



## BRIEFING PAPER

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# Building Regulations and Safety: Review and Reforms

By Ed Potton

Following the Grenfell Tower fire, the Government asked Dame Judith Hackitt to lead a review of building regulations and fire safety. This briefing outlines the main recommendations of the Hackitt Review which reported in May 2018, the subsequent Implementation Plan published by the Government in December 2018 and details of planned changes or consultations to building regulations. It also covers the 'cladding ban' and changes to building regulations in Autumn 2018.

Following the publication of the Hackitt Review in 2018, the Government indicated it would fully respond to the review with an implementation plan in Autumn 2018; it also commenced several more immediate actions including clarifying Approved Document B on fire safety and a change to building regulations to ban the use of combustible materials on the external walls of new high-rise residential buildings. The Housing, Communities and Local Government Committee reported on the review in July 2018 and their comments are included in the briefing.

Further information on Building Regulations and Approved Documents is available from the Government's [Planning Portal](#). Building regulations are minimum standards set out in law, and Approved Documents set out detailed and practical guidance on compliance. This briefing relates primarily to England only.

## 1. The Hackitt Review

Following the Grenfell Tower fire, the Government asked Dame Judith Hackitt to lead a review of building regulations and fire safety. An interim report was published in December 2017 and the [final report](#) was published on 17 May 2018.

The interim report, published in December 2017, highlighted concerns around the complexity of relevant regulations, roles and responsibilities, and enforcement.<sup>1</sup> A [shorter summary of the report is available](#).

The interim report found that:<sup>2</sup>

The overall conclusion is that the current regulatory system is not fit for purpose in relation to high-rise and complex buildings.

<sup>1</sup> For more information see [Independent Review of Building Regulations and Fire Safety: interim report](#), 18 December 2017

<sup>2</sup> [Independent Review of Building Regulations and Fire Safety Interim Report](#), 18 December 2017, Para 1.6 (summary)

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The interim report made the following points (taken from sections 1.8 to 1.52 of the summary):

- Current regulation and guidance is unclear – the Building Regulations 2010 are ‘clear’ but concerns are raised with the ‘Approved Documents’.
- The clarity of roles and responsibilities in the system is unclear – the report raises concerns with identifying specific responsibilities.
- The means of assessing and ensuring appropriate levels of competence throughout the system are unclear and inadequate – this relates to the building process and fire risk assessments.
- Enforcement and sanction measures are poor and do not provide adequate means of compliance assurance, deterrence or redress for non-compliance – this includes changes through the building process, changes in regulations during the life of a building, compliance issues with building control and information flows for fire safety information.
- There is a lack of a clear way for resident concerns to be raised and addressed with respect to fire safety.
- Current methods for testing, certification and marketing of construction products and systems are not clear.
- There are lessons to be learned from other international regulatory regimes and there could be greater alignment between building and fire regulatory systems and other regimes.

The report also made interim recommendations around building regulations and fire safety (taken from pp25-6 of the interim report):

- The Government should consider how the suite of Approved Documents could be structured and ordered to “to provide a more streamlined, holistic view while retaining the right level of relevant technical detail,” with the Government asked to consider presentational changes as an interim measure.
- The related professional and accreditation bodies should work together to come up with a system to ensure those working on the design, construction, inspection and maintenance of complex and high-risk buildings are suitably qualified.
- Consultation with the fire and rescue services is required on plans for buildings that are covered by the [Regulatory Reform \(Fire Safety\) Order 2005](#),<sup>3</sup> but does not work as intended. Consultation by building control bodies and by those commissioning or designing buildings should take place early in the process and fire and rescue service advice should be fully taken into account.
- It is currently the case under the 2005 Fire Safety Order that fire risk assessments for high-rise residential buildings must be carried out ‘regularly’. It is recommended that the responsible person ensures these are undertaken at least annually and when any significant alterations are made to the building. These risk assessments should be shared in an accessible way with the residents who live within that building and notified to the fire and rescue service.
- The Government should significantly restrict the use of desktop studies to approve changes to cladding and other systems to ensure that they are only used where appropriate and with sufficient, relevant test evidence. Those undertaking desktop studies must be able to demonstrate suitable competence.

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<sup>3</sup> The [Regulatory Reform \(Fire Safety\) Order 2005](#) is the principal legislation governing fire safety in non-domestic premises

There were further recommendations on the phased handover of buildings by building developers, and the transfer of fire safety information from builders to the responsible person.

## 1.1 The final Report – a new regulatory system

The final report of the review does not seek to repeat the issues identified in the interim report, but sets out a new regulatory framework initially focussed on multi-occupancy higher risk residential buildings (HRRBs) that are 10 storeys or more in height (although the review makes clear where the recommendations should have wider application). The summary says that: <sup>4</sup>

The new regulatory framework set out in this report must address all of these weaknesses [identified in the interim report] if there is to be a stronger focus on creating and maintaining safe buildings. It must strengthen regulatory oversight to create both positive incentives to comply with building safety requirements and to effectively deter noncompliance. It must clarify roles and responsibilities. It must raise and assure competence levels, as well as improving the quality and performance of construction products. Residents must feel safe and be safe, and must be listened to when concerns about building safety are raised.

This new regulatory framework must be delivered as a package. The framework will be based around a series of interdependent, mutually reinforcing changes where one new measure drives another. In doing so it reflects the reality of most high-rise buildings which operate as a complex inter-locking system. Only this genuine system transformation will ensure that people living in high rise buildings are safe and have confidence in the safety of their building, both now and in the future.

It recommends:<sup>5</sup>

- A new Joint Competency Authority (JCA) made up of Local Authority Building Standards, Fire Authorities and the Health and Safety Executive (HSW) to better manage safety over a building life cycle (including during occupation);
- A mandatory incident reporting mechanism for dutyholders around the safety of a HRRB;
- A set of dutyholder roles and responsibilities;
- Gateway points to strengthen oversight of building construction;
- A stronger change control process to improve record keeping;
- Oversight of building standards from a single source (the JCA), with the JCA using only Local Authority Building Standards (currently Building Control);
- A greater range of enforcement powers;
- A 'clear and identifiable' dutyholder responsible for building safety of the whole building; with requirements to present information on risk management to the JCA regularly;
- Clearer rights and obligations for residents, and providing opportunities for residents to have more information, be involved in and escalate issues;
- An overarching body with oversight of related competence requirements;
- There should be a long term aim that guidance on how to meet building regulations is owned by industry while oversight and the requirements are set out by the

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<sup>4</sup> [Independent Review of Building Regulations and Fire Safety: final report](#), 17 May 2018, p12

<sup>5</sup> Taken from Executive Summary of the final report

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Government (with the Government having the right to create guidance if industry is not able to produce suitable guidance);

- Taking forward recommendations from the Expert Group on the presentation of Approved Documents;
- A 'more robust and transparent' regime for construction products through clearer and more transparent specification and testing; clear statements on what systems products can and can't be used for. Alongside this, changes to the testing regime and there should be a more effective enforcement, complaint investigation and market surveillance regime at a national level for construction products;
- Creating an electronic 'golden thread' record of information about the design, construction and occupation of new HRRBs;
- Changes to procurement practices for HRRBs around safety requirements, and consider extending this to other buildings;
- A recommendation that the Government should re-join the Inter-Jurisdictional Regulatory Collaboration Committee (IRCC).

The report's executive summary concedes that implementing the report "may take some time", with some recommendations possible in the short term, and some requiring primary legislation while "...in the meantime industry must start 'living' the cultural shift that is required—the most important element of achieving that will be leadership from within industry." The report states that it is "...therefore important that government develops a joined-up implementation plan to provide a coherent approach to delivering the recommendations in this report."

The Government responded to the review on the day of publication by welcoming the proposals, inviting comment from any stakeholder on how the proposals should be taken forward, and committing to "a more detailed statement to the House in the autumn on how we intend to implement the new regulatory system."<sup>6</sup>

The Opposition welcomed some measures in the report but criticised the Government and the Report for not going further with a number of specific measures. John Healey (Labour) noted: "...this is a missed opportunity to set clear-cut new standards that ensure that a disaster like Grenfell Tower can never happen again."<sup>7</sup>

The Government's implementation plan, published in December 2018, described the review's final report as showing "cultural problems which resulted in system wide failure" and listed four bullet points:

- **Ignorance** – regulations and guidance were not always read by those who needed to, and when they did the guidance was often misunderstood and misinterpreted.
- **Indifference** – the primary motivation was often to do things as quickly and cheaply as possible rather than to deliver quality homes which are safe for people to live in. When concerns were raised by others involved in building work or by residents, they were often ignored.
- **Lack of clarity on roles and responsibilities** – there was ambiguity over where responsibility lay, exacerbated by a level of fragmentation within the industry, and which precluded robust ownership of accountability.
- **Inadequate regulatory oversight and enforcement tools** – the size or complexity of a project did not seem to inform the way in which it was

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<sup>6</sup> [HC Deb 17 May 2018 c457-8](#)

<sup>7</sup> [HC Deb 17 May 2018 c459](#)

overseen by the regulator(s). Where enforcement was necessary, it was often not pursued. Where it was pursued, the penalties were so small as to be an ineffective deterrent.

A PQ in July 2018 asked about the cost of the review. The costs of supporting the review by Departmental staff are not available, but Dame Judith Hackitt was not remunerated:

"...Dame Judith Hackitt chaired the Independent Review of Building Regulations and Fire Safety on a pro bono basis – she was not remunerated and only received reimbursement for exceptional travel expenses."<sup>8</sup>

## 1.2 Government action between June and November 2018

In June 2018 the Government [started a consultation](#),<sup>9</sup> running until August 2018, on banning the use of combustible materials on the external walls of high-rise residential buildings which are 18 metres or over. See section 4 below for further detail on this.

In July 2018 the Government provided a Grenfell update via [a written statement](#).<sup>10</sup> The statement announced a number of developments, including the start of a consultation on clarifying Approved Document B (which covers fire safety), and that the Government will take forward "a wider technical review of the guidance on fire safety" with a call for evidence "in the autumn".

A further building safety update was made via a written statement in October 2018. This confirmed that the proposed ban on combustible materials would be taken forward via changes to the Building Regulations which would be 'brought forward as soon as possible later this autumn'.<sup>11</sup>

The Government also said that other proposals around building standards, such as the [Healthy Homes and Buildings all party parliament group's recent report](#), would be considered by the same process.<sup>12</sup>

## 2. Committee Response to Review

In July 2018 the House of Commons Housing, Communities and Local Government Committee published a report: [Independent review of building regulations and fire safety: next steps](#). The Committee supported, after hearing from interested bodies, the Hackitt review findings but argued that parts should be applied more widely than just to high-rise buildings:<sup>13</sup>

12. The Independent Review was right to highlight the need for significant cultural change in the industry, with greater accountability and clear sanctions that act as a real deterrent to those that break the rules. We agree that the building regulations require simplification, that fire safety should be addressed throughout the life-cycle of a building, and that residents require a more meaningful voice to challenge fire-safety processes in their homes. We also support Dame Judith's proposed model for a more robust whistleblowing process.

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<sup>8</sup> [PQ 164531 \[on High Rise Flats: Insulation\] 24 July 2018](#)

<sup>9</sup> Consultation on [Banning the use of combustible materials in the external walls of high-rise residential buildings](#)

<sup>10</sup> [HCWS890 \[Grenfell Update\] 19 July 2018](#)

<sup>11</sup> [HCWS976 \[Building safety update\] 9 October 2018](#)

<sup>12</sup> [PQ185598 5 November 2018](#)

<sup>13</sup> House of Commons Housing, Communities and Local Government Committee, [Independent review of building regulations and fire safety: next steps](#), 18 July 2018, HC 555

13. While the Independent Review focused on high-risk residential buildings of 10-storeys or more, many of these recommendations could and should be applied to a wider range of buildings and to the construction industry as a whole. The Government must therefore take as wide an approach as possible to the applicability and implementation of the recommendations in the Final Report.

On the review of building regulations, the Committee expressed disappointment that the review did not propose specific short-term changes to building regulation and urged the Government to move quickly in this area:

27. It is disappointing that the Independent Review did not address the specific, short-term changes that need to be made to the Building Regulations. In this specific respect, we believe the Independent Review did not fully meet the requirement in its terms of reference to reassure residents that their homes are, or will be made, safe. However, we note that Dame Judith has subsequently called for an immediate review of the Building Regulations. The Government must immediately take forward its review of the current guidance as a matter of urgency, with the intention of publishing an updated version of Approved Document B before the end of the year.

In response the Government noted the actions they had taken over the summer on Approved Document B, and that there would be a call for evidence in the autumn.<sup>14</sup>

The Committee also made several recommendations around cladding (see below), product testing, sprinklers, and Government support for building owners and leaseholders.

The Committee [held a follow up evidence session on 25 January 2019](#) with Dame Judith Hackitt and the Minister for Housing, Kit Malthouse.

### 3. Government Implementation Plan published in December 2018

On 18 December 2018, the Government made a written statement providing a building safety update and announced the publication of an implementation plan,<sup>15</sup> noting that they had taken account of over 200 responses to the Hackitt Review:<sup>16</sup>

...The Review identified failings in the regulatory system and made recommendations to address them. We have heard from over 200 people in response to the Review and have analysed those responses. We have also learnt from the remediation process and from other issues that have been investigated over the last 18 months to formulate our response.

In the statement the Secretary of State notes that “the implementation plan I am publishing today sets out the far-reaching programme of work the Government now intends to take to ensure people who live in residential high-rise buildings are safe and feel safe, now and in the future.” It noted four areas of work:

- A more effective regulatory and accountability framework;
- Clearer standards and guidance, and product safety;
- Putting residents at the heart of the building safety system;

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<sup>14</sup> [Government Response to the Housing, Communities and Local Government Select Committee Report on the Independent Review of Building Regulations and Fire Safety: Next Steps](#), September 2018, Cm9706, para 9

<sup>15</sup> Also MHCLG Press Release “[Brokenshire introduces tougher regulatory system for building safety](#)”, 18 December 2018

<sup>16</sup> [HCWS1201 \[Building Safety update\] 18 December 2018](#)

- Driving culture change and a more responsible industry.

The [implementation plan](#) sets out the planned actions, consultations, potential legislation and timing. The following sections are extracted from the plan:<sup>17</sup>

On Regulation:

Today, we are announcing:

- the creation of a **Joint Regulators Group** made up of our key regulatory partners that will help to pilot new approaches and, in due course, to assist with the transition to a new regulatory framework.

**In the spring, informed by ongoing research and the input of the Joint Regulators Group, the Government will consult on:**

- the scope of the new regime and whether we should go further than the initial scope set out by the Review, to include other multi-occupied residential buildings where a significant fire or structural failure could put many people's lives at risk;
- proposals for creating dutyholder responsibilities that will set out in law who owns and needs to manage building safety risks at different stages of the lifecycle of the buildings in scope;
- proposals for a stronger and more effective enforcement and sanctions regime for buildings in scope;
- how the 'gateways' proposed in the Review could be implemented in practice for buildings in scope;
- what a safety case regime would look like to provide assurance that safety risks are being managed appropriately for buildings in scope during their lifecycle;
- making fire and rescue authorities statutory consultees in the planning process for multi-occupied residential buildings of 30 metres or more (10 storeys or more) in advance of the establishment of the new regulatory framework;
- proposals for managing the provision of building control within the new regulatory framework and the role of Approved Inspectors in supporting dutyholders for buildings in scope;
- options for a more effective regulatory framework to oversee the new regime, including the option of establishing a statutory Joint Competent Authority (as recommended by the Review) that would sit at the centre of a stronger regulatory framework for buildings in scope;
- proposals for a 'digital by default' standard of record keeping for the design and construction of buildings in scope and to ensure that this digital record is maintained throughout the occupation of buildings for buildings in scope;
- proposals for how dutyholders would collect, hold, analyse and make available the data that constitutes the 'golden thread'; and
- for all buildings, proposals to clarify and strengthen existing regimes to ensure that fire safety is adequately prioritised, and risks are addressed.

On products and guidance:

Today, we have launched:

- a call for evidence to inform a full technical review of the Building Regulations Fire Safety Guidance in Approved Document B (fire safety); and
- the Government's response to the consultation to further restrict assessments in lieu of tests, alongside amended guidance to bring these changes into force.

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<sup>17</sup> MHCLG, [Building a safer future: an implementation plan](#), 18 December 2018

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Over the next 12 months, informed by stakeholder engagement, the Government will:

- consult in the spring on options for a new governance structure, for oversight of building regulations and guidance;
- set out a work plan for reviews of Building Regulations Approved Document guidance in line with the spirit of the recommendations of the Review and the accompanying expert group report;
- establish a 'standards committee' to advise the Secretary of State on new and existing construction product and system standards;
- bring forward proposals to establish consistent legislative powers which cover construction products;
- consider options for national regulatory oversight of construction products to ensure that construction products are manufactured to the standards they should perform at;
- work with industry to develop minimum standards for third-party certification schemes for fire protection products essential to building safety. These standards will be led by industry and will cover manufacturing, installation and inspection of products;
- encourage all buildings in scope to use third-party certified fire safety products essential to building safety; and
- ensure that UK notified bodies and suppliers of products produce more accessible summaries of performance.

On involving residents:

Today, we have:

- launched a call for evidence inviting views on how residents are supported to meet their responsibilities to keep their homes and buildings safe.

In the spring, informed by ongoing research and the input from the Residents' Reference Panel, the Government will:

- consult on requirements for dutyholders to proactively provide residents with critical safety information about their building and more detailed information related to the structural and fire safety of residents' homes, based on a presumption of openness, unless there are good reasons not to, for example security;
- consult on requirements for dutyholders to put in place a resident engagement strategy to support the principle of transparency of information for residents, as well as effective communication and involvement in decisions about their building; and
- consult on options for a clear and quick escalation route for residents' building safety concerns, including the relationship with the new regulatory framework for building safety and the interactions with existing regulators and redress schemes.

On culture change and the industry:

As well as testing and trialling new approaches to building safety, Early Adopters working with the Government will:

- sign a new Building Safety Charter, demonstrating their commitment to spearhead culture change and put building safety first. Early Adopters will be the first signatories of the Charter, which will be extended to others within the industry to encourage wider culture change;
- trial and adopt a range of policy options to implement the recommendations of the Review in advance of legislation, including through working with the Joint Regulators Group. These include testing the 'gateway points' and the



dutyholder role, options around supply chain management and the 'golden thread' of information - including the use of Building Information Management tools. They will also support work to understand the digital skills required across the sector and develop ways to close this skills gap; and

- establish standards, guidance, and training for commercial professionals involved in building projects to raise awareness and protect incentives that drive improved safety within the procurement and contract management of large residential projects.

Over the next 6 months, the Government will:

- review industry's proposals and take a view on whether they deliver a coherent approach to assessing competence across all disciplines and provide assurance that those working on multi-occupied high-rise residential buildings have sufficient competence, in line with Dame Judith's vision; and
- consider whether legislation is necessary to underpin a new system to assure competence.

In evidence to the Housing, Communities and Local Government Committee in January 2019, the Minister for Housing, Kit Malthouse, was asked about the timing of the implementation:<sup>18</sup>

Chair: ...Let us move on, very briefly, before other colleagues come in, to the plan that you have published, Building a Safer Future. There is a lot of good intention in there and indications of further Government action, but no timescales particularly. Is it possible to add some timescales, if not now, in the Committee, before too long, so that we are quite clear when these things will be done as opposed to the fact that they are going to be done?

Kit Malthouse: Yes. Mr Chairman, once we have the information back that we have asked for from the industry—the various calls for evidence and consultations that we have put out there—then obviously we will be able to publish exactly the kind of project timescale that you are looking for. Some of it is dependent upon what comes back. We are hoping, for example, to consult on the scope of Approved Document B, not just the clarity of it in the future. Depending on what people come back with in terms of that scope, there will have to be some assessment about the costs and benefits of doing that work. I would hope that by the end of the spring we would have a clearer idea, exactly as you say, of where this is going to fall in terms of time. Some of this is going to take legislation, and obviously the legislative timetable is not in my control, but I definitely would like to leave you with the impression that this is a very urgent and pressing project for us and we would like to get this work done as quickly as possible, so that the industry can start to embrace the quite significant changes that are going to be required.

### 3.1 Current and Recent Consultations

The following consultations relating to building regulations and fire safety are open at the time of writing:

- On 8 March 2019 a 'call for evidence' was published on a [Technical review of Building Bulletin 100: Design for fire safety in schools](#) which closes on 31 May 2019. Amongst other issues, it seeks views and evidence on the effectiveness of sprinklers in a school environment. The current version of Government guidance [Building Bulletin 100: Design for fire safety in schools](#) was published on 29 July 2007. The issue of sprinklers in schools was covered in a March 2019 Westminster Hall debate on Fire Safety and Sprinkler Systems ([HC Deb 12 March 2019 c31WH](#))

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<sup>18</sup> [Evidence to the Housing, Communities and Local Government Committee](#), 25 January 2019, Q458

Other consultations relating to building regulations and fire safety have already taken place, including:

- [Good practice on how residents and landlords work together to keep their home and building safe: call for evidence](#), opened 18 December 2018, closed 12 February 2019. The call for evidence asked “for views from residents and those managing multioccupancy residential buildings on how residents are currently supported to meet their responsibilities to keep their homes and buildings safe. We also welcome evidence from other organisations”.
- [Technical review of Approved Document B of the building regulations: a call for evidence](#), opened 18 December 2018, closed 15 March 2019. The consultation asked for comments on a range of topics in the Approved Document. It did not cover buildings with specific requirements such as hospitals and schools. The March 2019 Westminster Hall debate on Fire Safety and Sprinkler Systems ([HC Deb 12 March 2019 c31WH](#)) took place just before the consultation closed and covered some of the issues that may also have been raised in the consultation responses.

Several other consultations or planned changes to building regulations that are not related to fire safety or high-rise buildings are taking place or are planned, and include:

- A [consultation into a change to part M \(access\) of the building regulations on a new requirement to have a changing places toilet](#) in a large building (based on size, capacity or purpose). The consultation opened in May 2019 and closes on 21 July 2019. More broadly on access, a January 2019 PQ said that the Buildings Regulations Advisory Committee was currently defining the scope of a review into requirements for access in Approved Document M (Access to and Use of Buildings), including the effectiveness of current standards both in relation to housing and other buildings.<sup>19</sup>
- In the Spring Statement 2019 the Chancellor announced that the Government would “introduce a Future Homes Standard by 2025, so that new build homes are future-proofed with low carbon heating and world-leading levels of energy efficiency”.<sup>20</sup> Subsequent PQs have indicated this standard will be delivered through changes to Part L of the building regulations, and that the technical detail will be part of a consultation on energy efficiency requirements in 2019.<sup>21</sup>
- There has been recent interest in space standards. A PQ in April 2019 said: “The Government will be considering the Nationally Described Space Standard as part of its programme to review planning practice guidance and building regulations guidance.”<sup>22</sup>
- In April 2019 the Government said they would consult “as soon as possible” on introducing new building regulation requirements for electric vehicle charging in domestic and non-domestic buildings (Part R).<sup>23</sup>

### 3.2 Future legislation

There has been speculation that draft legislation for relevant parts of the Government’s implementation plan could be published as soon as the end of May 2019, or possibly mid-June. An article in *Inside Housing* at the start of May 2019 suggested these dates and noted that the consultation on the draft may last eight weeks.<sup>24</sup>

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<sup>19</sup> [PQ 211196 30 January 2019](#)

<sup>20</sup> HM Treasury, [Spring Statement 2019: what you need to know](#)

<sup>21</sup> [PQ 245871, 29 April 2019](#)

<sup>22</sup> [PQ 237036 3 April 2019](#)

<sup>23</sup> [PQ 245536 25 April 2019](#)

<sup>24</sup> Inside Housing, [Government to publish draft legislation on post-Grenfell building regulations](#), 3 May 2019

## 4. Cladding Ban

In June 2018 the Government [launched a consultation](#) on banning the use of combustible materials on the external walls of high-rise residential buildings which are 18 metres or over.

The Government [announced on 1 October 2018](#) that it would take forward changes to building regulations to ban “the use of combustible materials on external walls of high-rise buildings”:

...Following the Grenfell Tower tragedy the government established a comprehensive building safety programme that included an independent review on fire safety and building regulations. In the summer the government published its response to this review and said it would ban the use of combustible materials on external walls of high-rise buildings subject to consultation.

Following this consultation the government has today (1 October 2018) confirmed that it will take forward this ban on all high-rise buildings that contains flats, as well as hospitals, residential care premises and student accommodation above 18 metres.

This ban will be delivered through changes to building regulations and will limit materials available to products achieving a European classification of Class A1 or A2.

This was confirmed in a written statement by the Secretary of State on 9 October:<sup>25</sup>

My Department published a consultation earlier this year on a proposal to introduce a ban on the use of combustible materials in the external walls of high-rise residential buildings.

I would like to update the House to confirm that the Government will take forward this ban for all new buildings over 18 metres that contain flats, as well as new hospitals, residential care premises, residential schools and student accommodation above 18 metres.

This ban will be delivered through changes to building regulations and will limit materials available to products achieving a European classification of Class A1 or A2. The Government will publish the consultation outcome and ensure the regulations are brought forward as soon as possible later this autumn.

At the [start of the consultation the Government](#) commented on the cladding used at Grenfell and said that the ban was to ensure there was ‘no doubt’ about the materials that could be used:<sup>26</sup>

...The cladding believed to have been used on Grenfell Tower was unlawful under existing building regulations and should not have been used. The government wants to ensure that there is no doubt about which materials can be used on high-rise residential buildings.

This consultation is inviting views on our proposals to revise the building regulations to ban the use of combustible materials in the inner leaf, insulation and cladding that are used in external wall systems on these buildings.

Under the consultation the proposed change to the Building Regulations 2010 would not apply retrospectively. In line with the way building regulations are normally used, revisions to building regulations only apply to new buildings or future changes to existing buildings.

A [Report from the Communities and Local Government Committee](#) in July 2018 called for the change to be applied to existing buildings over 18m tall, and for the Government to fund the replacement of “cladding on existing buildings which had been permitted, but is

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<sup>25</sup> [HCWS976 \[on Building safety update\] 9 October 2018](#)

<sup>26</sup> MHCLG, [James Brokenshire publishes consultation on banning combustible cladding](#), 18 June 2018

subsequently banned as a consequence of the consultation” in both the private and public sector (para 37). [The Government response](#) to the report referred to the consultation and noted that:<sup>27</sup>

...There were 460 responses from a range of individuals and organisations. The Government is currently analysing the consultation responses. The majority of respondents agreed with the intention of the consultation and the Government will publish its response in the autumn.

The change was made through [The Building \(Amendment\) Regulations 2018](#), which came into force on 21 December 2018 and limits materials that can be used to specific criteria and standards. The explanatory memorandum notes that:<sup>28</sup>

...It will leave no room for doubt as to what is suitable for use on external walls of buildings 18m or more in height. The ban, by default, will also remove the option of undertaking an assessment of the performance of an external wall system in lieu of tests for buildings in scope.

The regulation applies to all new buildings more than 18 metres high of the following types: residential buildings, hospitals, residential care homes, student accommodation and dormitory buildings for boarding schools.

## 5. Recent Parliamentary Debate and Questions

A separate Library briefing provides information on paying for fire safety work related to cladding: [Leasehold high-rise flats: who pays for fire safety work?](#)

The following references highlight relevant recent debates or PQs in relation to building safety and building regulation reform:

PQ on polystyrene insulation: [PQ202310 19 December 2018](#)

PQ on fire safety for self-storage facilities [PQ206371 11 January 2019](#)

PQ on research into non-ACM cladding: [PQ208632 17 January 2019](#)

PQ on insulation and use of desktop studies: [PQ209826 22 January 2019](#)

Urgent Question on 22 January 2018: [HC Deb 22 January 2019 c133 \[on Tower Blocks: Dangerous Cladding\]](#)

Discussion of urgent question in the House of Lords: [HL Deb 22 January 2019 c634 \[on: Tower Blocks: Cladding\]](#)

Adjournment Debate in the House of Commons [HC Deb 23 January 2019 c289 \[on Fire Safety and Cladding\]](#)

On 25 January 2019 the Housing, Communities and Local Government Committee held a one-off evidence session as a follow up to their inquiry on the review of building regulations and fire safety. [The transcript is available.](#)

PQ on building regulations and disability [PQ 211196 30 January 2019](#)

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<sup>27</sup> [Government Response to the Housing, Communities and Local Government Select Committee Report on the Independent Review of Building Regulations and Fire Safety: Next Steps](#), September 2018, Cm9706, para 11

<sup>28</sup> [Explanatory Memorandum to the Building \(Amendment\) Regulations 2018](#)

Westminster Hall debate on Fire Safety and Sprinkler Systems [HC Deb 12 March 2019 c31WH](#) (also see Library briefing [Fire safety and sprinkler systems](#))

PQ on building regulation compliance [PQ 226066 4 March 2019](#)

PQ on building regulations and electric vehicles [PQ 245536 25 April 2019](#)

PQ on Part L change (energy efficiency) [PQ 245871, 29 April 2019](#)

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