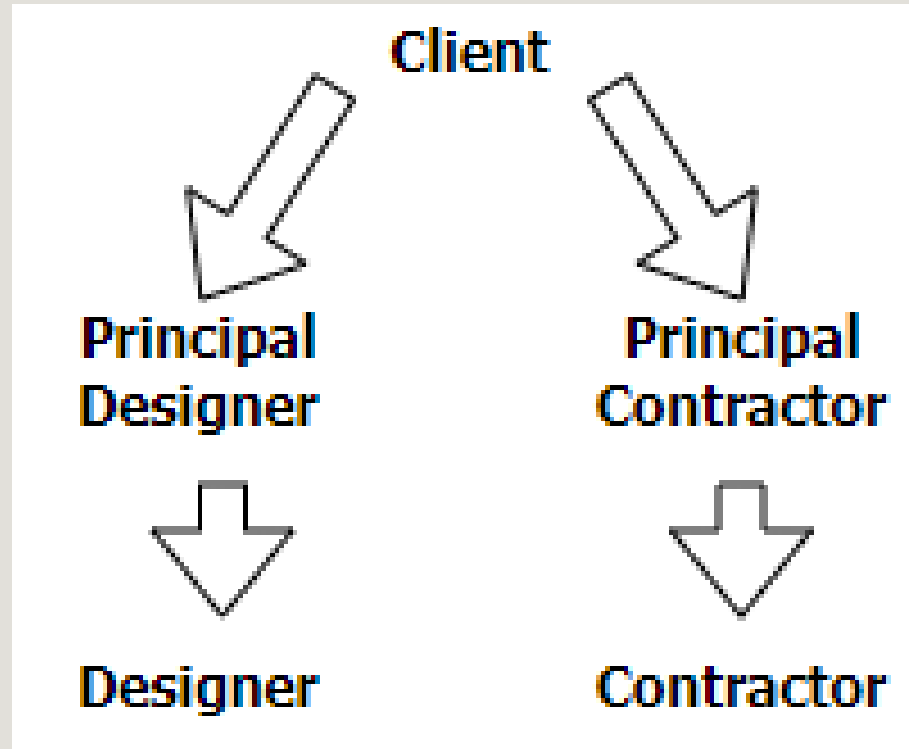
Client

Principal Designer

Principal Contractor

Designers

Contractors



Enforcement

Offence	Scope of Power	Penalty	Reference
Providing false or misleading information to BSR	Criminal offence Triable as an either way offence	Unlimited fine 1 year imprisonment (magistrates) 2 years imprisonment (crown)	Section 24 BSA22
Contravention of building regulations	Criminal offence Triable as an either way offence No time limit	Unlimited fine Fine for each day the contravention continues (£200)	Section 35 BA84
	Compliance notice Must be served within 12 months	Unlimited fine 1 year imprisonment	Section 35B BA84
	Stop notice	(upon summary conviction - magistrates)	Section 35C BA84
Failure to comply with compliance and stop notice	Criminal offence	2 years imprisonment (upon indictment - crown)	Section 35B & C BA84
Removal of offending work	Time limit extended to 10 years	Notice to remove contravening work Chargeable work	Section 36 BA84



Building Control: An overview of the new regime

Gateways 2 and 3 – application to completion certificate



Intent of Building Safety Act



Question?

Key question:

If you are a Client, Principal Designer or Principal Contractor, how are you going to plan, manage and monitor your project to ensure compliance with the regulations – throughout the design and construction process?

The Building (Appointment of Persons, Industry Competence and Dutyholders)(England) Regulations

Building
Safety
Regulator

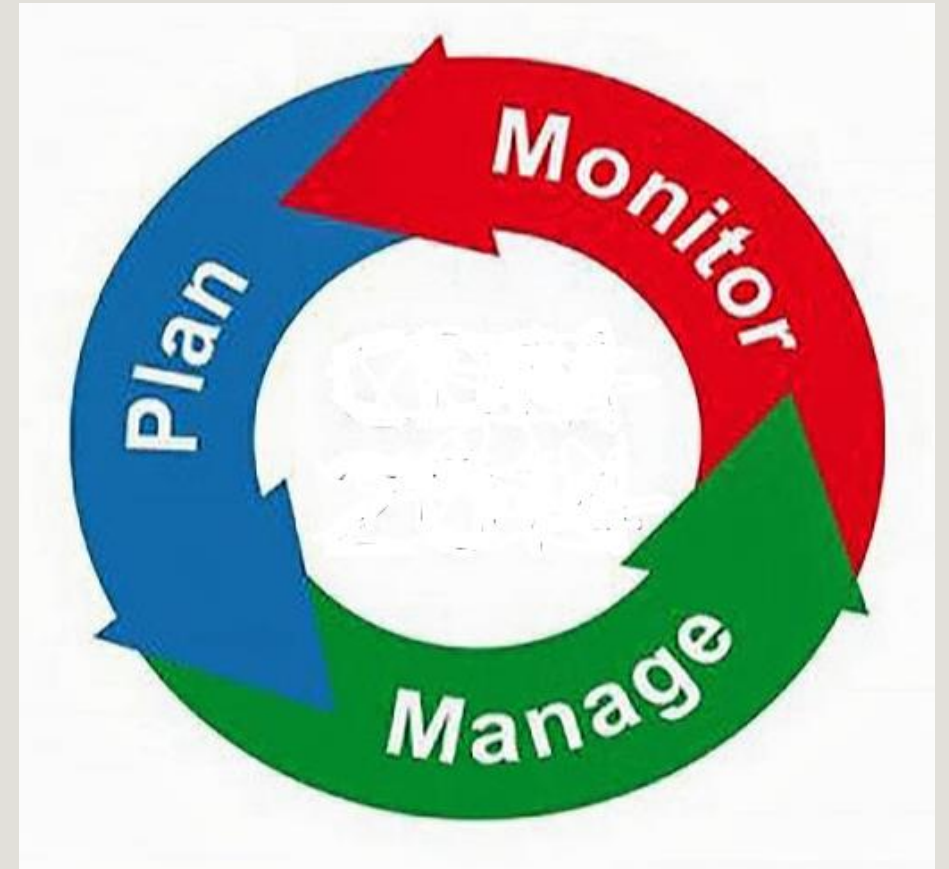


- ❑ Imposes a legal requirement on clients – to ensure any building and works covered by building regulations are properly monitored
- ❑ Appointees required to ensure their work complies with the building regulations
- ❑ Appointees must not start work until they are satisfied the client is aware of its own duties
- ❑ General competency requirements on any person carrying out any building or design work – skills, knowledge, experience and behaviours – organisational capability
- ❑ Clients must also take all reasonable steps to ensure that anyone appointed to carry out building or design work covered by the Building Regulations meets these competence requirements



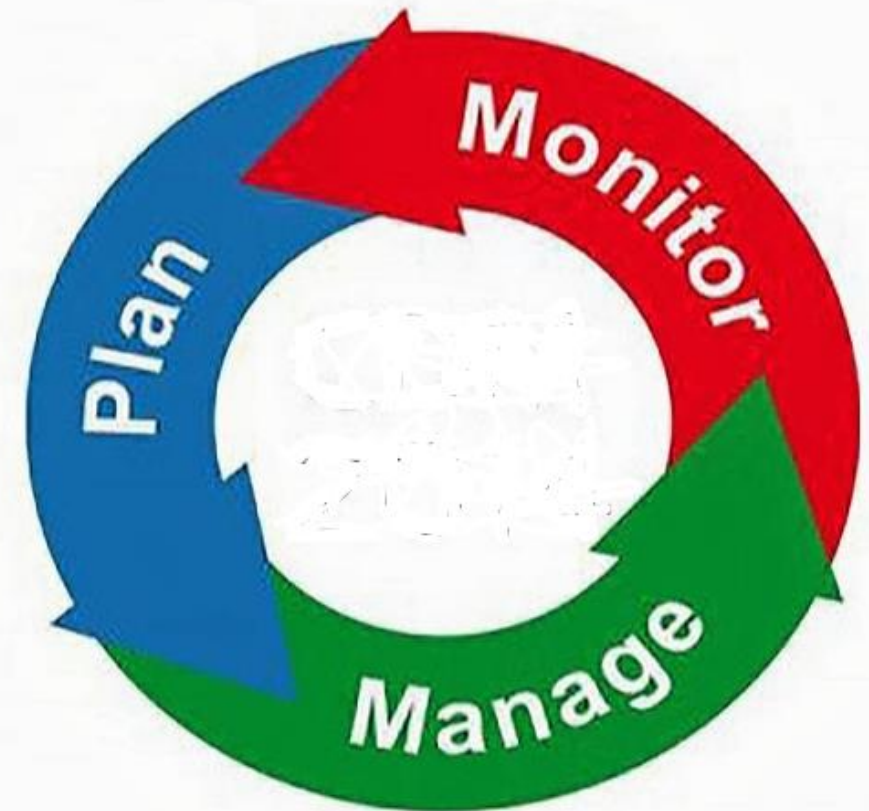
Principal Designer: Design Phase

- Plan, Manage and Monitor the design work during the design phase.
- Coordinate all matters relating to design work to ensure that it will comply with the Building Regulations if building work is carried out.
- Ensure duty holder cooperation.
- Ensure all designers coordinate their designs so that building work will be carried out following the designs and will comply with the Building Regulations.
- Ensure all designers comply with their duties



Principal Contractor: Construction Phase

- Plan, Manage and Monitor the building work during the construction phase.
- Coordinate matters relating to building work to ensure the building complies with the Building Regulations.
- Ensure cooperation amongst all duty holders.
- Ensure all building work is coordinated so that it complies with the Building Regulations.
- Ensure contractors comply with their duties.
- Liaise with the Principal Designer as required.
- Have regard to comments from the Principal Designer concerning the Building Regulations.
- Assist the Client in providing information to contractors.
- Review the arrangements of any previous Principal Contractor.
- Notify Building Control in writing, where applicable, that the building is for a Domestic Client.
- Sign the declarations as referred to above in the Client's duties.



Question?

Key question:

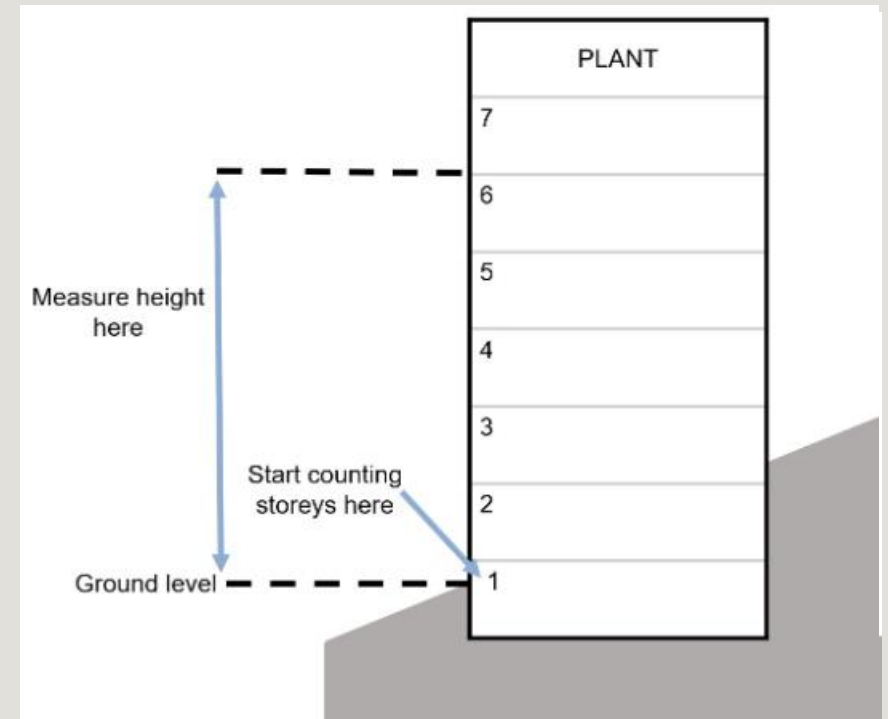
Has your project had a notice served and accepted prior to 1 October 2023, with work starting (sufficiently progressed) before 6 April 2024?

High Risk Buildings Scope

- Building over 18m in height and/or 7 or more storeys;
- Containing 2 or more residences; or
- Hospitals and care homes meeting height criteria (Gateway 2 and 3 only)

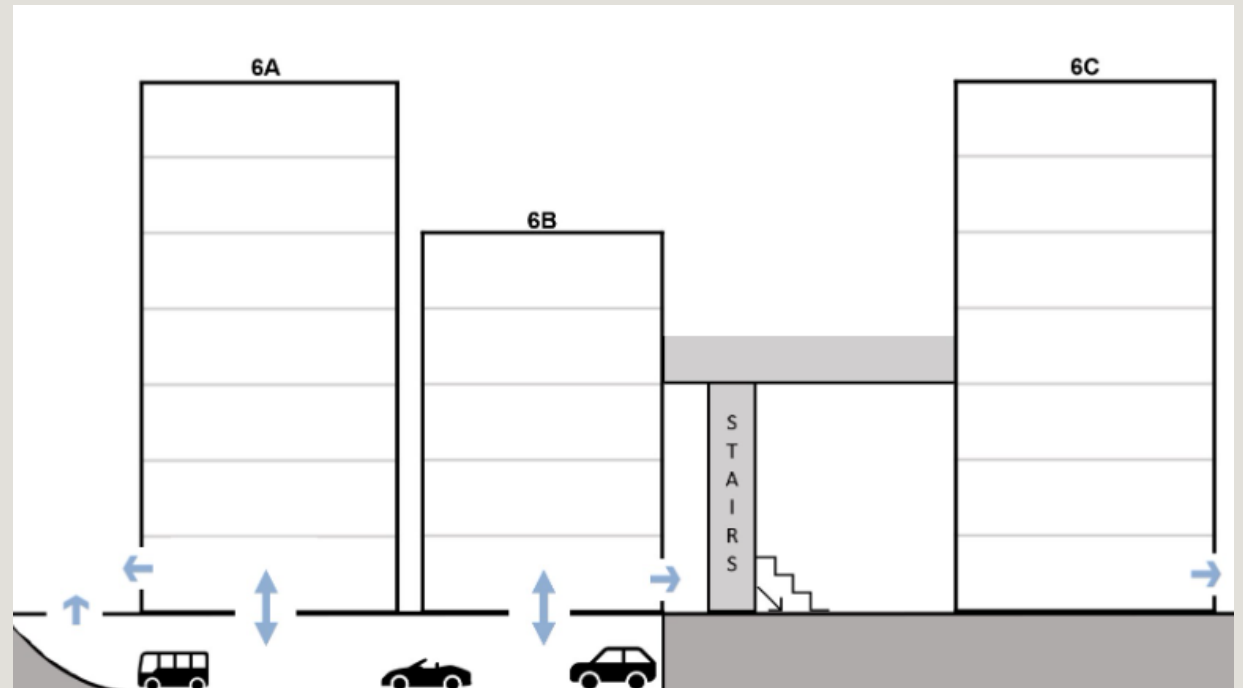
Scope

- Building over 18m in height and/or 7 or more storeys;
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Scope

- Independent sections, for when building work planned on completed building.



Question?

Key question:

Do you fully understand the Prescribed Documents that are essential to getting approval at Gateway 2 and a Completion Certificate at Gateway 3?

Prescribed Documents

- Competence declaration;
- Building regulations compliance statement;
- Fire and emergency file;
- Construction control plan;
- Change control plan;
- Mandatory occurrence reporting plan; and
- Partial completion strategy

Non-HRB Inputs/Outputs

- Competent Duty Holders;
- Compliant Design;
- Compliant Construction;
- Information to allow client to manage building safely and effectively;

Non-HRB No Hard Stops



Scope

Key question:

Are you prepared to provide information and declarations of compliance by Duty Holders, in order to obtain a completion certificate?

The Golden Thread

“The information that allows you to understand a building and the steps needed to keep both the building and people safe now and in the future”

- Kept digitally;
- Kept securely;
- A building's single source of truth;
- Available to people who need the information to do a job;
- Available when the person needs the information; and
- Understandable to the intended users.

Information required through Building Regulations

Regulation 38 Fire Safety Information

F Information on Ventilation System

L Operation and Maintenance Instructions

All Commissioning Certificates Part B, E, F, G, H, J, L,

Duty Holders Initial Notice

For commercial projects:

- The name, address, telephone number and email address of the Dutyholder (PC or PD or both).
- If the appointment is a change of Dutyholder (PC or PD or both), the name, address, telephone number and email address of the previous Dutyholder (PC or PD or both) and the date their appointment ended.
- If the notice is given on behalf of the client, a signed statement from the client that they agree to the notice being given and that the information in the notice is correct.

Duty Holders Initial Notice

To serve when

- For
- For
- Wh
- Wh

*The Building (Approved Inspector etc) Regulations 2010 now require a declaration of when works will reach a stage where they are considered to be commenced for the purposes of the Building Regulations. What work is considered as commenced differs depending on the works being carried out and additional guidance is included in this fee schedule. **Please complete the following information. Please note that without this information, an Initial Notice cannot be issued.***

Please confirm the approximate date your project is expected to start onsite.

Date

Statement (including approximate date) confirming when you expect the works to reach the stage of legal commencement.

(Client Commencement Statement including approximate date).

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Duty Holders Completion

The client must give notice to the AI which states:

- Details of client
- Details of principal or sole contractor
- Statement the work is complete
- Statement signed by the client confirming that to the best of their knowledge the work complies with the applicable requirements.
- Statement by PD and PC that they have fulfilled their duties under Part 2A

Building Control Duty Holder Declarations

