

Guidance

Safety in high-rise residential buildings: accountable persons

Understand the roles of accountable persons and the principal accountable person for a high-rise residential building, and what they must do.

From: [Health and Safety Executive \(/government/organisations/health-and-safety-executive\)](#)

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Applies to England

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Accountable persons and the principal accountable person manage the fire and structural safety risks of a high-rise residential building.

A high-rise residential building has at least:

- 7 storeys or is at least 18 metres high
- 2 residential units

[The building must be registered with the Building Safety Regulator \(BSR\) \(https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building\)](https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building) before people live there. These buildings are known as higher-risk buildings under the Building Safety Act 2022

Accountable person (AP)

An AP is an organisation or individual who owns or has a legal obligation to repair any common parts of the building.

Common parts are used by residents, such as:

[Find a high-rise residential building \(/guidance/find-a-high-rise-residential-building\)](#)

[Complain about a building safety risk in a high-rise building \(/guidance/complain-about-a-building-safety-risk-in-a-high-rise-building\)](#)

[Keeping information about a higher-risk building: the golden thread \(/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread\)](#)

[Operating a complaints system for building safety in a high-rise residential building \(/guidance/operating-a-complaints-system-for-building-safety-in-a-high-rise-residential-building\)](#)

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- the structure and exterior of the building
- corridors
- lobbies
- staircases

An AP can be a:

- freeholder or estate owner
- landlord
- management company
- resident management company
- right to manage company
- commonhold association

Principal accountable person (PAP)

Each building must have one clearly identifiable AP, known as the PAP.

The PAP is usually an organisation, like a commonhold association, local authority or social housing provider.

In some circumstances, an individual can be the PAP. For example, the individual is:

- the owner of the building
- named on the leasehold as responsible for the maintenance of common parts

Check who the PAP is

If there is just one AP for a building, then they are the PAP.

When there are multiple APs, then whoever owns or has a legal obligation to repair the structure and exterior of the building is the PAP.

APs and the PAP can be accountable for the fire and structural safety risks of more than one building.

Who is accountable

APs and the PAP cannot delegate their legal obligations to others.

APs and the PAP can employ an organisation or individual, like a managing agent, to carry out duties on their behalf. However, the accountability for making sure those duties are carried out and the liability for a building's safety remains with the APs and PAP.

Single point of contact

If the PAP is an organisation, then someone from the organisation can be the single point of contact for BSR.

The single point of contact can also be a third party separate to the organisation, such as a management company. This individual should have authority or duties relating to the safety of the building, but this does not make them or the third party the PAP. It is the organisation that is the PAP.

The PAP must give written consent to the third party. If this consent stops, the PAP must update the single point of contact with BSR.

Complex leaseholds

When a building is operated through a complex leasehold structure, the AP is any organisation or individual who is one of the following:

- owner of the building
- named on the lease as responsible for the repair

or maintenance of any of the common parts

This is known as being under a relevant repairing obligation.

Management companies and agents

Accountability remains with whoever owns the common parts, or has the legal obligation to repair or maintain them under a lease. A management company operating under a contract which requires it to carry out maintenance is not an AP. A management company that operates under a lease that requires it to repair or maintain the common parts will be the AP for those parts.

Landlords

A landlord that rents or leases property and is legally responsible for maintaining the common parts of their building is an AP, for example:

- local authority
- social housing
- private sector

Uncertainty or disputes about who is accountable

If there is uncertainty about who is an AP or PAP, an interested party can apply to the First-tier Tribunal for a decision.

An interested party can be:

- an organisation or individual who owns, or claims to own, any part of the common parts
- a person or organisation who has, or claims to have, a repairing obligation for any part of the common parts
- BSR

How APs work with Responsible Persons (Fire Safety)

A [Responsible Person \(https://www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-order#check-if-you-are-the-responsible-person-in-a-residential-premises\)](https://www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-order#check-if-you-are-the-responsible-person-in-a-residential-premises) is a role under The Regulatory Reform (Fire Safety) Order 2005. In some buildings an AP or PAP will also be the Responsible Person. Where this is not the case, building safety information must be shared across these roles and any information shared must meet data protection requirements

Legal duties

APs are responsible for assessing and managing the risks posed to people in and about the building from structural failure or the spread of fire in the parts of the building they are responsible for.

To do this, APs must:

- [report safety occurrences to BSR \(https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports\)](https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports) and report them on the [mandatory occurrence reporting system operated by the PAP \(https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system\)](https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system)
- carry out duties relating to the [resident engagement strategy \(https://www.gov.uk/guidance/preparing-a-resident-engagement-strategy\)](https://www.gov.uk/guidance/preparing-a-resident-engagement-strategy)
- keep, update and manage the building's [safety case \(https://www.gov.uk/guidance/safety-case-for-a-high-rise-residential-building\)](https://www.gov.uk/guidance/safety-case-for-a-high-rise-residential-building)
- [keep certain information about the building \(https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread\)](https://www.gov.uk/guidance/keeping-information-about-a-higher-risk-building-the-golden-thread), also known as the golden thread of information
- [provide building information to relevant individuals and organisations \(https://www.gov.uk/guidance/high-rise-residential-building-information-accountable-persons-must-provide\)](https://www.gov.uk/guidance/high-rise-residential-building-information-accountable-persons-must-provide)

Check the parts of the building you are responsible for

When there is only one AP, they are responsible for managing the structural and fire safety risks in:

- the common parts
- residential units
- commonhold units
- balconies, including those attached to individual residential units
- any other part of the building that is not covered by the [Regulatory Reform \(Fire Safety Order\)](https://www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-order#understand-the-legislation) (<https://www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-order#understand-the-legislation>)

Accessing a residence

The AP can enter a residence at a reasonable time to assess or manage building safety risks. Before access, they must:

- request access from the resident at least 48 hours in advance
- make the request in writing
- explain in detail why they need access

If the resident refuses access, the AP can apply for a court order to gain access.

Before making an order, the court must agree that access is necessary and that the initial request for access was made correctly.

If the court issues an order, it will allow the AP, or someone authorised by them, to:

- access the residence at a date or time specified by the court
- take measurements, photographs, recordings or samples if necessary

Multiple APs

When there are multiple APs, each AP is responsible for managing the structural and fire safety risks in:

- the common parts they own, or must repair and maintain under a lease
- balconies, including those attached to the outside of the building that they own, or must repair and maintain
- any residential unit that can be let to a tenant, excluding lets on a long lease

If there are multiple APs for a building, they must work together and share safety information about the building.

Long leases

When a residential unit is let on a long lease, which is usually 21 years or more, the AP must:

- prevent risk in the unit that could impact common parts and other units
- protect the unit from risk in the parts of the building they are responsible for

For example, the AP must make sure that a fire cannot spread from a leasehold unit to the rest of the building. If a fire starts in a common part, the AP must make sure it will not spread into the unit.

If the landlord is not the AP, they're not accountable for the safety risks beyond the front doors. An AP for the common parts will need to manage these risks.

Contravention notice

A resident's lease or rental agreement usually includes building safety requirements. It is their

responsibility to follow any terms set out in their agreement.

The AP can issue a contravention notice if it appears the resident is doing any of the following:

- causing a building safety risk
- interfering with a safety item
- failing to comply with a request for information to help the AP carry out their duties

The notice must be in writing and use plain English that the person receiving it will understand. It must state who the notice is for, what the alleged contravention is and when it happened. The contravention notice must also include:

- what communication, if any, they have had with the resident about the alleged contravention
- any guidance issued by the regulator that is relevant to the alleged contravention
- what they think the resident should do to fix the alleged contravention, and why
- a specific timescale for fixing the issue
- anything the resident should not do to avoid another contravention
- what actions the resident can take if they disagree with the alleged contravention
- the name and contact details of the AP

If the alleged contravention involves damage to a relevant safety item, the AP can ask the resident to pay for its repair or replacement. The notice should then include:

- the amount to pay
- the reason they're asking the resident to pay
- evidence of the amount requested, which should not be more than the item's repair or replacement cost

If a resident ignores a contravention notice

The AP can apply for a county court order if the resident does not comply with the contravention notice. A county court order can set out how the resident must behave and order the resident to pay for repairs or replacement items.

The AP should keep a record of any communication they have with the resident about the contravention notice.

The court may make the order if it agrees that:

- the resident was given a contravention notice
- the alleged contravention took place
- it is necessary to make the order

Register the building

The PAP must [register the building with BSR \(https://www.gov.uk/guidance/register-a-high-rise-residential-building\)](https://www.gov.uk/guidance/register-a-high-rise-residential-building). As part of the registration process they must:

- submit structure and fire safety information about the building
- notify BSR of any changes to the information submitted at registration

Manage the building's structure and safety

The PAP must also make sure that the structural and fire safety risks are managed properly for the whole building.

The PAP must check that all APs for the building have:

- identified and assessed the fire and structural risks in their parts of the building

- taken steps to prevent incidents from happening
- put measures in place to lessen the severity of any incident

The PAP must:

- put together a [safety case](https://www.gov.uk/guidance/safety-case-for-a-high-rise-residential-building) (<https://www.gov.uk/guidance/safety-case-for-a-high-rise-residential-building>) for the building
- prepare and update the building's [safety case report](https://www.gov.uk/guidance/preparing-a-safety-case-report) (<https://www.gov.uk/guidance/preparing-a-safety-case-report>)
- [report safety occurrences to BSR](https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports) (<https://www.gov.uk/guidance/submitting-mandatory-occurrence-notices-and-reports>)
- operate a [mandatory occurrence reporting system](https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system) (<https://www.gov.uk/guidance/operating-a-mandatory-occurrence-reporting-system>)
- operate a [complaints system](https://www.gov.uk/guidance/operating-a-complaints-system-for-building-safety-in-a-high-rise-residential-building) (<https://www.gov.uk/guidance/operating-a-complaints-system-for-building-safety-in-a-high-rise-residential-building>)
- display required information and documentation clearly within the building
- prepare and update a [resident engagement strategy](https://www.gov.uk/guidance/preparing-a-resident-engagement-strategy) (<https://www.gov.uk/guidance/preparing-a-resident-engagement-strategy>)
- apply for a [building assessment certificate](https://www.gov.uk/guidance/preparing-a-building-assessment-certificate-application) (<https://www.gov.uk/guidance/preparing-a-building-assessment-certificate-application>) when told to do so by BSR
- [provide building information to relevant individuals and organisations](https://www.gov.uk/guidance/high-rise-residential-building-information-accountable-persons-must-provide) (<https://www.gov.uk/guidance/high-rise-residential-building-information-accountable-persons-must-provide>)

Insolvency

You must tell the BSR if you're insolvent or likely to become insolvent.

When an insolvency practitioner has been

appointed, you must tell BSR:

- the name of the person or office-holder appointed to manage the proceedings
- their role, including where a housing administration order has been made
- their postal address and telephone number or email address
- the company registration number if the AP is a company
- the HRB numbers for any buildings they are accountable for

You must also tell BSR whether you have personally been declared bankrupt, whether your organisation is in administration, or your organisation is in liquidation. The insolvency practitioner should indicate the type of insolvency, for example bankruptcy, administration, liquidation or housing administration order.

[Contact BSR \(https://www.gov.uk/guidance/contact-the-building-safety-regulator\)](https://www.gov.uk/guidance/contact-the-building-safety-regulator) to give this information about your insolvency.

Competence requirements

APs and PAPs must either have the relevant competence or appoint someone with the relevant competence to help carry out their duties.

Where APs and PAPs appoint others to help carry out their duties they should continually monitor and assess their competence and capacity.

Individuals must have the appropriate level of skills, knowledge, experience and behaviours to effectively perform their duties. Organisations must have the right organisational capability.

Demonstrating and assessing individual competence

Individuals can demonstrate their appropriate competence by:

- completing formal training and qualifications to give them skills they need
- providing a portfolio of work detailing relevant experience and knowledge

Demonstrating organisational capability

Organisations must show they have the required capability by having policies, procedures, systems and resources in place for their employees to follow relevant regulations.

You can use the principles in the guide [Managing for health and safety \(https://www.hse.gov.uk/pubns/books/HSG65.htm\)](https://www.hse.gov.uk/pubns/books/HSG65.htm) to help understand if organisations you appoint have the capability to manage the safety of your building.

Help with competence requirements

The British Standards Institute's Publicly Available Specification (PAS) 8673 sets out the recommended competence requirements for safety management in residential buildings.

Compliance with The British Standards Institute's PAS 8673 standard, or any other standard, does not guarantee meeting all legal obligations.

The PAS competencies can, however, help confirm that individuals have the competence to perform their roles and be used as a benchmark to assess individuals' competence.

Operating environment

Understand the requirements for relevant legislation. Allocate roles and responsibilities to

collect, store and manage relevant information, and produce the [safety case report \(https://www.gov.uk/guidance/preparing-a-safety-case-report\)](https://www.gov.uk/guidance/preparing-a-safety-case-report).

Leadership and teamwork

Be able to prioritise building safety and engage with the building's occupants. These competencies require an ethical approach, the ability to assess the skills to manage building activity, and delegating and empowering others.

Building systems and safety

Understand the building's fire and structural safety risks and how to prevent incidents.

Operational practices

Be able to establish a safety management system including:

- monitoring and inspection regimes
- selection and management of competent contractors
- emergency response arrangements
- communicate with occupants

Risk management

Understand risk assessment methodology such as hazard identification and risk assessment, and apply these to assess and explain the building risk profile including insurance issues.

Planning, monitoring and control

Competencies for planning, monitoring and control including being able to manage cost, time and resource requirements, manage change and learn lessons.

Breach of duties

BSR will work with the AP or PAP to resolve any potential non-compliance. If the matter cannot be resolved, BSR can take a range of enforcement actions, including issuing compliance notices and in some cases, prosecution.

BSR can apply to the First-tier Tribunal for a special measures order if there's been one of the following:

- a serious failure to comply with a duty
- at least two failures under the Building Safety Act

If a special measures order is made, a special measures manager (SMM) is appointed. The SMM and AP must follow the terms set out in the special measures order.

Contact

If you need help or more information please [contact BSR \(https://www.gov.uk/guidance/contact-the-building-safety-regulator\)](https://www.gov.uk/guidance/contact-the-building-safety-regulator).

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