

## THE BUILDING SAFETY ACT 2022 – 10 THINGS YOU NEED TO KNOW



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The Building Safety Act (“BSA”) will have a significant impact on building owners and all those involved in real estate development.

We set out below the top ten things you need to know about the BSA:

- The BSA provides for a new Building Safety Regulator who will be responsible for the building control regime for higher-risk buildings in construction which will include buildings of 18 metres in height 7 storeys which contain two residential units, care homes and hospitals.
- There are three “Gateway” points for new higher risk buildings which must be complied with before the development proceeds:
  - Gateway 1 – Introduced via existing planning legislation on 1 August 2021 in relation to higher risk buildings;
  - Gateway 2 – Hard stop – Approval must be obtained prior to commencement of construction. Anticipated to apply from 1 April 2023;
  - Gateway 3 – Hard stop – A completion certificate will be required prior to registration and occupation. Anticipated to apply from 1 April 2023.



- There is a requirement to register existing higher risk buildings with the Building Safety Regulator (anticipated to be required by October 2023).
- There is provision for a “golden thread” of building information to be created, stored digitally and updated through the Gateway process and throughout the building’s life-cycle.
- An ongoing duty on the new Accountable Person (i.e. the building/ estate owner or entity under repairing obligations of common parts) to assess building safety risks, provide safety case reports to the Regulator and apply for building assessment certificates.
- The BSA makes changes to the Defective Premises Act to extend the limitation period to 30 years retrospectively before 28 June 2022 and 15 years prospectively after 28 June 2022.
- It creates new dutyholders (clients, principal contractor, principal designer, designers and contractors) will be required for all building works but with additional duties for higher risk buildings.
- It also creates new regulation and liabilities in relation to construction products.
- It makes available new orders available to assist with pursuing those responsible for defects which pose a building safety risk and their associated persons.
- The BSA provides for a new homes ombudsman scheme and obligation to provide to the purchaser a new build home with a warranty and provide to a prescribed person with a warranty for any common parts.
- There will be more regulation of building control/approved inspectors. Registration deadline for building inspectors and building control approver expected to be by October 2024.



## DGA GROUP CONTACT INFORMATION

If you would like to find out more details about any of the subjects covered in this Ebriefing please contact DGA Group through the contact details below or at [DGAGroup@dga-group.com](mailto:DGAGroup@dga-group.com)

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