The Building Safety Act 2022 (BSA)

What is the Building Safety Act?

The Building Safety Act 2022 is a UK law introduced after the Grenfell Tower tragedy to overhaul building regulations and improve safety across residential buildings, with strict rules for high-rise property.

Relevant Building – Key Definition

A "Relevant Building" is a building that consists of five or more storeys or is 11 metres or more in height and is not leaseholder-owned; buildings under five storeys may still fall under the Act if the 11 metres height threshold is met.

Buying a Flat – What We Need From You

Please provide the following at the outset so we can advise you quickly and clearly:

(a) Confirm the building's height in metres and the total number of storeys, and how these have been measured.

(b) Tell us whether the purchase includes a share of the freehold.

How height is measured (see diagram overleaf)

- Building height is measured from the lowest point of the external ground where it meets the building up to the top of the floor surface of the top storey.
- Top storeys consisting only of plant and machinery are excluded, and rooftop plant is excluded.
- On sloping sites, measurement starts from the lowest ground point where the ground meets the building.
- The ground floor counts as the first floor.
- Basement storeys are excluded if the basement ceiling does not rise above ground level.
- External ground level can vary around the building, and the starting point follows the lowest meeting point.

Please see the attached diagram overleaf.

Are you buying a property that may be in scope?

You should ask the selling agent first whether the building has been properly measured. If you are purchasing with a share in the freehold, the BSA does not apply, regardless of height. We will advise you on the specific implications for your transaction once we have confirmed whether the building is a Relevant Building.

What are the implications of buying or selling a Relevant Building?

Transactions involving BSA often take longer than more straightforward sales and purchases so please be aware of this potentially extended timescale.

Purchasing a property that is subject to the BSA may have implications if you wish to re-mortgage or sell it in the future. We would urge you to consider the below points before proceeding:

- Some buyers may be deterred by the Act when you come to sell which could reduce the available pool of buyers in turn making it more difficult to sell or achieve a favourable sale price.
- Properties that have an Unqualifying Lease may be considered less favourable to those with Qualifying Leases and the value of the property may be impacted as a result. It is likely that we will not be able to ascertain whether a Lease is Qualifying or Unqualifying until substantial work has been completed.
- At present there is a limited pool of solicitors that will attend to BSA matters. As such you will likely find that legal fees associated with buying, selling or refinancing a property under the Act are more expensive.
- The Act is evolving and, as such, the provisions as they are today may not be the same when you come to sell or refinance. We can give no guarantee as to whether further legal work will be required and, as such, can only undertake the work required to protect your interest in the property as at today's date.
- Lender Requirements change frequently; therefore, we cannot provide any insight as to how lenders will approach financing of BSA properties in the future.

Our fees if your transaction falls under the BSA

In addition to our standard conveyancing fees, our fees for BSA-related work are as follows:

- Advice on a Building Safety Act **Sale**: £750–£1,200 + 20% VAT.
- Advice on a Building Safety Act **Purchase**: £1,500–£2,000 + 20% VAT.

The final fee will depend on the specifics of your case and the work required.

Why might costs be higher for a BSA-affected transaction?

The guidelines are very strict in relation to BSA Relevant Buildings and, as such, the time involved in such sales and purchases increases to ensure all the full investigations and risks are assessed. The financial implications that can arise as a result of the Building Safety Act can be substantial.

Who will handle your transaction

Your transaction will be handled by one of our Specialist BSA Conveyancers with particular expertise in the Act and its implications for sellers and purchasers. A Specialist BSA Conveyancer will be your point of contact.

Why choose Bate & Albon Solicitors for your BSA transaction?

We have Specialist BSA Conveyancers in place to ensure that your BSA transaction is carried out with full reference to the guidelines. We take the time to review fully and ensure you will not be subject to any risk or unexpected costs or liabilities in the future.

Calculating Building Height for Building safety Act 2022

