Building Safety Reforms: Guide for Owners of Buildings That Are Not Higher-Risk

Prepared in October 2026 by Henry Penn. England only. General information, not legal advice.

Executive summary

Short version. If your building is not a "higher-risk building" (HRB), most of the Building Safety Regulator's (BSR) headline regime does not apply to you: no registration, no Accountable Person, no safety case, and no Gateway approvals. But the reforms still reach you in three ways.

- **When you commission building work,** you have legal duties as a "client" under the Building Regulations, separate from your duties under CDM 2015. Contractors and designers have matching duties, including proving competence.
- **Your building control route has changed.** Local authority inspectors and private approvers are now overseen by the BSR, and the inspectors must be registered.
- **If you own a residential building with two or more homes that is 11 metres or taller, or has five or more storeys,** leaseholder protections about historic safety defects may apply to you, even though it is not an HRB.

Confidence. Good on the Part 2A dutyholder points, which were re-checked against the primary legislation text on legislation.gov.uk. Moderate elsewhere; items resting on secondary sources or memory are marked in section 7.

1. Is my building higher-risk?

A building is higher-risk only if it meets both tests, and the second comes from regulations rather than the Act itself:

- It is at least 18 metres high or has at least 7 storeys (Building Act 1984, s.120D, inserted by the Building Safety Act 2022, s.31).
- It has 2 or more residential units, or is a hospital or care home (as the BSR's 2026–27 plan restates the description set in regulations).

So a tall office block, shop or hotel is not an HRB, and nor is a block of flats under 18 metres and under 7 storeys. If you are close to the thresholds, confirm how height and storeys are measured under the regulations before relying on this guide.

2. What does not apply to you

- The three gateways (planning, before building work starts, completion) and the BSR's building control approval for new HRBs. The BSR's 18- and 12-week decision targets in its 2026–27 plan are for HRB applications.
- Registering your building with the BSR, the Principal Accountable Person and Accountable Person roles, safety cases, building assessment certificates and mandatory occurrence reporting.
- The BSR's five-year programme of assessing occupied HRBs.

3. What does apply

3.1 Building work: duties on you as client

Since 1 October 2023, dutyholder and competence rules in Part 2A of the Building Regulations 2010 (inserted by SI 2023/911) apply to building work in England, except minor work listed in Schedule 4 (reg 11P), with extra requirements layered on for HRBs. As a client you must:

- make suitable arrangements for planning, managing and monitoring the project, with enough time and resources, so that design and building work comply with the relevant requirements; keep those arrangements under review; and periodically check whether any of the work has become higher-risk building work (reg 11A);
- take all reasonable steps to satisfy yourself that anyone you use has the skills, knowledge, experience and behaviours (or, for an organisation, the organisational capability) for the work, with additional tests for a principal designer and principal contractor (regs 11E to 11H);
- where more than one contractor is working or reasonably foreseeable, appoint a principal designer and a principal contractor in writing before the construction phase begins (reg 11D). You may instead certify in writing that your CDM principal designer and principal contractor are treated as appointed. If you fail to appoint, you must perform their duties yourself until you do;
- provide building information to every designer and contractor as soon as practicable, and cooperate with others who have duties under the Regulations (reg 11A(4) and (5)); and
- notify the building control body within 14 calendar days if, after an application or building notice, the client, principal designer or principal contractor changes (reg 11O, which does not apply to HRB work).

If you are a domestic client (work on your own home), the planning, managing and monitoring duties pass to the contractor (if there is only one) or to the principal contractor, or to the principal designer if you agree that in writing (reg 11C). If a domestic client fails to appoint, the designer in control of the design phase and the contractor in control of the construction phase are treated as principal designer and principal contractor.

3.2 Roles: CDM 2015 compared with the Building Regulations regime

The role names match but the duties are separate. They sit in different legislation, protect different people and are enforced by different bodies.

	CDM 2015	Building Regulations dutyholder regime (from Oct 2023)
Purpose	Health and safety of people doing or affected by construction work	Building work and designs comply with Building Regulations, so the finished building is safe and meets standards
Enforced by	HSE	Building control body (local authority or registered approver)
Client (you)	Arrange for health and safety to be managed; appoint principal designer and principal contractor	Arrange to plan, manage and monitor compliance with enough time and resources; check competence; provide building information; appoint principal designer and principal contractor in writing (or certify the CDM appointees)
Principal designer	Coordinates health and safety in pre-construction	Plans, manages and monitors design work and coordinates design compliance; liaises with the principal

		contractor; hands the client a document on arrangements within 28 days of appointment ending
Designers	Eliminate or reduce risks through design	Designs must comply; cooperate and coordinate
Principal contractor	Plans, manages and monitors site health and safety	Plans, manages and monitors building work and coordinates compliance; liaises with the principal designer; hands the client a document on arrangements within 28 days of appointment ending
Contractors	Manage their own work safely	Work must comply; competence and cooperation duties

- **Separate appointments, with a shortcut.** The Building Regulations roles are legally separate from CDM roles. But you can satisfy the appointment duty by certifying in writing that your CDM principal designer and principal contractor are treated as appointed (reg 11D(2)). Even then you must take all reasonable steps to confirm they are competent for the Building Regulations role, which is a different test from CDM competence (regs 11E(4) and (5)).
- **HRB-only extras (verified in Part 2A):** a duty to tell designers and contractors that the project includes HRB work (reg 11B); written records of how you checked competence when appointing (reg 11D(8) to (10)); and a check on serious sanctions in the last five years (reg 11E(2)(b)). Competence declarations at completion, the golden thread, change control and mandatory occurrence reporting sit in other regulations I did not read, so I have not verified them.

3.3 Building control

Your work still goes through a local authority or a registered building control approver, but both are now overseen by the BSR under Operational Standards Rules, and inspectors have had to be registered since April 2024 (2023–26 plan). Expect more consistency and more questions about who is competent to do what. Only HRBs go to the BSR directly.

3.4 Leaseholder protections (if you own a residential block)

Under s.117 of the Act, a "relevant building" is a self-contained building (or self-contained part of a building) in England with at least two dwellings that is at least 11 metres high or has at least five storeys. Height is measured from ground level (lowest side if the ground slopes) to the floor of the top storey, excluding basements and roof-top plant; mezzanines count only if at least half the area of the largest storey (GOV.UK guidance). Protections on the cost of historic safety defects can apply to such buildings even if they are not HRBs.

Buildings excluded from the definition. Section 117(3) excludes a self-contained building or part where: (a) tenants' rights under Part 1 or Part 3 of the Landlord and Tenant Act 1987 have been exercised; (b) collective enfranchisement has been exercised; (c) the freehold is "leaseholder owned" as defined in regulations; or (d) the land is commonhold.

Does a head lease take a building out of scope? No. The test is who owns the freehold, not whether a head lease exists. GOV.UK guidance describes leaseholder-owned buildings as those where leaseholders own the freehold directly (including through a company) with no separate freeholder, or where the freehold is owned 100% by one or more leaseholders. The exclusion exists because there is then no separate building owner to pass costs on to. A building with a separate freeholder and a head

lease (for example an intermediate landlord) is therefore usually still in scope. I have not read the regulations that define “leaseholder owned”, so structures where leaseholders hold the freehold through a company, or hold freehold and head lease together, need the regulations or legal advice.

Not every leaseholder is protected. Being in a relevant building is only one test. The lease must qualify, the defect must be a “relevant defect”, and for buildings built after 28 June 2022 the leases do not qualify (GOV.UK).

If you are a landlord or freeholder of such a block, take specialist advice on what you may and may not recover from leaseholders.

3.5 Fire safety in occupation

For multi-occupied residential buildings that are not HRBs, fire safety duties generally sit with the “responsible person” under the Fire Safety Order, enforced by fire and rescue authorities. This is from memory and not checked here.

4. What the BSR’s plans say that touches you

- Both the 2023–26 and 2026–27 plans commit the BSR to keep the safety and standard of all buildings under review and to maintain the Approved Documents. The 2026–27 plan includes a fundamental review of building regulations guidance.
- The 2026–27 plan says the BSR will review competent person schemes and explore self-certification and whether some legal requirements are proportionate. If adopted, this could change requirements for lower-risk work.
- Neither plan sets targets or outcomes for non-HRBs. There is little to hold the BSR to on your behalf, so watch the Approved Document changes, competent person scheme changes and the 2027–30 plan.

5. Practical checklist

1. Confirm your building is not an HRB using both tests in section 1.
2. Before any building work: decide who your principal designer and principal contractor are for the Building Regulations, in writing, separately from CDM.
3. Ask designers and contractors how they evidence competence (for example, relevant standards or scheme membership).
4. Confirm which building control body you will use and that any inspector is registered.
5. If you own a block of two or more homes at 11 metres or five storeys or more, take advice on leaseholder protections.
6. Check your Fire Safety Order duties and keep your fire risk assessment up to date.
7. Watch for the BSR’s 2027–30 plan and any change to competent person schemes or Approved Documents.

6. What a non-higher-risk owner should not assume

- That being outside the HRB regime means the new rules do not matter. The client, competence and building control changes apply.
- That CDM compliance is enough. It does not show Building Regulations compliance.

- That the BSR will pick up problems in your building. It is focused on HRBs and building control oversight.

7. Verification status and caveats

- **Checked against primary legislation:** the Building Safety Act s.31 definition of HRB; the full text of Part 2A of the Building Regulations 2010 (regs 11A to 11Q: client duties, appointment in writing and the CDM certification route, domestic clients, competence tests, duties of designers, contractors, principal designer and principal contractor, notification of changes, minor work exemption). Also s.117(2) to (6) of the Building Safety Act (relevant building and exclusions), read in full, with GOV.UK guidance on the definition.
- **Not verified:** who enforces Part 2A in practice (building control body); the HRB-only items in other regulations (golden thread, change control, mandatory occurrence reporting, completion competence declarations); the Fire Safety Order position; whether the regulations' HRB description is exactly as the 2026–27 plan states; the GOV.UK guidance pages themselves.
- **Secondary sources:** several points rely on law-firm, council or trade commentary; some commentary covers England and Wales, while the HRB regime applies only to England.
- **Time-sensitive:** the 2026–27 plan is a one-year plan; a 2027–30 plan is to follow and may change the picture.
- **Not legal advice.** Take professional advice for decisions on your building.

Sources

- Building Safety Act 2022, s.31: https://www.legislation.gov.uk/ukpga/2022/30/section/31/enacted
- Building Regulations etc. (Amendment) (England) Regulations 2023 (SI 2023/911): https://www.legislation.gov.uk/uksi/2023/911/made
- Building Regulations 2010, Part 2A (full text, as amended): https://www.legislation.gov.uk/uksi/2010/2214/part/2A
- Building Safety Act 2022, s.117: https://www.legislation.gov.uk/ukpga/2022/30/section/117
- GOV.UK: definition of relevant building: https://www.gov.uk/guidance/definition-of-relevant-building
- Law Society: key terms and definitions: https://www.lawsociety.org.uk/topics/property/building-safety-act-2022-guide-for-conveyancers/key-terms-and-definitions
- BSR strategic plan 2026 to 2027: https://www.gov.uk/government/publications/building-safety-regulator-strategic-plan-2026-to-2027/building-safety-regulator-strategic-plan-2026-to-2027
- BSR strategic plan 2023–26 (supplied PDF)