

THE BUILDING SAFETY BILL: NEW REGULATORY EXPECTATIONS AND REQUIREMENTS





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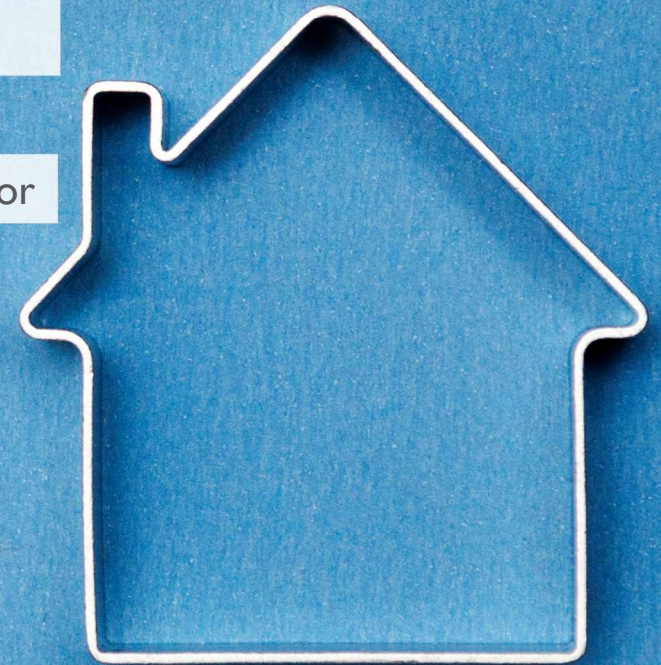
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THE BUILDING SAFETY BILL

Bill published on 5 July 2021

Some important changes from the published bill

Detailed guidance now issued by the Building Safety Regulator



WHO HOLDS WHICH ROLE?

Part 4 – The regime for the occupation of higher-risk buildings

The Accountable Person

The Principal Accountable Person

The Building Safety Manager

An Individual or an Organisation?

The exception? Managing internally

What about all the other roles? Responsible Person, Person with Responsibility etc.




A HOLISTIC VIEW OF THE RISKS RELATING TO BUILDING SAFETY

The current position – considering risks in silos?

An Accountable Person must promptly take all reasonable steps for (a) preventing a building safety risk materialising as regards the part of the building for which they are responsible; and / or (b) reducing the severity of any incident resulting from such a risk materialising

The Accountable Person must make and give effect to arrangements for the purpose of ensuring the effective planning, organisation, control, monitoring and review of the steps taken



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1. Identify the higher-risk buildings
 2. Identify the Accountable Persons and the Principal Accountable Persons
 3. Register the higher-risk building
 4. Appoint a Building Safety Manager or decide to manage the role internally
 5. Conduct an assessment of the building safety risks
 6. Take all reasonable steps as required by the assessment
 7. Safety Case Report
 8. Establish the mandatory occurrence reporting system and complaints procedure
 9. Comply with information sharing and retention obligations
 10. Residents Engagement Strategy
 11. Apply for Building Assurance Certificate

RESIDENTS AND OWNERS – DUTIES AND RIGHTS

Duties	Rights
To not act in a way that creates a significant risk of a building safety risk materialising	Where a resident of an occupied HRB who is aged 16 or over, or an owner of a residential unit in the building, makes a request to an Accountable Person for the building to give them prescribed information or a copy of a prescribed document, the Accountable Person must as soon as reasonably practicable give the resident or owner the information or document requested
To not interfere with a relevant safety item, meaning without reasonable excuse, they must not damage, remove or do anything to, or in relation to a relevant safety item that interferes with its intended function	To utilise the complaints system set up by Principal Accountable Person
To comply with a request, made by the appropriate Accountable Person for information reasonably required to enable them to comply with their duties in relation to assessing and taking steps in relation to building safety risks.	To receive information from the Building Safety Regulator if certain enforcement action is taken
The implied covenants under the Landlord and Tenant Act 1985	

ENFORCEMENT OF THE OCCUPATION REGIME

The Building Safety Regulator will enforce the regime and can take the following enforcement action:

Compliance notices and urgent compliance notices

Prosecution for contravention giving rise to risk of death and serious injury

Special Measures Order

Sharing details of the action taken

“Fee for Intervention”



WHAT IS NEXT?

Timeline for transition

Changing of the scope and extent of the regime

The need for supplementary legislation and guidance

The wider building safety and fire safety landscape...

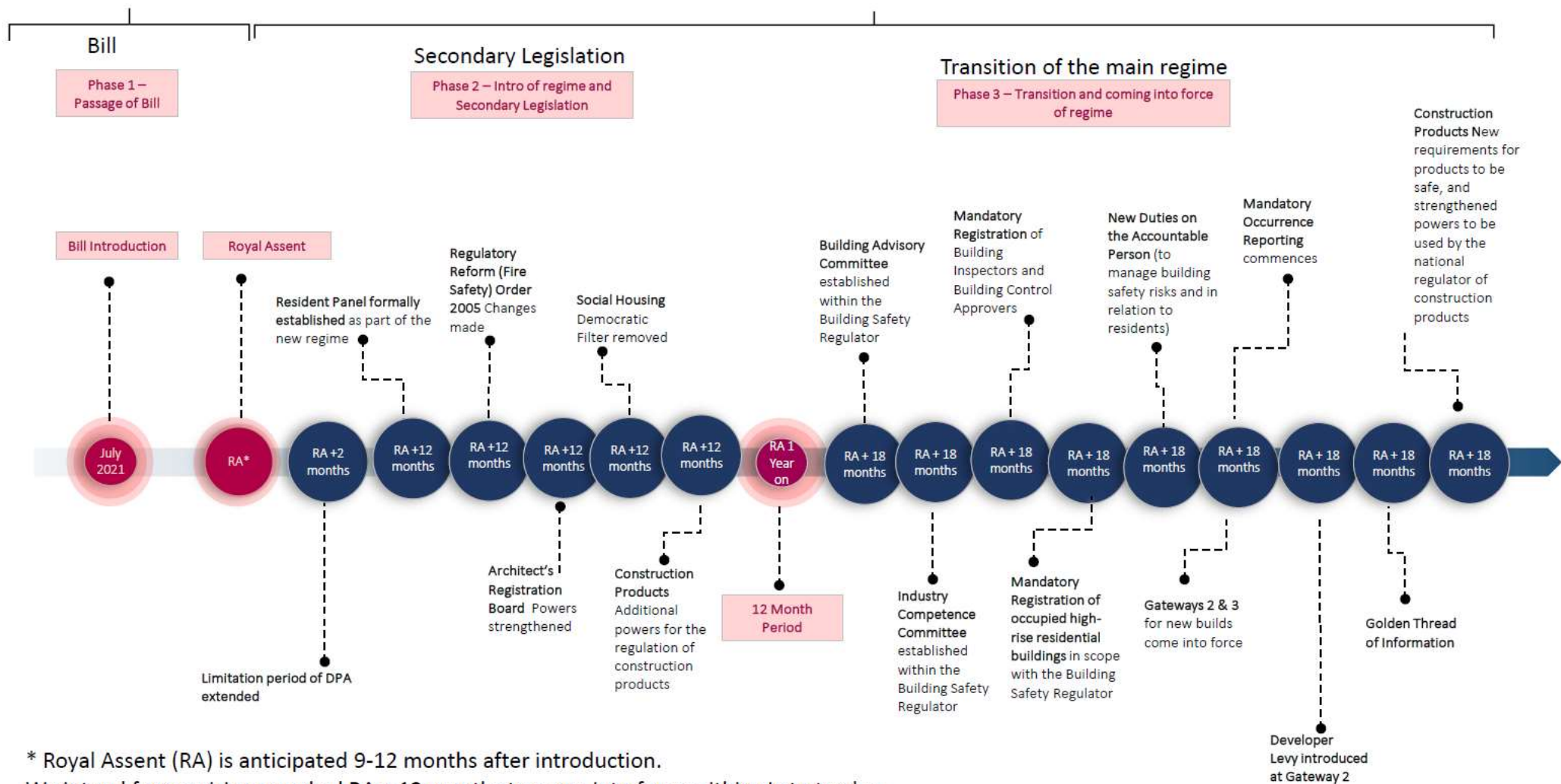


ADDITIONAL GUIDANCE

Detailed factsheets- <https://www.gov.uk/government/publications/building-safety-bill-factsheets>

- Dutyholders
- Industry competence
- Buildings included in the new more stringent regulatory regime
- Impact Assessment
- Building control regime for higher-risk buildings (Gateways 2 and 3)
- Safety Case
- Safety management systems
- Mandatory Occurrence Reporting
- Building Safety Regulator
- Amendments to the Regulatory Reform (Fire Safety) Order 2005
- Accountable Persons
- Golden thread
- Refurbishments
- Building control registration and regulatory oversight

- Wider changes to the Building Act 1984
- Building Safety Levy
- Architects Competence
- Architects Fees
- Building registration and certification
- Building Safety Charge: factsheet for landlords & building owners
- Building Safety Charge: factsheet for leaseholders
- Building Safety Manager
- Construction products regulatory framework
- Fire Safety Order interaction with the new regime for higher-risk buildings
- National regulator for construction products
- New Homes Ombudsman
- Residents' Voice
- Special Measures
- Building Assessment Certificate: transitional arrangements for existing buildings



* Royal Assent (RA) is anticipated 9-12 months after introduction.

We intend for provisions marked RA + 12 months to come into force within six to twelve months of Royal Assent.

We intend for provisions marked RA + 18 months to come into force within twelve to eighteen months of Royal Assent.

Building Safety Bill & Transition



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QUESTIONS?

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