AGENCY AGREEMENT BETWEEN THE BUILDING SAFETY REGULATOR, THE HEALTH AND SAFETY EXECUTIVE AND THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT RELATING TO BUILDING FUNCTIONS

This Agreement is made between the Building Safety Regulator ("the Regulator"), the Health and Safety Executive ("the Executive") and the Secretary of State for Housing, Communities and Local Government ("the Secretary of State") under section 13(4) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act") and paragraph 9(3) of Schedule 1 to the Building Safety Regulator (Establishment of New Body and Transfer of Functions etc.) Regulations 2026 ("the 2026 Regulations"). In accordance with section 13(5)(b) of the 1974 Act it relates to the functions of the Regulator, which the Secretary of State considers can be appropriately performed by the Executive.

In this Agreement, any reference to any enactment shall be construed and read as a reference to that enactment as from time to time amended, consolidated, modified, extended, re-enacted or replaced.

IT IS AGREED THAT—

1. Members of staff of the Executive, as specified in the Annex to this Agreement ("the relevant Executive staff"), shall perform on behalf of the Regulator the functions under the Building Safety Act 2022, the Building Act 1984 and other enactments, as conferred on the Regulator by regulation 4 of and Schedule 2 to the 2026 Regulations.

2. In performing these functions, the relevant Executive staff may exercise any of the powers conferred on the Regulator by the 2026 Regulations, including the general powers set out in paragraph 14 of Schedule 1, but excluding the power to borrow money in paragraph 5(3) of Schedule 1.

3. Nothing in this Agreement shall affect the right of the Regulator itself to exercise any of the functions conveyed under this Agreement and when it does so, it shall notify the Executive in writing. Members of staff of the Executive will not exercise any such function to the extent specified in the notification after having received such notification.

4. All functions covered in this Agreement shall be carried out in accordance with any separate governance arrangements agreed between the Regulator and the Executive. In particular, responsibility for operational decision-making in the performance of functions covered in this Agreement shall lie with the Acting Chief Executive or the CEO of the BSR when formally appointed under the direction of the members of the Regulator as appointed in accordance with paragraph 1 of Schedule 1 to the 2026 Regulations.

5. The Secretary of State shall ensure that the costs incurred by the relevant Executive staff in performing the functions specified in paragraph 1 of this Agreement are paid in full in accordance with arrangements agreed between the Secretary of State and the Executive.

6. The Regulator shall indemnify the Executive and any member of staff of the Executive against the whole or part of any damages, costs, or expenses which the Executive or any member of staff is liable to pay by reason of any function delegated under this Agreement, provided the Regulator is satisfied that the act which incurred liability was within the powers of the Executive or its member

of staff under this Agreement and was in the circumstances one that the Executive or the member of staff was required or entitled to perform.

7. This Agreement shall come into force on 27 January 2026. It shall terminate on 31 December 2026, or such earlier date as agreed in writing by the parties.

IN WITNESS of this Agreement:

Signed by:

Full name: ANDREW POE

Chair of the Building Safety Regulator

IN WITNESS of this Agreement the Common Seal of the Executive has been affixed this day of 27/1 2026

THE COMMON SEAL OF THE HEALTH AND SAFETY EXECUTIVE

is authenticated by: Mrs S.L. Newton

Chair of the Health and Safety Executive

IN WITNESS of this Agreement:

Signed by:

Full name: KATIE FARRINGTON

A duly authorised officer for and on behalf of the Secretary of State for Housing, Communities and Local Government

ANNEX

Relevant Executive staff

For the purposes of paragraph 1 of this Agreement, the relevant Executive staff are

a. the persons appointed to the following posts:
   i. Chief Executive (subject to the provisions set out at paragraph 4 above);
   ii. Director – Operations;
   iii. Building Safety Division, Deputy Director of Legal Services;
   iv. Building Safety Division, Deputy Director – Regime Development & Regulatory Support;
   v. Building Safety Division, Deputy Director – Transition & Strategy;
   vi. Building Safety Division, Deputy Director – Technical Policy Division;
   vii. Building Safety Division, Deputy Director – Investigation, Enforcement & In-occupation;
   viii. Building Safety Division, Deputy Director – Building Control, REU & Operational Excellence; and
b. all members of staff for whom the members of staff referred to at (a)(ii)-(viii) are responsible.