



# Act Now: Registration of Higher Risk Buildings and “Key Building Information”

Building owners and dutyholders will understandably be grappling with the multitude of regulations brought into force over the last year relating to building safety. This article puts the overarching regulatory framework into context and provides a guide as to the immediate steps dutyholders must take in order to ensure compliance with the current regulations in force, in particular, those regulations which relate to the registration of Higher-Risk Buildings and the provision of Key Building Information.

Under the Building Safety Act 2022 (“BSA”), the Principal Accountable Person (“PAP”) of a Higher-Risk Building (“HRB”) (which is defined as a building in England that is at least 18 metres in height or 7 storeys and contains at least two dwellings) is required, amongst other things, to:

1. Register any HRB that residents occupy or could occupy by **30 September 2023**; and
2. Within 28 days of the application to register a HRB, provide ‘key building information’ in respect of those HRBs.

## Registration of Higher Risk Buildings that residents occupy or could occupy by 30 September 2023

Section 78 of the BSA states that a HRB will be registered by the Health and Safety Executive upon an application by the PAP (or a person authorised by the PAP to register the HRB on their behalf i.e., a managing agent or legal representative). The application can be made online [here](#) and costs £251 per building. It is a criminal offence to allow residents to occupy an unregistered building after the 30 September 2023.

*The Building Safety (Registration of Higher Risk Buildings and Review of Decisions) (England) Regulations 2023* came into force on 6 April 2023 and sets out the information which must be contained within the application:

1. The details of the Accountable Person where there is only one Accountable Person for the HRB including, their name, address, email address and telephone number.
2. Where there is more than one Accountable Person for the HRB:
  - a. Confirmation of who is the PAP;
  - b. Details for which part of the building each Accountable Person is responsible; and
  - c. Details of the Accountable Persons including their name, address, email address and telephone number.
3. Confirmation of the organisation type of the PAP i.e., whether the PAP is a local authority, registered provider of social housing or resident management company.
4. If applicable, details of the person making an application on behalf of the PAP including:
  - a. Confirmation from that person that they are authorised to act on the PAP’s behalf; and
  - b. The name and address of that person.
5. Details of a single point of contact if the PAP is not an individual.
6. Description of the building including:
  - a. The address, postcode and name of the building;
  - b. Number of residential units;
  - c. The height in metres which is to be determined in accordance with Regulation 5 of the *Higher Risk (Descriptions and Supplementary Provisions) Regulations 2023* (see below);
  - d. The number of storeys in accordance with Regulation 6 of *Higher Risk (Descriptions and Supplementary Provisions) Regulations 2023* (see below); and
  - e. The year in which the HRB was completed.
7. For buildings completed before the start date (to be confirmed in supplementary regulation), the date of the building certificate, reference number of the certificate and name of the building control body.
8. For buildings completed on or after the start date (to be confirmed in supplementary regulation), the date

of the building certificate, reference number of the certificate, name of the building control body and a copy of the certificate.

## How to measure the height of the HRB and number of storeys

For the purposes of determining the height and number of storeys within the HRB, the PAP must refer to the *Higher Risk (Descriptions and Supplementary Provisions) Regulations 2023*.

The height of a building is to be measured from ground level to the top of the floor surface of the top storey of the building (ignoring any plant rooms). When determining the number of storeys, the PAP should not include (non-exhaustive) any storey below ground level or storeys consisting of plants room.

## HRBs completed after 1 October 2023

HRBs completed after 1 October 2023 must have a completion certificate before occupation. If a HRB is occupied before a completion certificate is issued, the relevant Accountable Persons commits a criminal offence.

## Key Building Information

The *Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023* came into force on 6 April 2023 and provides that the PAP must submit "key building information" within 28 days of the PAP submitting an application for registration of that HRB. A submission of, or notification about, key building information may be made by a person authorised to act on behalf of the PAP. Further the PAP must notify the regulator of any change to the key building information within 28 days of the PAP becoming aware of any change.

The PAP must submit the following key building information to the regulator in electronic form (non-exhaustive):

1. The principal use of the HRB, any ancillary building, outbuilding and any storey below ground level;
2. The subordinate use (other than the principal use) of the HRB (except for a residential unit in that HRB), ancillary building and any storey below ground level;
3. Whether there has been a change to the principal use of the HRB since its construction;
4. In relation to the external wall of the HRB and any insulation within the external wall, the materials used in the composition and what percentage of the whole each component material constitutes;
5. In relation to the roof, the main material used in the part of the roof that provides a waterproof covering,

whether there is a separate layer of insulation and whether the roof lane is pitched or flat or a combination of both;

6. The type of fixtures attached to the external wall or roof and the main material from which the fixture is composed;
7. The main material used in the structure of the HRB and the type of structural design;
8. The number of storeys below ground level and number of staircases;
9. The type of energy supply to the HRB and the type of energy storage system;
10. A description of the type of evacuation strategy in place;
11. A list of the fire and smoke control equipment within the HRB and where the equipment is located.

Given the breadth of information required in order to register a HRB and the looming deadline for registration, all dutyholders **must act now**. It is therefore imperative that building owners or those with a legal interest in the HRB have identified the Accountable Person(s) and PAP and commenced the collation of the extensive information required. If you require any assistance in identifying whether you are an Accountable Person or PAP please do not hesitate to get in contact with the authors of this article.

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