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UK Building Safety Reform – Sept 2026 for the HBF Technical Conference

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Legislative Framework & the BSR

- Royal Assent 28 April 2022; most significant building safety reform in a generation, driven by Grenfell and the Hackitt Review
- BSR now a standalone NDPB (27 Jan 2026), directly accountable to MHCLG; preparing for a single construction regulator
- Higher-risk buildings (7+ storeys/18m+, 2+ units): Gateway regime with 3 hard stops; dutyholder regime in force since 1 Oct 2023
- Golden Thread: digital record of building safety information must be accurate, accessible, and maintained throughout the lifecycle

BSR Key Functions

Gateway Regime & Registration

- ✓ Gateway 1 (planning), 2 (pre-construction), 3 (completion)
- ✓ Expanding to 11–18m residential buildings
- ✓ 65% application approval target
- ✓ 18-week Gateway 2 target (non-complex)
- ✓ Dutyholder roles: Client, PD, PC, Designer, Contractor

Liability, Remediation & the Levy

Extended limitation periods, BLOs, RCOs, and the Building Safety Levy (from 1 October 2026)

15/30 yrs

DPA 1972 limitation

£3.4bn

Levy target revenue

BLOs & RCOs

BLOs pierce the corporate veil (ss.130–132). RCOs compel landlords to remedy defects. Contribution orders against developers. “Just and equitable” test applies.

Key Developments

- Building Safety Levy: payable on 10+ dwelling developments; exemptions for social/build-to-rent/supported housing; brownfield discounts
- Remediation Bill (King’s Speech, May 2026): new legal duty on freeholders to identify, assess, and remediate unsafe cladding or face prosecution
- Extended limitation: 15 yrs prospective / 30 yrs retrospective for DPA 1972 claims; s.38 Building Act 1984 extended to 15 yrs
- Mandatory 11–18m register; remediation backstop allowing Homes England to step in; manufacturers compelled to contribute

Enforcement & Construction Products Reform

"From encouragement to enforcement" | Construction Products Reform White Paper | Regulations expected late 2027

New Legal Duties

Landlords face new statutory duties to remediate unsafe cladding and other building safety defects

Criminal Sanctions

Non-compliance with building safety duties can result in criminal prosecution, significant fines, and stronger regulator enforcement

Two-Track Product Regulation

Designated-standards products: third-party assurance. All others: manufacturer self-assessment. Two-thirds of products currently unregulated.

Supply Chain & Traceability

Obligations extend to importers, distributors, and fulfilment providers. Digital labelling with QR codes. Responsible Actors Scheme for developers.

Key Case Law & Practical Implications

Edgewater v Grey (UT, Feb 2026)	RCO of £13m+ on joint and several basis. J&S liability not automatic; zero-tolerance threshold; detailed corporate disclosure required.
Crest Nicholson v Ardmore (TCC, Apr 2026)	Anticipatory BLOs confirmed (£14.93m). Insolvency does not extinguish liability. High bar for resistance on “just and equitable” grounds.
Pieris House (FTT, Apr 2026)	First guidance on “relevant building” (s.117). Physically connected blocks may be treated as one building regardless of individual height.
Contribution Claims (s.1 CL(C)A 1978)	RCO/BLO respondents may claim contribution from others in the chain. Cascading claims through corporate groups add complexity.
Zero-Tolerance Approach	Even “low” building safety risk qualifies. Courts applying broad interpretation; early engagement with remediation reduces litigation risk.
Corporate Veil Pierced	Associated entities liable. Parent companies, subsidiaries, and sister companies within a corporate group all exposed to BLO proceedings.
Corporate Disclosure Essential	Respondents who fail to provide detailed corporate structure explanations will receive “short shrift” and risk adverse inferences.
Restructuring No Defence	Insolvency, administration, and corporate restructuring will not extinguish building safety liabilities. “Deleterious financial effect” not weighty prejudice.

Key Takeaways and Looking Ahead

Summary

- BSA 2022 represents the most significant overhaul of building safety in a generation
- BSR now standalone — increased autonomy, capacity, and enforcement powers
- Building Safety Levy from October 2026 adds significant financial obligations
- Wales diverging with its own distinct regime from July 2026
- Case law confirms broad scope of BLOs and RCOs with zero-tolerance approach
- Construction products reform expected in force late 2027 — two-thirds of products currently unregulated
- Contribution claim risks adding further complexity to group liability exposure

What to Watch

- Implementation of expanded BSR registration (11–18m buildings)
- Building Safety Levy impact on development viability
- Progress towards single construction regulator
- Welsh regime divergence and practical cross-border issues
- Further case law on BLOs, RCOs, and “relevant building” definition
- Construction products reform implementation and new regulator

Note: Residential Property Developer Tax (RPDT) — 4% on profits exceeding £25m — payable since 1 April 2022