

## **Building Registration with the Building Safety Regulator and key building information**

### **Building Registration information requirements**

Under the new Building Safety Act 2022, registration of higher-risk buildings (HRBs - Residential buildings over 18m/or 7 storeys) started from 6th April 2023 and extends to October 2023.

From October 2023 compliance with all facets of Part 4 of the Building Safety Act 2022 will be expected, this will include having your Safety Case Report completed; (albeit it is not anticipated that the Regulator will be 'calling them in' until April 2024.) Nevertheless, from October 2023, should an incident occur in your building in regard to spread of fire or structural safety it may be anticipated that the enforcement authorities will be asking for, examining, and checking compliance with the Safety Case Report for that building.

Since January 2023, the Fire Safety (England) Regulations 2022 have required a Responsible Person for a high-rise residential building to provide information electronically to fire and rescue services (FRS) to assist them in planning for and responding to a fire in their building. In practice, this is emerging as being asked to submit the required information to the FRS via their portal(s). It is becoming clear that variations in the collection of information are occurring, as different FRS have portals of their own.

Be aware - this (FRS) registration/submission is different from the requirement to register the building with the Building Safety Regulator (between April and October 2023) and the submission of 'key building information'. It therefore does not count towards the registration duties under the Building Safety Act 2022.

The full registration process consists of two phases, the application for registration and the submission of key building information (KBI). You have to complete the Registration process and submit it before being able to commence with the uploading of the KBI. The latter will need to be uploaded within 28 days of registration - our advice is read the BSR guidance to what information is required before attempting to upload it!

It is the responsibility/duty of the Principal Accountable Person (PAP) for each higher-risk building to register it. Should they wish to authorise the making of the registration application to, for example, their Managing Agent, or Facilities Manager, their agent will need appointing to that role, and this will need to be declared during the Registration process. The PAP cannot delegate their duty to this agent, and as such will remain accountable for the registration and the accuracy of the information submitted.

If appointed, the agent will act as the point of contact for the BSR in connection with the application. The agent will also have to confirm the accuracy of the contents of the application on behalf of the principal accountable person. The PAP and the agent must understand that knowingly or recklessly providing false or misleading information to the BSR is an offence.

Where the PAP appoints an agent to complete the application and it is not submitted in time, it is the PAP who commits the offence, not the agent.

While the BSR Portal has opened and has started to receive applications, not all functionality is yet in place. For example, once you submit your registration application, you can only amend information by getting in touch with the Regulator through the contact options. Up until the payment you are able to return to amend, and it has a 'save & return' functionality. In future, the functionality

to amend your application after submission (and payment) to update with more current information, will be there. We recommend that you start your registration, as soon as possible, so that you are clear about exactly what information is required.

Once the building has been registered with the BSR, the key building information is to be delivered within 28 days of the PAP submitting an application for registration of that higher-risk building, according to the legislation. Although at this point in time, the PAP has until end of September to complete the KBI. While it was initially not possible to submit the KBI on the portal, that functionality has gone live on 16<sup>th</sup> June. From October 2023, the 28-day timeline will be implemented.

## **Application to register your building**

The **purpose** of the registration information is to collect information about the PAP and the risk profile of the buildings.

[The Building Safety \(Registration of Higher-Risk Buildings and Review of Decisions\) \(England\) Regulations 2023](#) (the information described in regulations 11 to 17, 18(1)(a) to (c) and (2) and 19) stipulate that to apply to register a building, the PAP will need to provide the BSR with:

- details of the PAP for the building and any other APs (including name, contact details – email and telephone number- and address) and, if there are multiple accountable persons, confirmation of who is responsible for which part of the building;
- the name and address of a nominated individual who will act as a single point of contact for the PAP within the organisation, and confirmation that they are authorised by that PAP to act on that PAP's behalf;
- PAP organisation type, where the PAP isn't an individual: whether the PAP is a local authority, a registered private provider of social housing, a registered provider of social housing, or another type of organisation;
- Description of building:
  - the building's address, postcode and if applicable, the name;
  - the year the building was completed, or the age band of the building where its precise age is not known, and whether on construction it had relevant building control consent;
  - the height (in metres) of the building (If you think the building is around 18m, then the measuring needs to be exact. The method for calculating the height of the building, does not follow Approved Document B – D, a slightly different methodology has been used. More information can be found in the newly published guidance: [Criteria for being a higher-risk building during the occupation phase of the new higher-risk regime - GOV.UK \(www.gov.uk\)](#) (for buildings around for example 35m, you can provide an estimate);
  - the number of storeys on or above ground level; and
  - the number of residential units in the building;
- Building control: for a building completed before start date:
  - (a)the date of the building certificate for the completed building,
  - (b)the reference number of the certificate, and
  - (c)the name of the building control body who gave the certificate.
  - Where the PAP does not hold any of the information above they must provide an explanation to the regulator setting out the steps that the PAP has taken to obtain the information.

- Building control: for a building completed on or after start date and a transitional building
  - (a) the date of the building certificate issued in relation to the building,
  - (b) the reference number of the certificate,
  - (c) the name of the building control body who gave certificate, and
  - (d) a copy of the certificate.
  - It is sufficient to provide the most recent building certificate where more than one building certificate has been issued for the same part of the building.
- Building control: for a building completed on or after start date and not a transitional building
  - (a) the reference number for the building, issued by the regulator, and
  - (b) the date that the building certificate was issued.

To complete the registration, you will also need a credit or debit card to pay the £251 registration fee per building. Once you have submitted your application, you will not be able to update with new information coming to light. That functionality will be available in the future. For now, you will need to get in touch with the regulator through the contact form.

One of the first questions will check if your buildings falls within scope of the new regime. Guidance on this determination can be found at: [Criteria for being a higher-risk building during the occupation phase of the new higher-risk regime - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/criteria-for-being-a-higher-risk-building-during-the-occupation-phase-of-the-new-higher-risk-regime). This guidance also sets out more advice on defining individual structures and joined buildings.

The Regulator has published guidance on how to submit a registration application. You can find the guidance at [Applying to register a high-rise residential building - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building).

## Key building information requirements

As noted above, the registration process (of every single HRB) will require the PAP to submit the key building information within 28 days of the PAP submitting an application for registration of that higher-risk building. They will submit several documents comprising 'key building information' – as set out in Regulations 3-8 of [The Higher-Risk Buildings \(Key Building Information etc.\) \(England\) Regulations 2023 No. 396](https://www.gov.uk/guidance/the-higher-risk-buildings-key-building-information-etc-england) - HRB (KBI) Regulations. The Statutory Instrument came into force on 6<sup>th</sup> April 2023.

The **purpose** of the KBI is distinct from the registration information (and also from that required by the regional Fire authorities for their information requirements). The key building information will be high level information that will help the Building Safety Regulator to understand characteristics of all higher-risk buildings and to analyse and understand trends and risks across all buildings in scope.

The key building information includes:

- **Use:** the principal and any subordinate uses of the HRB, any outbuilding, any storey below ground level in the HRB and whether since their construction there have been any changes in use. The use be described using the categories set out in regulation 7 of the Statutory Instrument.
- **External Wall Materials:** a description of the material used in the composition of the external wall of the HRB, and if there is more than one material, what percentage of the whole does each material constitute. If there is insulation in the external wall, a description of the material used and if there is more than one material, what percentage does each material constitute.

- **Roof Materials:** the main material used in the composition of the part of the roof that provides a waterproof covering, whether there is a separate layer of insulation, and whether the roof plane is pitched or flat or a combination of both.
- **Fixtures on external walls:** the type of fixture attached to the external wall or roof of the HRB, and the main material from which the fixture is composed.
- **Structure:** the main material used in the structure of the HRB, the type of structural design the building has to comply with the Building Regulations 2010.
- **Storeys:** the number of storeys below ground level that are in the HRB
- **Staircases:** the number of staircases that the higher-risk building has, and how many of those staircases serve, as part of the same flight of stairs, the storey at ground level and every storey above it.
- **Energy:** the type of energy supply and energy storage system.
- **Emergency planning:** a description of the type of evacuation strategy that is in place and a list of the fire and smoke control equipment within the common parts of the higher-risk building and where in the building the equipment is located.

You should be able to get the information the regulator needs from the most recent fire risk assessment. If there's an external wall system (EWS) appraisal, the information might also be there. The expectation is that organisations have this building information, so no full separate survey should be required. However, this may not be the case for many organisations.

The regulator has also published more guidance in this area: [Building Safety Regulator: giving us structure and safety information \(key building information\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/building-safety-regulator-giving-us-structure-and-safety-information-key-building-information)

## Beyond registration

Once the Building Safety Act's initial registration phase completes, (by October 2023), all the Building Safety Act's secondary legislation should have been approved by Parliament and will probably be in force. This will include the provision of a Safety Case Report, which cannot be produced without an accurate 'Golden Thread of information' being in place and a Building Risk Assessment having been completed. There will also be additional requirements relating to the delivery of a 'Resident Engagement Strategy' and requirements around reporting and management of complaints.

The secondary legislation that will set how the other requirements of the Building Safety Act 2022 need to be implemented will be tabled in Parliament over the next few months. The second big tranche of secondary legislation is expected in the Summer. It will be a busy time.

Don't forget that the changes in construction (Part 3 of the Building Safety Act 2022) affect any work to which the Building Regulations apply and not just work on HRBs. This includes the replacement of boilers and fire doors.

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