



Guidance

The Building Safety Act

Information relating to the Building Safety Act, which was granted Royal Assent on 28 April 2022.

From: **Ministry of Housing, Communities and Local Government** (</government/organisations/ministry-of-housing-communities-local-government>) and **Department for Levelling Up, Housing and Communities** (</government/organisations/department-for-levelling-up-housing-and-communities>)

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Applies to England

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This Act makes ground-breaking reforms to give residents and homeowners more rights, powers, and protections – so homes across the country are safer.

It delivers far-reaching protections for qualifying leaseholders from the costs associated with remediating historical building safety defects, and an ambitious toolkit of measures that will allow those responsible for building safety defects to be held to account.

It overhauls existing regulations, creating lasting change and makes clear how residential buildings should be constructed, maintained and made safe.

The Act creates three new bodies to provide effective oversight of the new regime: the Building Safety Regulator, the National Regulator of Construction Products and the New Homes Ombudsman.

Together these changes mean owners will manage their buildings better, and the home-building industry has the clear, proportionate framework it needs to deliver more, and better, high-quality homes.

Many of the detailed provisions in the Act will be implemented over the next two years through a programme of secondary legislation.

Did you know?

The [Building Safety Regulator](https://www.hse.gov.uk/building-safety/regulator.htm) (<https://www.hse.gov.uk/building-safety/regulator.htm>) (BSR) will oversee the safety and performance of all buildings, as well as having a special focus on high-rise buildings. It will promote competence and organisational capability within the sector including for building control professionals and tradespeople.

The [National Construction Products Regulator](https://www.gov.uk/government/news/national-regulation-construction-products) (<https://www.gov.uk/government/news/national-regulation-construction-products>) (NRCP) will oversee a more effective construction products regulatory regime and lead and co-ordinate market surveillance and enforcement in this sector across the UK. The NRCP has already started taking enforcement action under the scope of existing regulations. The new regulatory regime will start to apply once the necessary secondary legislation on the future regulatory regime has been approved by Parliament.

The New Homes Ombudsman Scheme will allow relevant owners of new-build homes to escalate complaints to a New Homes Ombudsman. Developers of new-build homes will be required by secondary legislation to become and remain a member of the New Homes Ombudsman Scheme and secondary legislation will also set out the enforcement framework and sanctions for breaching requirements. The Secretary of State may also approve or issue a developers' code of practice which sets out the standards of conduct and the standards of quality of work expected of the New Homes Ombudsman

scheme's members.

Protecting leaseholders

Through new leaseholder protection measures, the Act eradicates the idea that leaseholders should be the first port of call to pay for historical safety defects.

Building owners will not legally be able to charge qualifying leaseholders (defined under the Act but including those living in their own homes and with no more than three UK properties in total) for any costs in circumstances where a building (in the majority of cases meaning those over five storeys or eleven metres tall) requires cladding to be removed or remediated.

Qualifying leaseholders will also have robust protections from the costs associated with non-cladding defects, including interim measures like waking watches.

What the Act means for residents of higher risk buildings and homeowners

Residents in high-rise buildings will have more say in how their building is kept safe and will be able to raise building safety concerns directly to the owners and managers of their buildings known as accountable persons and responsible for repairing the common parts of a higher-risk building, as defined in section 72 of the Act. The accountable person(s) will have a duty to listen to them.

If residents feel their concerns are being ignored, they can raise them with the Building Safety Regulator.

All homeowners will also have more than twice the amount of time, from 6 to 15 years, to claim compensation for sub-standard construction work.

What the Act means for building owners

Dutyholders such as the Principal Designer and Principal Contractor under the Act will be required to manage building safety risks, with clear lines of responsibility during the design, construction and completion of all buildings.

Accountable persons will need to demonstrate that they have effective, proportionate measures in place to manage building safety risks in the higher-risk

buildings for which they are responsible.

Those who do not meet their obligations may face criminal charges.

The Building Safety Act is also clear that building owners and landlords will need to contribute to the costs of fixing their own buildings.

What the Act means for the built environment industry

The Act will create a clear, proportionate framework for the design, construction, and management of safer, high-quality homes in the years to come.

It will strengthen the construction products regulatory regime, with new requirements to make sure all construction products on the UK market are safe for their intended use, with a National Regulator for Construction Products to monitor and enforce this.

There will be a new developer tax, and a levy on developers will ensure that industry contribute to setting things right.

New rights to redress will ensure those responsible for contributing to the building safety crisis are in line for costs to rectify their mistakes.

Building Safety Act documents

- [The Building Safety Act](https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted)
(<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>)
- [The Building Safety Regulator](https://www.hse.gov.uk/building-safety/index.htm) (<https://www.hse.gov.uk/building-safety/index.htm>)
- [Secondary legislation](https://www.gov.uk/guidance/the-building-safety-act-secondary-legislation) (<https://www.gov.uk/guidance/the-building-safety-act-secondary-legislation>)
- [Guidance on the criteria for being a higher-risk building](https://www.gov.uk/government/collections/guidance-on-the-criteria-for-being-a-higher-risk-building)
(<https://www.gov.uk/government/collections/guidance-on-the-criteria-for-being-a-higher-risk-building>)
- [Amendments introduced through the Leasehold and Freehold Reform Act 2024](https://www.gov.uk/guidance/amendments-to-the-building-safety-act-introduced-through-the-leasehold-freehold-reform-act-2024)
(<https://www.gov.uk/guidance/amendments-to-the-building-safety-act-introduced-through-the-leasehold-freehold-reform-act-2024>)

Consultations on secondary legislation

Consultations on secondary legislation related to the Building Safety Act can be accessed at [Building safety consultations \(https://consult.levellingup.gov.uk/building-safety-consultations/\)](https://consult.levellingup.gov.uk/building-safety-consultations/).

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