



by Will Varnals, updated January 2024

Building Safety Act Briefing Note



Agenda



1 Building Safety Act

2 Higher-Risk Buildings

3 Building Safety Regulator

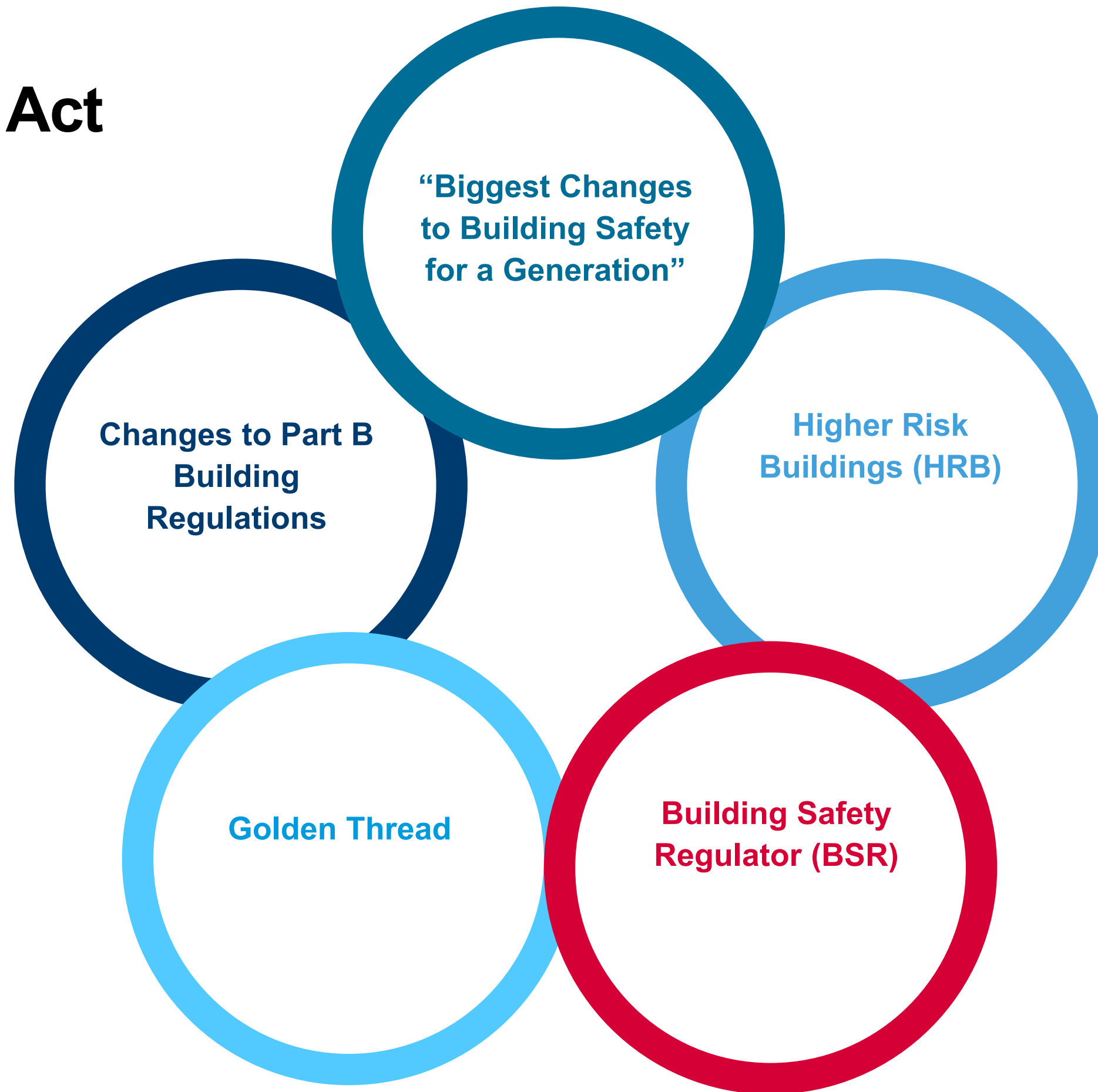
4 Golden Thread

5 Approved Document B Volume 1

6 Code of Practice for the Remediation of Residential Buildings

7 Further Points

Building Safety Act



Building Safety Act

Part 1: Introduction

Part 2: The Regulator and its Functions

Part 3: Building Act 1984

Part 4: Higher-Risk Buildings

Part 5: Other Provision about Safety, Standards, etc.

Part 6: General

Building Safety has been defined by the HSE as relating to **'the spread of fire, or structural failure'**, which may be a threat to life.



Building Safety Act Timeline

Planning Gateway One (HSE)

Developers to provide advise to LPAs about fire safety matters



July 2021

June 2022

HRB Registration Opens

- Existing Higher-Risk Buildings registration opens
- Registration by PAP



April 2023

Sep 2023

Fire Safety Guidance Comes into Force

- The BSA transition period for HRB's commences
- BSR requirements



Oct 2023

April 2024

Building Safety Act becomes Law

Passage through Parliament complete



HRB Registration Deadline

PAP's may face criminal action if HRB not registered



HRB Transition Period Ends

Any HRB developments beyond this point pass to the BSR and enforcement can be taken



Higher-Risk Buildings

Section 65 of the Building Safety Act 2022

(1) In this Part “higher-risk building” means a building in England that -

(a) is at least 18 metres in height or has at least 7 storeys, and

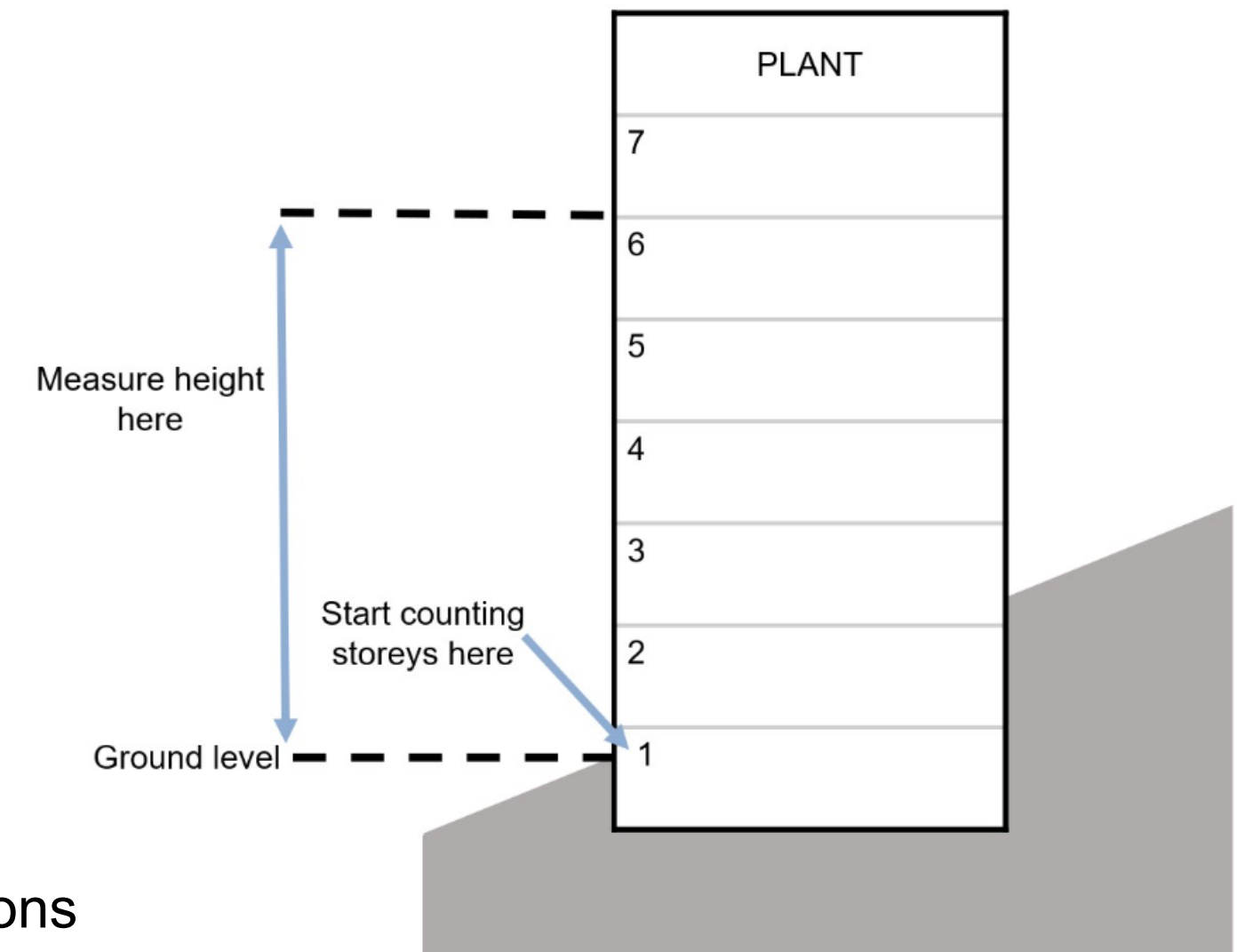
(b) contains at least 2 residential units.

Included (regulation 2):

- Mixed use buildings, ie with retail
- Care Homes
- Hospitals
- Student Accommodation

Excluded (regulation 7):

- Hotels, Military Barracks, Prisons, and other secure residential institutions



Building Safety Regulator

Enforce the BSA and becoming the BCAI for all HRB's:

- Oversee all stages of HRB life cycle; designing, construction, and management thereof.
- On new HRB developments it will assume the role of the Building Control Approved Inspector.
- Implements new Planning and Approvals Gateways for new developments.
- Monitor 'in-use' HRBs and ensure Golden Thread of information is maintained.
- Delivery by BCAI who will be Class 3 registered building inspector

Criminal Offences:

- Providing false or misleading information
- Contravening building regulations
- Non-compliance with a stop notice



Building Safety Regulator Timeline



CONSOLIDATION

20% of stock to be assessed, building containing un-remediated ACM will be prioritised.



IMPLEMENTATION

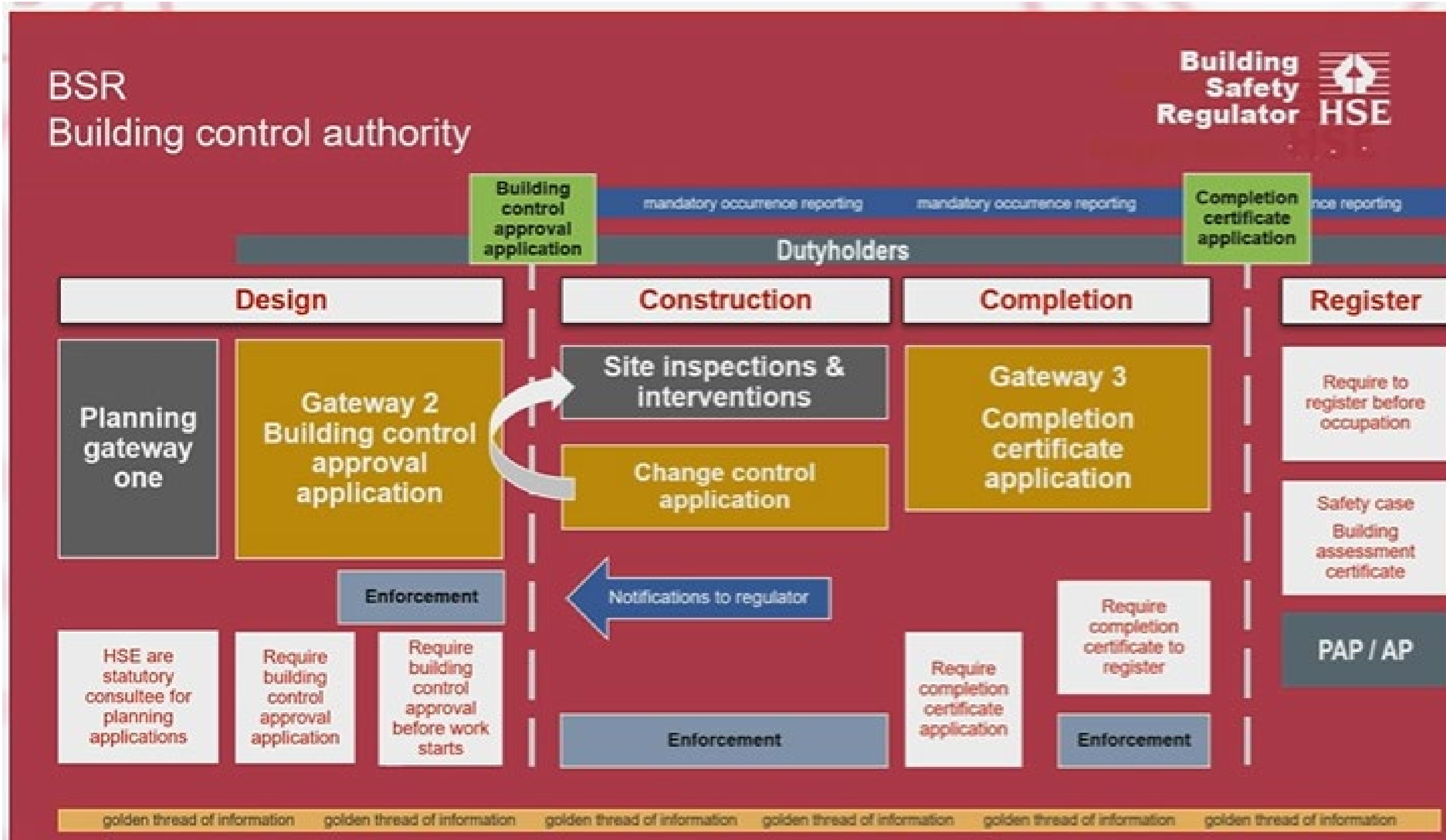
Registration of HRB's and end of transition period of works to HRB's under old building control method.



STEADY STATE

Another 20% of stock to be assessed. All work on existing buildings should be completed or on site by this point

BSR as the Building Control Authority



New HRB Developments



Gateway 1 - Preplanning	Gateway 2 - Preconstruction	Gateway 3 - Preoccupation
<ul style="list-style-type: none"> - Emergency vehicle access - Provision of fire hydrants and wet risers. - Full fire statement will need to be produced. 	<ul style="list-style-type: none"> - Drawings and plans - Competence declarations - Construction control plan - Change control plan - Building regulation compliance statement - Fire and emergency file - Client authorisation - Site location plan - Mandatory occurrence reporting plan - Locations of new drains and sewers and precautions - Any stages/phases required – statement - Partial completion strategy (part occupation) 	<ul style="list-style-type: none"> - Drawings and plans - Construction control plan - Change control plan - Mandatory occurrence reporting plan - Building regulations compliance statement - Fire and emergency file - Notice of completion with the date the work was completed - Your change control log - Plans showing locations of any new drains and sewers - Information about drainage precautions - Compliance declarations - A client confirmation statement - A statement of handover to the responsible person or principal accountable person

Progressing to the next stage of works without approval is a criminal offence.

Monitoring throughout construction of ALL Building Regulations, not just those related to safety risks.

Now have powers to issue contravention notices for any non-compliant works.

*Note: The Principal Designer in this context leads on compliance with Building Regulations, as opposed to the PD under CDM who leads on PCI and reducing H&S risk

Time & Cost

Time:

- At present, HSE/BSR are advising that feedback on submissions will be given after 12-weeks.
- Current understanding is that this 12w period resets should there be any issues/missing information.
- Existing building submissions are being processed in 6 weeks, prioritised given the fact they are occupied.

Cost:

- £180 at time of submission
- £144 per hour of an inspector reviewing the submission
- It is advised to maintain another BCAI in an advisory role to give comfort on submission

Golden Thread – New/Existing HRB's

Must be: kept digitally, securely, and be a single source of truth

Safety case report: *how are safety risks managed?*

Fire Risk Assessment, Internal Compartmentation survey, FRAEW, and a Structural Survey.

Mandatory occurrence reporting system: *what is the reporting process?*

Whole building approach, be adaptable to urgent safety reporting, identify and capture safety occurrences.

Must include a process for formal reporting to the BSR

Resident engagement strategy:

Providing residents with building safety information

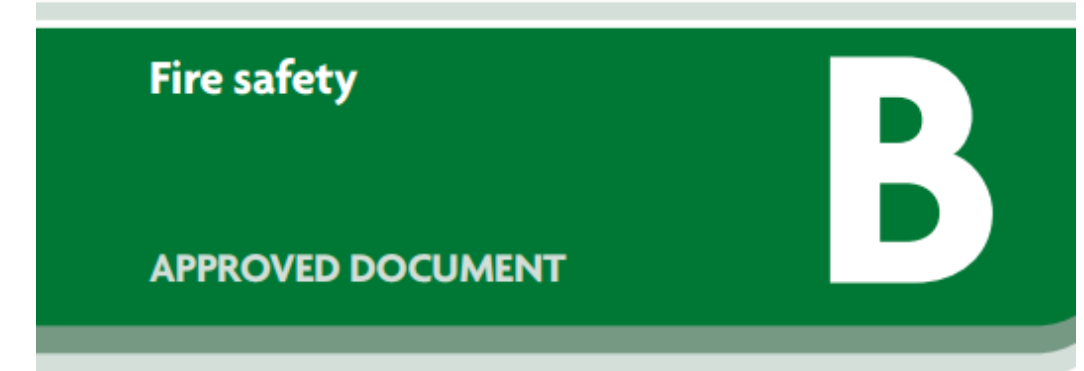
Facility for suggestions and complaints



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Key Changes:

- Combustible material ban on residential buildings reduced from 18m to 11m.
- Combustible material ban on buildings over 18m extended to include hotels.
- Buildings over 11m should be sprinklered.
- Change of Use buildings over 11m must be reviewed.
- Secure Information Boxes in residential buildings over 11m.
- Independent Evacuation Alert Systems in flats over 18m.
- **ACM: Aluminium Composite Material has been banned from use on all buildings.**



Volume 1: Dwellings

Requirement B1: Means of warning and escape
Requirement B2: Internal fire spread (linings)
Requirement B3: Internal fire spread (structure)
Requirement B4: External fire spread
Requirement B5: Access and facilities for the fire service
Regulations: 6(3), 7(2) and 38

2019 edition incorporating 2020 and 2022 amendments – for use in England

Code of Practice for the Remediation of Residential Buildings



SPLIT INTO 4 SECTIONS:

- Scope: the project should have clearly defined roles and a clearly outlined scope from relevant competent people.
- Undertaking Remediation: Communication with residents, involving residents in decision making, giving residents opportunity to take an active role in the project, respecting resident's needs, clear lines of communication for residents to raise queries, ask questions, and make complaints.
- Living with remediation: delivery and minimising disruption to residents: noise, decant, health and safety, security, and access. Key point is that the requirements of the Landlord and Tenant Act 1985 and new guidance in the Building Safety Act, dictate how access should be agreed. This is in writing and at least 48 hours before.
- Compliance with the code: suggests a few ways to maintain/record compliance, including robust contractual arrangements, ongoing feedback/comms with residents, periodic reviews etc.

Further points:

Leaseholder protection rights:

- Leaseholders in relevant buildings (over 11m / 5 storeys) are protected from paying from safety risk related defects.
- Sums are due by the original developer under the Act.
- Qualifying criteria for both the leaseholder and the works, and is individually assessed.

The New Homes Ombudsman (NHO): *subject to secondary legislation*

- Developers will be required to become a member.
- Will allow owners of new-build homes to escalate complaints.

The National Regulator of Construction Products

(NRCP): *subject to secondary legislation*

- Falls under remit of OPSS
- Powers to conduct testing, remove dangerous products, and prosecute companies who flout rules

Changes to Limitation Act 1980:

- Claims in relation to buildings completed after 28 June 2022 can be commenced up to 15 years from PC (standard is 6 years).
- Claims in relation to buildings completed prior to 28 June 2022 can be commenced up to 30 years from PC. This is in relation to the Defective Premises Act, which requires dwellings to be 'fit for habitation' and extends to claims outside of safety risks.



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