



DOORSTEP DIGEST

The Building Safety Act 2022

Introducing new responsibilities for overseeing fire and building safety in high-rise residential buildings and measures to improve safety in all residential buildings.

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THE DOORSTEP DIGEST SERIES



02

The Building Safety Act of 2022 was introduced in 2023 to revamp building safety regulations in response to the tragic Grenfell Tower incident in 2017, where 72 people lost their lives.

It introduces new responsibilities for overseeing fire and building safety in high-rise residential buildings and several measures to improve safety in all residential buildings. It aims to provide accountability to owners, designers, and builders, re-define and reinforce roles and improve enforcement to raise safety standards.

The **Building Regulations** changed on 1 October 2023, along with the implementation of sections of the **Building Safety Act 2022**. Any building work where Building Regulations are required will be subject to the new **Duty Holder Regime**.

Did you know?

- There is a new Building Safety Regulator created under the Health and Safety Executive. This role sits above and in addition to the building control role.
- There is a new compulsory registration system for higher-risk residential structures, buildings at least 18m tall and containing at least two flats, ensuring these buildings are documented and subject to routine assessments.
- There is a new role for an 'Accountable Person' who will bear responsibility for the building's safety across its entire lifespan.
- Anyone commissioning building work has a legal responsibility to make sure it complies with Building Regulations. There are new duties and responsibilities for clients, designers, and contractors, with tougher enforcement powers and sanctions for people who do not comply.
- There are new rules for building materials and products employed in construction and a new **National Regulator for Construction Products** within the **OPSS**.
- There is an emphasis on involving and empowering residents, ensuring their input is valued throughout the entirety of the building process.
- There is also a New Homes Ombudsman to handle complaints about new homes under two years old.

The Building Safety Act 2022

THE DOORSTEP DIGEST SERIES



03

Who and what will the act apply to?

The Building Safety Act 2022 initially applied to all high-rise residential buildings in England over 18 metres in height, but new secondary legislation under the Building Safety Act 2022 introduced the new building control regime for **all buildings** from 1 October 2023. This impacts building owners, managers, and professionals in the construction industry and includes **homeowners**, designers, and contractors.

This includes loft conversions, extensions, internal structural alterations, attached garages and garage conversions.

This places emphasis on the designer and contractor to ensure compliance with the building regulations.



You, as the owner of a building and previously known as 'the applicant,' are now the 'Domestic Client.' It is your responsibility to make sure that the people you employ to work on your project are competent. This means they have the necessary skills, knowledge, and experience to carry out the design and building work you are paying them to do.

You must provide any relevant building information and cooperate with all the people involved in your project, including building control.

Application forms, notices and procedures have changed, and you and the people you employ to work on your property need to be fully familiar with the new roles, duties, and responsibilities.

Designers and architects have a responsibility to ensure, taking reasonable steps, that whatever they design should be compliant with Building Regulations if built as designed.

The Principal Designer – the person who drew your plans – needs to liaise with the Principal Contractor – your builder – sharing information relevant to the planning, management, and monitoring of the building work. This could be achieved through site meetings, project meetings or progress reports.

So, for instance, if you ask an architect to design an extension to your home, and they sub-contract a structural survey to a structural engineer, and you hire a small building firm for the construction, you all have different obligations and roles.

The Building Safety Act 2022

THE DOORSTEP DIGEST SERIES



04

KEY ADVICE

It is your responsibility to make sure that the people you employ to work on your project are competent. This means they have the necessary skills, knowledge, and experience to carry out the design and building work you are paying them to do.

You will be the Domestic Client and will be responsible for ensuring that the people you appoint i.e., the architect and the builder, and you have a responsibility to undertake due diligence by checking against previous projects and ensuring that key people have the right accreditations.

These new duties and responsibilities for clients, designers and contractors are in addition and separate to those which already exist under CDM2015 despite the use of the terms 'Principal Designer', 'Designer', 'Principal Contractor' and 'Contractor' in the BSA, which are not the same roles as under CDM2015.

You, as the client, may certify, in writing, that the person(s) appointed as principal designer and contractor under CDM are also appointed under the Building Regulations. These appointments must be made before any application for approval for higher-risk building work and before construction starts on any other form of project; **they are for ALL building work, not just HRBs.**

If your property is a flat or apartment within a building over 18m tall (an HRB), you must take professional advice before you undertake any building work or alterations within your property. This includes changing doors or windows, moving or removing walls even if they are not load-bearing, moving or refitting your kitchen and bathroom or dividing rooms. You will need to keep written records of the steps you took to assure yourself that the people you appointed are competent to undertake the work involved.

The Building Safety Act 2022

THE DOORSTEP DIGEST SERIES



05

In some cases the Principal Contractor may also be the Principal Designer. This is not a problem under regulations, which allow for one organisation to fulfil both duties as long as the respective competence requirements are met. This is likely to be applied to design and build projects or projects built under a Building Notice.

If your architect has just provided Planning drawings, they must coordinate the design work up to the end of their appointment and must notify you that their Principal Designer duties have come to an end and provide a compliance statement on how they fulfilled their duties to that point.

Information must be provided to Building Control following [changes to the appointment](#) to duty holder roles. It can be completed by a third party but must be signed by you as the client. You must make a declaration at the end of a project that to the best of your knowledge, the work is in compliance with regulations, which is a new responsibility.



How is this different to what happened before the changes?

In the past, the client, designer, and contractor would have relied on a Completion Certificate issued by a building control body. Now, Building Control requires this confirmation from you, your designer, and your contractor before they can issue a certificate.

What is the official process for ensuring the project is compliant?

You must ensure that an application for building regulations approval has been made. The plans should show compliance with the regulations, which will be confirmed by the designer and checked by building control. The builder should then build in accordance with these plans and sign a notice at completion to state that they have done so.

As well as notifying Building Control when you start work, a Commencement Notice must be submitted once the project has reached its formal commencement stage. For new buildings and domestic extensions, this will be when the foundations and the structure of the ground floor level is completed. For all other works, the work is deemed to have started when you have constructed 15% of the overall work.

The Building Safety Act 2022

THE DOORSTEP DIGEST SERIES



06

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Designers and architects have a responsibility to ensure, taking reasonable steps, that whatever they design should be compliant with Building Regulations if built as designed.

You must commence work within three years. When the work is finished, you must send your building control provider a Notice of Completion notice, which must be completed and signed by all duty holders and submitted within five days of works completing on site.

Building Control must send you the Completion Certificate within eight weeks of receiving a properly completed notice.

It is a criminal offence to not follow these rules, with unlimited fines and even prison sentences for people who don't comply.

Speak to your building control provider to find out how to make your application.

The NHIC wishes to thank WG2 | Consumer Voice members for contributing to this guide.

Please note that this guidance document produced by the NHIC was correct when created. However, information and regulations may have changed since its publication. Therefore, seeking the most up-to-date information and expert advice is always advisable before making any decisions based on the information provided in this guide.

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