The Building Safety Act and self-managed blocks

What the Act means for resident-run buildings, particularly taller ones, and the questions directors should ask now.

The Building Safety Act 2022 changed how safety is regulated in residential buildings, especially taller ones. Many resident-run buildings are not directly affected by the strictest rules, but some are, and directors need to know where they stand.

Higher-risk buildings

The strictest regime applies to higher-risk buildings. In outline, these are buildings in England that are at least 18 metres tall or have at least seven storeys, and that contain at least two residential units. Check the definitions carefully, and take advice if your building is close to the threshold.

Accountable persons

For occupied higher-risk buildings, the Act creates the role of "accountable person", who has legal duties to manage building safety risks, and a "principal accountable person" for the whole building. In many buildings, the management company or RTM company that controls the common parts may hold this role. The accountable person must register the building, assess and manage building safety risks, and keep what is called a safety case, among other duties. There are also duties to involve and give information to residents, and a complaints process.

The Building Safety Regulator

A regulator oversees the regime, registers higher-risk buildings and can take enforcement action. Failures can lead to serious penalties, so this is not an area for guesswork.

Residents' rights

Residents of higher-risk buildings have rights to information about safety, to take part in decisions and to complain. Directors need a clear way to respond.

If your building is not higher-risk

The Act still matters:

- It changed the rules on the cost of remediation for historic safety defects, and who pays. Take advice before passing any such cost to leaseholders.

- It changed building standards and the rules on warranties and defects for new work.
- It affects how buildings are valued and mortgaged, and whether leaseholders can sell.
- It adds to the expectations on those who manage buildings generally, whether or not they are higher-risk.

Questions for the board

1. Is the building above, near or below the thresholds?
2. Who is the accountable person, if one is needed?
3. Is the building registered, if it must be?
4. What does the fire strategy and safety information say?
5. Has anyone checked the external wall system and other construction risks?

> Take specialist advice. If your building might be higher-risk, ask a qualified building safety adviser or solicitor. Do not rely on general guidance, including this guide.

Next steps

1. Confirm the height and storeys.
2. Ask your advisers whether registration is needed.
3. Gather the existing safety and construction information.
4. Plan resident communication.

General information, not advice on your circumstances. Leasehold law is detailed and changes: check the current position and take advice before acting. Leasehold Clarity is provided by Leasehold Clarity Limited (company no. 16963931), with management and professional services from Murphy Thompson Moore LLP (LLP No. OC314041).