



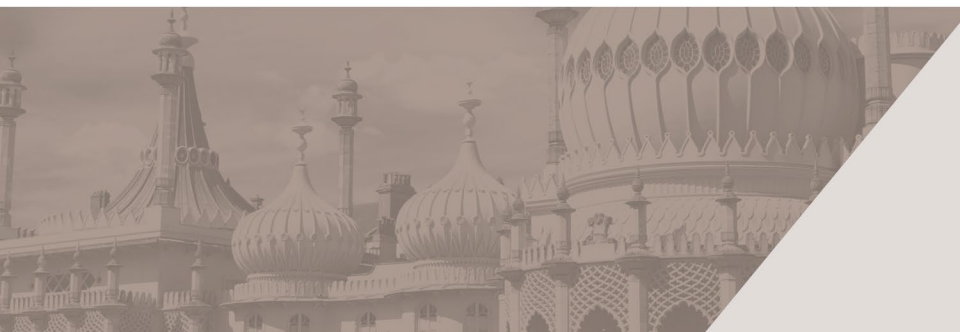
# The Building Safety Act 2022: Key provisions and changes

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## Background

The Building Safety Bill (as it then was) was intended to take forward the Government's commitment to fundamental reform of the building safety system. The Bill was to give effect to policies set out in the Building a Safer Future consultation response, published in April 2020. This detailed how the Government intended to deliver the principles and recommendations of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety, published in May 2018.

The objectives of the Bill were to learn the lessons from the Grenfell Tower fire (14 June 2017) and to remedy the systemic issues identified by Dame Hackitt through strengthening the whole regulatory system for building safety.

The Preamble to the Act (as passed) describes it as an Act:

*“to make provision about the safety of people in or about buildings and the standard of buildings, to amend the Architects Act 1997, and to amend provision about complaints made to a housing ombudsman.”*

This is achieved by ensuring that there is greater accountability and responsibility for fire and structural safety issues throughout the lifecycle of buildings in scope of the new regulatory regime for building safety. This involves:

- establishing a new Building Safety Regulator in England to oversee a new, more stringent regime for higher-risk buildings and drive improvements in building safety and performance standards in all buildings;
- ensuring residents have a stronger voice in the system, and establishing additional protections for leaseholders in relation to financing remediation works;
- increasing access to redress through the Defective Premises Act 1972;
- driving industry culture change and incentivising compliance;
- strengthening the Fire Safety Order; and
- providing a stronger and clearer framework for national oversight of construction products.

*(Explanatory Notes, Building Safety Act 2022)*

The Act was (mostly) enacted on 28th April 2022, with the remaining parts coming into force after this date, and some still yet to be brought into force.

# Overview

## Parts

1. *Introduction*
2. *The Regulator and Its Functions*
3. *Building Act 1984*
4. *Higher-Risk Buildings*
5. *Other Provision About Safety, Standards Etc*
6. *General*

## Schedules

1. *Amendments of the Health and Safety at Work Etc. Act 1974*
2. *Authorised Officers: Investigatory Powers*
3. *Cooperation and Information Sharing*
4. *Transfer of Approved Inspectors' Functions to Registered Building Control Approvers*
5. *Minor and Consequential Amendments in Connection with Part 3*
6. *Appeals and Other Determinations*
7. *Special Measures*
8. *Remediation Costs Under Qualifying Leases Etc.*
9. *The New Homes Ombudsman Scheme*
10. *Amendments in Connection with the New Homes Ombudsman Scheme*
11. *Construction Products Regulations*

## Summary of Parts

**Part 1** provides an overview of the Act.

**Part 2** establishes a new Building Safety Regulator within the Health and Safety Executive.

**Part 3** deals with amendments to the Building Act 1984 as it applies to England and Wales, and defines the scope and provisions for the regime during the design and construction phase for higher-risk buildings. It also provides for the registration of building inspectors and building control approvers to better regulate and improve competence levels in the building control sector.

**Part 4** is concerned with higher-risk residential buildings in England when they are occupied, and defines the scope of the regime for higher-risk buildings in occupation.

**Part 5** details other provisions, including provisions relating to service charges and redress, and changes to the Fire Safety Order. It includes provisions to require a New Homes Ombudsman scheme to be established, and powers to make provision for regulation of construction products for the UK. It allows disciplinary orders made against architects by the Professional Conduct Committee of the Architects Registration Board to be listed alongside an architect's entry in the Register of Architects.

**Part 6** contains the technical clauses related to the Bill.

# Key Features

## The Building Safety Regulator

Part 2 of the BSA 2022 establishes the Building Safety Regulator (BSR), which operates as a division of the Health and Safety Executive.

The purpose of the BSR is to:

- Implement the new, more stringent regulatory regime for higher-risk buildings including to act as the building control authority for work relating to higher-risk buildings.
- Over see the safety and performance of all buildings. This includes overseeing the performance of all other building control bodies and building control approvers (previously known as approved inspectors) and advising on emerging risks and possible changes to the building regulations.
- Establish three committees, namely, the:
  - Building Advisory Committee, which replaces the Building Regulations Advisory Committee for England (BRAC). This committee advises the BSR on matters connected with most of its building functions;
  - Committee on Industry Competence, which assists the BSR in its task of unifying the building control profession; and
  - Residents' Panel, which comprises residents of higher-risk buildings and relevant individuals. The BSR must consult this committee before issuing or revising certain guidance related to residents of higher-risk buildings.

## Enforcement Powers

The BSR is empowered to:

- Exercise regulatory powers under, for instance sections 35, 36 and 39 – in relation to non-compliance with building regulations.
- Exercise (newly created) powers to prosecute all offences under BSA 2022 and BA 1984 (including section 35).
- Issue a:
  - (1) Compliance Notice (requiring an issue to be remedied by a set date); and
  - (2) Stop Notice (requiring work during the design and construction phase to stop until the non-compliance is remedied). (*BSA 2022, s 38*).
- Hold to account building control bodies (in relation to any failure to register or underperformance).
- Suspend or remove inspectors from the register and to prosecute them where necessary.

## Building Safety Act 2022

### Section 38 - Compliance and stop notices (England)

(1) *In the Building Act 1984 before section 36 insert—*

*“Notices in respect of contraventions*

#### **35B Compliance notices**

(1) *The building control authority may give a compliance notice to a person who appears to the authority to have contravened, be contravening or be likely to contravene—*

(a) *a relevant provision of building regulations, or*

(b) *a requirement imposed by virtue of such a provision.*

(2) *A “compliance notice” is—*

(a) *a notice requiring the recipient to take specified steps within a specified period, or*

(b) *a notice requiring the recipient to remedy the contravention or the matters giving rise to it within a specified period.*

(3) *A notice of a kind mentioned in subsection (2)(a) may specify any steps relating to—*

(a) *the remedying of the contravention, or*

(b) *avoiding the contravention occurring.*

(4) *A person who, **without reasonable excuse**, contravenes a compliance notice **commits an offence.***

(5) *A person guilty of an offence under this section is liable—*

(a) *on **summary conviction**, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a **fine (or both)**;*

(b) *on **conviction on indictment**, to **imprisonment for a term not exceeding two years or a fine (or both)**;*

***and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.***

(6) *A compliance notice **may not be given** in respect of a contravention which occurred **more than 12 months before** the day on which the notice is given.*

(7) *In this section—*

(a) *“relevant provision” means any provision of building regulations except one that is prescribed for the purposes of this paragraph;*

(b) *“specified” means specified in the notice.*

## **Section 35C - Stop notices**

*(1) The building control authority may give a stop notice to a person appearing to the authority to be in control of any work if it appears to the authority that—*

*(a) the carrying out of the work would contravene a provision of building regulations prescribed for the purposes of this paragraph,*

*(b) a compliance notice relating to the work has been contravened, or*

*(c) the work contravenes a provision of building regulations or a requirement imposed by virtue of such a provision, and the risk of serious harm condition is met.*

*(2) For the purposes of subsection (1)(c) the “risk of serious harm condition” is that use of the building in question without the contravention having been remedied would be likely to present a risk of serious harm to people in or about the building.*

*(3) A “stop notice” is a notice prohibiting, either immediately or from a specified time, the carrying out of specified work until the occurrence of such of the following as may be specified—*

*(a) the taking of specified steps;*

*(b) the occurrence of specified circumstances;*

*(c) the remedying of a specified contravention or the matters giving rise to it.*

*(4) Where a stop notice is contravened, the person to whom the notice was given commits an offence.*

*(5) A person guilty of an offence under this section is liable—*

*(a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);*

*(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);*

*and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.*

*(6) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable precautions and exercised all due diligence to avoid the contravention of the stop notice.*

*(7) In this section “specified” means specified in the notice.*

## **Building Act 1984**

### **Section 35 - Offence of contravening building regulations etc (England)**

*(1) A person who contravenes a provision of building regulations, or a requirement imposed by virtue of any such provision, commits an offence.*

*(2) Building regulations may provide that subsection (1) does not apply in relation to a prescribed provision of the regulations.*

*(3) Building regulations may provide that, in relation to a prescribed provision of the regulations, it is a defence for a person charged with an offence under this section to prove such matters relating to the contravention as may be prescribed.*

*(4) A person guilty of an offence under this section is liable—*

*(a) on **summary conviction**, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);*

*(b) on **conviction on indictment**, to imprisonment for a term not exceeding two years or a fine (or both);*

*and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.*



## The Higher-Risk Building Regime

The HRB regime consists of building control procedures and building regulations that apply to the design and construction of works involving HRBs, and ongoing regulatory requirements when they are occupied.

The different phases of completing a HRB (design, construction and occupation) will be overseen by the BSR.

### **What is a higher-risk building (England)?**

There are 2 definitions under the BSA 2022, each pertaining to Parts 3 and 4, respectively.

#### *Design and Construction Phase*

Part 3 – this concerns changes to building control procedures and regulations applicable to the design and construction of HRBs, and is defined hereunder as: *a building that at least 18 metres in height or has at least 7 storeys, and:*

*contains at least two residential units, is a care home or is a hospital.* (BSA 2022, s 31).<sup>1</sup>

Excluded from this definition are:

- Secure residential institutions;
- Hotels;
- Military barracks; and living accommodation for military personnel.

#### *Occupation Phase*

Part 4 – this concerns the regulatory requirements applicable to HRBs, once occupied, and is defined hereunder as: *a building that is at least 18 meters in height or has at least 7 storeys, and contains at least 2 residential units defined as a dwelling or any other unit of living accommodation* (BSA 2022, s 65).<sup>2</sup>

Excluded from this definition are:

- Care homes;
- Hospitals;
- Secure residential institutions;
- Hotels; and

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<sup>1</sup> see also regulations 2 and 7 of the *Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023/275*.

<sup>2</sup> see also regulation 8 of the *Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023/275*

- Military barracks and living accommodation for military personnel.

### Key features of the HRB regime

- The BSA provisions and regulations are extensive and complex.
- Design and Construction Phase Requirements:
  - Creation of a 'gateway' regime, i.e. those building, or carrying out, significant refurbishment works to HRBs are required to seek approval from the BSR at 3 gateway points:
    - Point 1 – **Planning permission**: Utilises the planning permission process and imposes requirements that will have to be fulfilled by the person applying for planning permission. Information submitted with the planning application will have to show that fire safety requirements have been considered and included into the proposals for projects involving high-rise residential building.
    - Point 2 – **Pre-construction**: You will be unable to begin building work on a HRB until the BSR is satisfied that the building design satisfies the requirements of the Building Regulations 2010, and the safety management expectations within it are realistic<sup>3</sup>.
    - Point 3 – **Completion/final certificate**: Occurs after building work on a HRB has finished, and the BSR assesses whether such work conforms with the Building Regs. At this point, all the prescribed documents and information relating to the building (as built) must be passed to the 'accountable person'. If satisfied, then the BSR will issue a completion certificate.<sup>4</sup>
- Dutyholders – HRB regs create several categories of 'dutyholder'. These are persons who will be accountable and have statutory responsibility for managing risk throughout the design, construction and occupation of HRBs. They will also facilitate compliance with the requirements of building regulations.
  - During the construction phase, the different dutyholders will be<sup>5</sup>:
    - **client**: the client is the person for whom the work is carried out. It must make suitable arrangements for planning, managing and monitoring the

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<sup>3</sup> See The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, SI 2023/909, Chapters 1 and 2, for provisions governing gateway Point 2 process.

<sup>4</sup> See The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, SI 2023/909, Part 5, for the provisions governing gateway Point 3.

<sup>5</sup> Building Regulations etc. (Amendment) (England) Regulations 2023, SI 2023/911, reg 6.

works, to ensure compliance with all relevant requirements. This includes appointing a principal contractor and principal designer in respect of the works, upon satisfaction that the appointees are appropriately competent. The client must also provide information on the works and the project to every designer and contractor ‘as soon as is practicable’, and co-operate with other dutyholders to enable them to fulfil their obligations.

- **principal designer:** the principal designer must plan, manage and monitor the design work during the design phase, and co-ordinate the design work comprised in the project, so that ‘all reasonable steps’ are taken to ensure that the design of the building meets applicable requirements.
  - **any designer:** designers must not start design work unless they are satisfied that the client is aware of the relevant requirements that apply to the design of the building. Designers must also take all reasonable steps to ensure that the design of the building meets relevant requirements—and, where necessary, consider any design work undertaken by other parties which relates to the building.
  - **principal contractor:** the principal contractor must plan, manage and monitor the building work during the construction phase, and co-ordinate matters relating to the building work so that all relevant requirements are met. It must take all reasonable steps to ensure that contractors and any other persons involved in the building work co-operates with the client, the principal designer, the principal contractor and each other.
  - **any contractor:** contractors must not begin work unless they are satisfied that the client is aware of its duties in relation to ‘all relevant requirements’. They must ensure that building work meets the relevant requirements and provide each worker under their control with appropriate supervision, instructions and information.
- Dutyholders are required to share relevant information with other dutyholders.
  - During the construction phase –
    - During this phase of the construction of a HRB building, parties carrying out the works must comply with requirements introduced by the *Building (Higher-Risk Buildings Procedures)(England) Regulations 2023* (“the Procedure Regs”), and the BSR will be entitled to exercise certain powers in relation to the project including:
      - Change control (Procedures Regs, Part 3) – certain proposals to change the works (i.e. variations to the design of the building), or to change certain arrangements for the provision of the works, must be recorded by the principal contractor and notified to the BSR. In some cases, parties must await the BSR’s approval before proceeding with the change. It depends on whether the change is ‘recordable’, ‘notifiable’, or ‘major’.

- Occurrence reporting (Procedures Regs, Part 4) – the principal contractor and principal designer must establish a system which enables, as far as reasonably practicable, the prompt and effective recording of every ‘safety occurrence’ (defined as an incident likely to present a risk of a significant number of deaths or serious injury to a significant number of people arising from an aspect of the design or an incident relating to the structural integrity or fire safety of the HRB). This must be established before the construction phase begins and be maintained throughout the construction phase.
  - Inspections (Procedures Regs, Part 6)– the BSR is empowered to take such steps as it considers appropriate to check compliance with all applicable requirements of the building regulations – including carrying out inspections and requiring that the works are laid open.
- NOTE - Such requirements may have a substantial impact on construction programs and costs. It will need to be considered how compliance with these features of the HRB regime can be achieved, and how the risks of delay and cost overruns, should be allocated.
- Golden Thread of Information
  - The BSA<sup>6</sup> features powers to require that, ‘a golden thread of information’ must be put in place for all buildings that fall within the HRB regime. The intention is that the information is created, stored and kept up to date as a building progress during the construction phase, and subsequently following occupation of the building.
  - The Procedures Regs set out specific requirements, placed on the employer in the first instance, for the establishment and maintenance of the golden thread of information, including requirements that the information (Procedures Regs, 31):
    - is kept in an electronic format
    - is capable of being transferred electronically to other persons without the data, information or document in it being lost or corrupted
    - is accurate and up to date

## Occupation Phase

- After occupation is taken of a HRB, the BSA requires the appointment of an ‘accountable person’ (legal or equitable owner of the HRB). This person (or entity) will have duties to ensure that the HRB is registered with the BSR, to take responsibility for the fire and structural safety of the building, provide information on the building to the BSR, and to make sure that other statutory obligations for HRBs are met.

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<sup>6</sup> Sections 33 and 88-90.

Building safety defects and construction products:  
court claims and liabilities

Statutory limitation periods for claims relating to a dwelling were extended under the BSA 2022. This is a period within which a legal claim must be brought, otherwise there will be an absolute defence to the claim.

Longer limitation periods will therefore apply to claims under:

- The Defective Premises Act 1972
- Section 38 of the BA 1984 (not yet in force)
- Against construction product manufacturers arising from the Construction Products Regulations

This came into force on 28 June 2022.

The BSA 2022 made amendments to and added sections 4B and 10B to the Limitation Act 1980 (LA 1980).<sup>7</sup>

- BSA 2022, section 135 –
  - Amends the Limitation Act 1980 (by the insertion of new section 4B). This section introduces ‘special’ extended limitation periods within which proceedings in court can be brought under section 1 of the Defective Premises Act 1972 (“DPA 1972”), against those responsible for damage or defects in relation to dwellings (not just HRBs).
  - Under DPA 1972, s 1, a person who takes on work for or in connection with the provision of a dwelling, owes a duty to ensure that the work is done in a workmanlike or, as the case may be, professional manner, with proper materials so that the dwelling is fit for human habitation. The duty is owed to the person to whose order the dwelling was provided (if any) and any person who acquires a legal or equitable interest in it. Where a person breaches this duty, it may be liable in damages to a party to whom the duty was owed.

The effect of the above amendment:

- the limitation period applying to causes of action (a right to bring a claim) under DPA 1972, s 1, which accrue *after* BSA 2022, s 135 came into force (28 June 2022), will be **15 years**.

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<sup>7</sup> Sections 135 and 150, BSA 2022.

- causes of action under DPA 1972, s 1, which accrued *before* 28 June 2022, will be subject to a limitation period of **30 years**.

Before these provisions came into force, the limitation period applying to claims under DPA 1972, s 1, was six years from when the dwelling was completed.

BSA 2022, section 134 –

Also amended the Defective Premises Act 1972 by inserting section 2A.

This imposes a duty **on those who take on work** in relation to a building **which contains a dwelling** (ie, extension or refurbishment works to an existing property) to **ensure that the work does not render the dwelling unfit for habitation**, provided the work was **carried out during the course of business**.

This duty also benefits from the extended limitation period for claims under DPA 1972 (that is, 15 years), but only prospectively—ie it only applies to causes of action which accrued on or after 28 June 2022.

A cause of action is treated as ‘accruing’ when the relevant works are complete.

!! Among the implications of these provisions is the possibility that building owners, developers, contractors and consultants will now face claims under DPA 1972, which previously would have been statute-barred.

## Construction and cladding products

BSA 2022, sections 147–151 - creates potential rights of action against parties responsible for failures in relation to construction and cladding products.

### Construction Products

With respect to the manufacture of construction products if, at any time *after* BSA 2022, s 148, came into force (ie after 28 June 2022) a person:

- manufactures a construction product that it is inherently defective, makes a misleading statement in relation to a construction product when marketing or supplying it, or fails to comply with a construction product requirement in relation to a construction product (**‘Condition A’**); and,
- that product is attached to or installed in a residential building in the course of works carried out in the construction of, or in relation to, the building (**‘Condition B’**); and,
- the building, or a dwelling within the building is, when those works are complete, unfit for habitation (**‘Condition C’**); and,

- that person's failures in relation to Condition A were a cause, or one of the causes, of the building or dwelling being unfit for habitation ('**Condition D**'),

then that person will be liable in damages to parties with legal, or equitable, interests in the building (BSA 2022, section 148(6)).

Liability in damages includes liability for personal injury, property damage, or economic loss.

Claims founded on these provisions are subject to a limitation period of 15 years, beginning either from when the construction of the building is completed, or when the relevant works are completed (BSA 2022, section 150).

### **Contracting out of BSA 2022, section 148**

Construction manufacturers cannot 'contract out' (exclude from a contract) of liability under BSA 2022, section 148.

Any term of a contract that purports to *exclude* or *restrict* such liability is void (BSA 2022, s 148 (7)).

### **Retrospective Liability**

BSA 2022 also imposes similar **retrospective liability** on persons responsible for the manufacture or supply of defective cladding products (BSA 2022, s 149).

Therefore if, at any time *before* BSA 2022, s 149, come into force, a person committed defaults in relation to the manufacture or supply of cladding products which resulted, or will result, in a residential building being unfit for habitation, that person is liable for damages to parties with legal or equitable interests in the building.

The relevant provisions, including the nature of the defaults which give rise to liability, are in substantially similar terms to those addressing liability for construction products (albeit, as noted, the provisions for liability in relation to construction products **apply prospectively**).

Any provision in a contract which purports to exclude this liability will be void (BSA 2022, section 149(7)).

The limitation period applying to cladding under BSA 2022, s 149, claims will be: (i) 30 years from when the building or relevant works were completed, if completion occurred before BSA 2022, s 149 come into force; or, (ii) 15 years from when the relevant building or works were completed, if completion occurs after BSA 2022, s 149, came into force (BSA 2022, section 150).

## Building liability orders

BSA 2022, section 130

Empowers the High Court to make a 'building liability order' **if it considers it just and equitable to do so.**

A building liability order is an order that any 'relevant liability' of a company, in relation to a specified building, is also a liability of another company, or a joint and several liability of two or more companies. A 'relevant liability' is, in turn, a liability in relation to a building in England, incurred under DPA 1972, Building Act 1984, s 38 or as a result of a building safety risk.

A building liability order can only be made against a company if it has been associated with the original company (ie the company that incurred the relevant liability) at any time in the period beginning from when the relevant works commenced.

Section 131 (BSA 2022) contains provisions for ascertaining whether companies are 'associates'. Essentially providing that companies are associates if one controlled the other, or if both were controlled by a third company (umbrella parent company). An order can be made notwithstanding that the original company may have been dissolved.

Section 132 (BSA 2022), also allows a person making, or intending to make, an application for a building liability order to apply to the High Court for **an information order** against a company subject to a relevant liability, requiring it to provide specified information or documents relating to parties who are or have at any time in a specified period been, associated with it.

## Remediation contribution orders

BSA 2022, section 124

Remediation contribution orders (RCOs) may be made the First-tier Tribunal (FTT) in England, upon an application by an 'interested person' (including the Secretary of State (in England)), BSR, the local authority, the fire and rescue authority and persons with a legal or equitable interest in a relevant building). RCOs are orders requiring a specified body corporate or partnership, ie

- a landlord of a lease in the relevant building
- a person who was a landlord at the qualifying time
- a developer in relation to the relevant building, or
- a person associated with a person within any of the above parties

to make specified payments, by way of contribution to the cost of rectifying relevant defects.



Definitions in relation to RCOs:

- a relevant building is 'self contained' building or part of a building, containing at least two dwellings and which is at least 11 metres high (from ground level up) or has at least five storeys
- a relevant defect is anything done or not done, or used or not used in connection with 'relevant works' which causes a building safety risk (ie the spread of fire or the collapse of part or all of the building) (BSA 2022, s 117).
- 'relevant works' means works relating to the construction or conversion of a building if completed within the relevant period, works undertaken or commissioned by a landlord or management company if completed within the relevant period, or works undertaken after the end of the relevant period to remedy a relevant defect. (s 120).
- the relevant period is 30 years ending with the time BSA 2022, s 120 came into force (28 June 2022).

The criteria for establishing whether a person is 'associated' with a developer or landlord (and against whom RCOs may therefore be sought) are set out in BSA 2022, s 121. These provides different tests for association, depending on whether the parties involved are natural persons, partnerships or companies.

Thus, similar to BLOs, RCOs provide applicants with potentially powerful rights against developers and persons and companies associated with them, in respect of historic building safety defects.

Case Law (First-tier Tribunal (Property Chamber):

*Arjun Batish and others v Inspired Sutton and others* (decided in January 2023)

The FTT granted an RCO against the landlord and developer of a high-rise block of flats. The RCO was sought by leaseholders of the flats, on the basis that they had been required to pay, as part of their service charges, remedial works in relation to fire safety defects—including the replacement of cladding, and certain repairs to balconies.

The FTT accepted that the leaseholders were interested persons, and that the defects in question were 'relevant defects' in a 'relevant building'. In relation to whether it was just and equitable to grant the RCO, the FTT considered that it would need to be satisfied that the cost of the works should have been met by the freeholder.

It was satisfied that this condition was met, because the landlord was responsible for the defects and not entitled to recover the remedial costs, by reason of the leaseholder provisions conferred by BSA 2022.

## **Future Implementations of parts of the BSR 2022**

- New Homes Ombudsman Scheme – sections 136 -143 (not yet in force).
- Creation and amendments to regulations by the Government, pursuant to powers under the BSA 2022 conferred upon the Secretary of State.

## The Future Outlook

- It appears that the new Labour Government's focus in this area will be on continuing as the Act's inception intended i.e. no major policy or practice changes.
- Manifesto commitment – “...*decisive action to improve building safety, including through regulation*” and to “*review how to better protect leaseholders from costs and take steps to accelerate the pace of remediation across the country*”, and to “*put a renewed focus on ensuring those responsible for the building crisis pay to put it right*”.
- Purpose of the BSA 2022 is in the interests of safety, which one can hardly be against, morally or politically.
- The new BSA is therefore likely here to stay but note that it does give the Government (through the Secretary of State) powers to make/ amend regulations which may be a focal point for a future changes to the BSA.

## Useful Reference Sources

- **Building Safety Act 2022**  
(<https://www.legislation.gov.uk/ukpga/2022/30/contents>)
- **Government Published Explanatory Notes on the Building Safety Act 2022**  
([https://www.legislation.gov.uk/ukpga/2022/30/pdfs/ukpgaen\\_20220030\\_en.pdf](https://www.legislation.gov.uk/ukpga/2022/30/pdfs/ukpgaen_20220030_en.pdf))
- **The Building (Higher-Risk Buildings Procedures)(England) Regulations 2023** (<https://www.legislation.gov.uk/uksi/2023/909/contents>)
- **The Building Safety Act: secondary legislation**  
(<https://www.gov.uk/guidance/the-building-safety-act-secondary-legislation>)