This Statutory Instrument has been made in consequence of a defect in S.I. 2023/753 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 168(6)(a) of the Building Safety Act 2022, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

BUILDING AND BUILDINGS, ENGLAND

The Building Safety (Responsible Actors Scheme and Prohibitions) (Amendment) Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 126 to 129 and 168(2) to (4) of the Building Safety Act 2022(**a**).

In accordance with section 168(6)(a) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Building Safety (Responsible Actors Scheme and Prohibitions) (Amendment) Regulations 2026 and come into force on the 21st day after the day on which they are made.

(2) These Regulations extend to England and Wales.

Amendments to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

2. The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023(**b**) are amended in accordance with regulations 3 to 10.

Amendments to regulation 13 (invitation by the Secretary of State to apply for membership)

3. In regulation 13—

(a) in paragraph (1)(a), for "does not fall within" substitute "falls within the categories of person described in";

(**a**) 2022 c. 30; section 168 has been amended but those amendments are not relevant to this instrument.
(**b**) S.I. 2023/753.

(b) in paragraph (3), for "does not fall within" substitute "falls within the categories of person described in".

Amendment to regulation 15 (request for an invitation to apply for membership)

4. In regulation 15, in paragraph (1), for "does not fall within" substitute "falls within the categories of person described in".

Amendment to regulation 16 (applications for volunteers)

5. In regulation 16, in paragraph (1), for "does not fall within" substitute "falls within the categories of person described in".

Omission of regulation 30 (notice of prohibition)

6. Omit regulation 30.

Amendments to regulation 33 (building control prohibitions)

7.—(1) Regulation 33 is amended as follows.

(2) In paragraph (4)—

(a) after sub-paragraph (a) insert—

"(aa) an application for building control approval with full plans made under regulation 14 of the Building Regulations 2010;";

(b) for sub-paragraph (e) substitute—

"(e) a notice under regulation 16(4) or (5) of the Building Regulations 2010 (notices in relation to building work);".

(3) In paragraph (6), for sub-paragraph (a) substitute—

"(a) a notice granting or rejecting an application for building control approval with full plans made under regulation 14A of the Building Regulations 2010;".

(4) In paragraph (8)—

(a) for sub-paragraph (a) substitute—

"(a) an application for building control approval with full plans made under regulation 14 of the Building Regulations 2010;";

(b) for sub-paragraph (f) substitute—

"(f) a notice under regulation 16(4) or (5) of the Building Regulations 2010 (notices in relation to building work);".

Amendments to regulation 34 (exception to the building control prohibition: emergency repair work)

8.—(1) Regulation 34(**a**) is amended as follows.

(2) For paragraph (1) substitute—

"(1) Where an applicable person proposes to carry out building work which consists of emergency repair work then, subject to paragraph (2), the provision by that person of—

(**a**) S.I. 2023/753. Regulation 34 was amended by S.I. 2023/911.

(a) a building notice pursuant to regulation 12(8) of the Building Regulations 2010, or

(b) a notice pursuant to regulation 16(4) of those Regulations,

is not to be treated as a breach of a building control prohibition.".

(3) After paragraph (1) insert—

"(1A) Where paragraph (1) applies, the local authority is not prohibited from giving the applicable person a certificate under regulation 17 (completion certificates) of the Building Regulations 2010.".

(4) In paragraph (2)(a), after "satisfied;" insert "and—".

Amendments to regulation 35 (exception to building control prohibition: work to occupied buildings)

9.—(1) Regulation 35(**a**) is amended as follows.

(2) In paragraph (1) omit sub-paragraph (a).

(3) In paragraph (1)(b) omit "or".

(4) After paragraph (1)(b) insert—

"(ba) giving an amendment notice within the meaning of section 51A of the Building Act 1984 (variation of work to which initial notice relates); or".

(5) Omit paragraph (2).

(6) After paragraph (3) insert—

"(3A) Where an amendment notice is given pursuant to paragraph (1), the local authority is not prohibited from giving the applicable person a notice accepting or rejecting that amendment notice under section 51A of the Building Act 1984.".

(7) In paragraph (4)(a)—

(a) for paragraph (i) substitute—

"(i) a notice under regulation 16(4) of the Building Regulations 2010 (notices in relation to building work) in relation to the work;";

(b) for paragraph (ii) substitute—

"(ii) a notice under regulation 16(5) of the Building Regulations 2010 (notices in relation to building work) in relation to the work;".

(8) After paragraph (4) insert—

"(4A) Where paragraph (4) applies, the relevant authority is not prohibited from giving the person a completion certificate under regulation 17 (completion certificates) or regulation 17A (certificate for building occupied before work is completed) of the Building Regulations 2010 in relation to the work.".

(9) After paragraph (5A) insert—

"(5B) Where paragraph (4) applies, the local authority is not prohibited from giving the person a notice accepting or rejecting that plans certificate under section 50 of the Building Act 1984.".

(**a**) S.I. 2023/753. Regulation 35 was amended by S.I. 2023/909 and 2023/911.

Amendments to regulation 36 (exception to building control prohibition: purchasers)

10.—(1) Regulation 36(**a**) is amended as follows.

(2) In paragraph (1), after "an applicable person" insert "or a purchaser".

(3) In paragraph (2)(a), for paragraph (ii) substitute—

"(ii) there is a purchaser;".

(4) After paragraph (7) insert—

"(8) In this regulation "purchaser" means a person who exchanged a contract for the sale and purchase of a dwelling contained in the building, or for the building where it comprises a single dwelling.".

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

(**a**) S.I. 2023/753. Regulation 36 was amended by S.I. 2023/909 and S.I. 2023/911.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 ("the 2023 Regulations"). The Responsible Actors Scheme, established by the 2023 Regulations, requires relevant developers to identify relevant buildings they are responsible for and remediate and/or mitigate life-critical fire safety defects in those buildings, or repay the costs of the same. Failure to do so may attract building control and planning prohibitions which carry significant commercial consequences.

Regulations 3, 4 and 5 make amendments to regulations 13, 15 and 16 of the 2023 Regulations to remove a double negative.

Regulation 6 omits regulation 30 of the 2023 Regulations.

Regulation 7 amends regulation 33 of the 2023 Regulations in relation to the provisions of the building control prohibition, including by inserting a prohibition on the giving and receiving of applications for building control approval with full plans.

Regulation 8 amends regulation 34 of the 2023 Regulations to allow a completion certificate to be issued where the emergency repair work exception applies.

Regulation 9 amends regulation 35 of the 2023 Regulations in relation to the administrative conditions of the exception to building control prohibition in relation to work to occupied buildings. Regulation 9 inserts provisions exempting: the giving and acceptance of amendment notices, the giving of completion certificates and the acceptance or rejection of plans certificates in relation to relevant building work to be carried out to an existing occupied building.

Regulation 10 amends regulation 36 of the 2023 Regulations to enable a purchaser, as well as an applicable person, to apply to the Secretary of State to be granted an exception to the building control prohibition, and provides a definition of "purchaser" to underpin the amendment.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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