

## Appendix 1 - Legislative Context

1. There is a variety of legislation that applies to fire safety in residential high and mid-rise blocks and there are different enforcing authorities depending on the legislation. All these statutory instruments are powers available to enforce standards in mid and high-rise blocks and there is already a level of collaboration between Local Authorities and the Fire and Rescue Services and this will be extended to the New Regulator, once they are on-board.
  - a. The Regulatory Reform (Fire Safety) Order 2005 ([The Regulatory Reform \(Fire Safety\) Order 2005 \(legislation.gov.uk\)](#)). This is enforced by the Fire and Rescue Service (the London Fire Brigade (LFB) in London). This applies to all buildings (commercial and residential common parts) but excludes individual dwellings.
  - b. The Fire Safety Act 2001 ([Fire Safety Act 2021 \(legislation.gov.uk\)](#)). This is enforced by the LFB. This amended the Fire Safety Order and was an enabling act for further statutes.
  - c. The Fire Safety (England) Regulations 2022 ([The Fire Safety \(England\) Regulations 2022 \(legislation.gov.uk\)](#)). These are enforced by the LFB. These were introduced in in January 2023. These place specific requirements on operators of mid and high-rise blocks of flats in relation to fire safety.
  - d. The Housing Act 2004 ([Housing Act 2004 \(legislation.gov.uk\)](#)). This is enforced by Local Authorities (LAs). This is the basis of housing standards in all forms of residential accommodation. It is primarily used by LAs to enforce housing standards in rented accommodation. Traditionally most LAs did not enforce fire safety in common parts of blocks of flats, this being left to the Fire and Rescue Services due to the complex nature of fire safety in these buildings but is and remains available to LAs to enforce fire safety in common parts and the flats.
  - e. The Building Safety Act 2022 ([Building Safety Act 2022 \(legislation.gov.uk\)](#)) and subordinate Orders and Regulations has introduced a new regime for building safety in primarily high-rise (commercial and residential) and to a lesser degree mid-rise. This covers a variety of issues but introduces a new Building Regulator (overseen by the Health and Safety Executive (HSE)) for high-rise, changes the Building Regulation regime, introduces protections for leaseholders and provides a process for several bodies, including LAs, to apply for Orders to remediate historic fire safety and structural defects in residential mid and high-rise.
    - i. The new Regulator is operating ([Building Safety Regulator - Building safety - HSE](#)) and performing some of its functions, though it is still fundamentally in the preparatory stages. It is estimated that operators of buildings that fall within the regime will be able to register these buildings by October 2023, with further functions coming online between 2024 and 2025. The Regulator will be able to enforce on high-rise from October 2023.