

## Session 1: The Building Safety Act 2022 and its Impact

### Questions & Answers from the Session

#### 1. CPD Certificates:

- **Will we be getting any CPD certificates for participation? If so, will it be at the end of each session or the series?**
  - *Given the number of sessions and varying attendees across this lecture series, CPD certificates will not be issued, but time spent attending should nonetheless be recorded as part of your annual CPD record*

#### 2. Presentation Sharing:

- **Would this presentation be shared with us?**
  - *A copy of the presentation slides is not available, but the recording of the full presentation is available [here](#)*

#### 3. Role of Structural Engineers:

- **How does the Building Safety Act (BSA) implicate all projects below 18m / 7 storey because it is primarily focused on HRB with vague statements on smaller projects?**
  - *BSA 2022 applies to **all** construction projects, although the level of input varies. In all cases, regardless of scale, new dutyholder roles have been introduced, alongside explicit requirements to demonstrate competency on the part of structural engineers (the latter is discussed in more detail in Session 2). The update also introduces the concept of “Higher-Risk Buildings” (HRBs), as defined in detail [here](#), with a number of additional requirements that need to be satisfied for both new and existing buildings. Buildings that fall outside of this definition are known as ‘outside scope buildings’ or OSBs.*
- **For a simple through-lounge opening single beam design, does the structural engineer qualify as “principal designer” (PD) even if not well-informed in all aspects of “building regulations”?**
  - *If the structural engineer is the only appointed consultant on a project, they would by default take on the responsibility of “Principal Designer” and all this entails. This therefore requires an appropriate level of competency and understanding of the BSA, although it is worth noting that if the project is sufficiently small as to only require structural engineering input, the actual output required to ensure compliance with Building Regulations will not be significantly different to before.*

*It is also worth noting that responsibility does not extend to oversight of the construction itself, which would remain the responsibility of the Principal Contractor (similar to CDM).*

- **What are the competence requirements for building control submission for those projects?**
  - *Competency requirements will be covered in detail in the second CPD session.*
- **How do you convince clients for <18m projects to pay for the extra work and liability associated with the PD role?**
  - *BSA 2022 places additional duties on the client as well as the design team, which includes the requirement to commission competent professionals and contractors. Therefore it is important that Duty Holders are made fully aware of their responsibilities as part of any initial discussions around potential projects, which will in turn include raising the additional requirements associated with the PD role.*

#### 4. Grenfell Tower:

- **Since the structure of the Grenfell Tower is still standing, what were the significant "structural failures"?**
  - *While the Grenfell Tower suffered from significant fire damage, the importance of maintaining the structural integrity of a residential building was brought to the fore as a reaction to the inquiry into event. During the drafting of the Building Safety Act, the two events that were identified as those that would present that greatest threat to the occupants of a medium rise and above residential building was deemed to be fire spread and structural failure. It is for this reason that these are the two aspects of a building's performance are the focus of the BSA.*

#### 5. Building Safety Act (BSA):

- **In most cases of domestic projects, the client has little to no knowledge or experience of determining a "competent" engineer, and most engineers will not want to take on the role of "principal Designer" so how is that helping the overall structural engineering role and the industry at large?**
  - *The purpose of raising the issue of competence is putting the onus on building owners to commission people who are demonstrably capable. Note that this only applies to building works that require building regulation or equivalent approval. Any submissions made must carry with them a declaration of competence on the part of the Designer and Principal Designer. This places a realised burden on the building owner, as otherwise the works will be deemed to be in contravention of the BSA. As to how this helps the structural engineering role and the industry at large, it raises the bar of competence, which is a good thing. As those that can demonstrate their competence, shall be commissioned.*
- **Do the gateways only apply to HRB projects?**
  - *Yes, the Gateway process is applicable to new-build HRBs and works to existing HRBs. This will be discussed further in Session 3.*

- **How does the BSA 2022 apply to renovations, especially if a building becomes an HRB upon completion?**
  - *Generally speaking, modification to existing HRBs, or to existing buildings that would result in them becoming HRBs, would require a full Building Control Approval application via the Gateway process. There are some forms of exempt renovation work that would not trigger this requirement, which are covered in [our guidance](#) and are generally limited to repair, replacement and maintenance type work rather than larger-scale refurbishment.*

*There are also issues relating to modification work within an HRB only occurring within a non-residential section of the building, such as a fit out for a ground floor retail unit for example. If there are no significant material changes to the structure that would affect the structural performance of the building, then it should not be regarded as a change to an HRB.*

- **What is the government's and institutions' stance on requiring qualified structural engineers for building control submissions?**
  - *This is being considered as part of the Approved Document A review and as part of the Government response to the Grenfell Inquiry Phase 2 report. The Institution's policy is that all structural building control submissions should be prepared by a chartered or incorporated engineer.*

*There are a number of ways structural engineers can demonstrate their competency and guidelines on this have employed a reasonable amount of pragmatism in this regard. At present the primary way competence is demonstrated is by pointing to previous design work that is akin to the project the structural engineer is being commissioned for alongside have lead engineers assigned to the project who are professionally qualified, i.e., Incorporated or Chartered. This will be expanded upon in the second CPD session, which is focused on competency requirements.*

## 6. Liability and Responsibility:

- **Hypothetically, if there is an overall building failure, who will ultimately be held responsible/liable?**
  - *Each dutyholder is responsible for their own work. The Principle Designer and Principle Contractor have additional statutory regarding compliance of the Design and Construction respectively with Building Regulations. The subject is discussed in [What does the BSA mean for small projects?](#) (TSE Aug 2024)*
- **The limitation period for claims has increased to 15 years. Is this only for HRB's or all design works (single storey domestic extension) ? Even if works are carried out 'under hand' and limited to 6 years?**

- *The referenced increase takes the form of an extension to the scope of the Defective Premise Act 1972, which applies to all dwellings in England and Wales, not just HRBs. This extends the act to include refurbishment (previously it only covered new build dwellings) and increases the limitation period to 15 years for any property completed after the amendment, and 30 years for any property completed prior.*

## 7. Safety Cases:

- **Is a safety case required for only high-rise or HRBs?**
  - *Yes, Safety Case Reports are only required for HRBs. These will be discussed further in Session 4.*
- **What's the institution's view on working on minor structural alterations in existing HRBs without safety cases in place?**
  - *While in theory all HRBs should now have Safety Case Reports in place, given the current status of approvals it is likely that this is not universally the case. Structural engineers should therefore first enquire as to whether a Safety Case Report is in place before taking on any work and, if not, make the Client aware of their responsibilities under the BSA 2022 before undertaking any work on existing HRBs. Any proposed alterations must inform the creation of the safety case to the HRB.*  
  
*Engineers should follow the recommendations set out in the document [here](#).*
- **Within a SCR is a prescribed fire resistance for load bearing elements, for example in a fire strategy, sufficient for a typology 13 building?**
  - *We cannot comment on individual projects. Risks need to be assessed on a project basis. The Institution is planning to publish guidance in summer 2025.*

## 8. Miscellaneous:

- **Have there been any legal cases on existing qualifying buildings where there could be claims from events prior to 2022?**
  - *We cannot comment on specific legal cases, but some general perspective on the legal implications of the Act will be covered in Session 6.*