



PART ONE: OCCUPIED HRBS MUST BE ON THE REGISTER

Under the Building Safety Act 2022 ("**BSA**") and corresponding regulations all *existing* occupied higher risk buildings in England are to be registered with the national Building Safety Regulator ("**Regulator**") by 1 October 2023. A failure to do so could lead to criminal prosecution.

WHAT IS A HIGHER RISK BUILDING ("**HRB**")?



An HRB is a high-rise residential structure:

- of at least 7 floors or is at least 18 metres in height; and
- containing at least 2 residential units.

There is no requirement to register hospitals, care homes, secure residential institutions, hotels, military premises or prisons. A residential unit is broadly defined and is a place where someone can live (whether or not they do) like a flat, apartment, maisonette or a room in student accommodation. Two or more structures that contain a residential unit can be registered as a single building where they are connected by a walkway, lobby, basement or by an internal door.

WHO IS OBLIGED TO REGISTER THE HRB?

The principal accountable person ("**PAP**") is responsible for registering the HRB with the Regulator.

Any building might have multiple accountable persons ("**AP**") but each building must have *one* clearly identifiable accountable person, known as the PAP. The PAP is not always easy to identify and so initially there was a dispute resolution procedure using a referral to the First-tier Tribunal. However, the registration deadline has now *expired*.

The regulations confirm that an agent may submit the application on the PAP's behalf provided that they are authorised by that PAP. That said, ultimately the responsibility remains with the PAP.

WHAT IS A PAP?

When there are multiple APs, the PAP is whoever owns or has a legal obligation to repair the structure and exterior of the building. It is usually the owner of the building or the person responsible for the maintenance of the common parts of the building. But it can be complicated to determine – any investor landlord might have an element of repairing responsibility for the common parts – and there are also certain exceptions specified in the BSA which are outside the scope of this note.

WHAT IS NEEDED FOR REGISTRATION?

The PAP must provide key building information within 28 days of applying to register a building and for existing buildings, the PAP must confirm whether, to their knowledge, the building met the appropriate building standards applying *at the time* of completion.

WHAT TO DO NEXT?

If you feel you might be an AP or even a PAP and need further advice, please get in touch with your usual Wedlake Bell contact or any of the following members of the real estate team. If your property is in Wales, please contact us for further information, as this note relates to buildings in England.

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