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Insights

TALKING POINT: THE SINGLE CONSTRUCTION REGULATOR

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Summary

In this Talking Point article, first published on Lexis+ Construction on 7 August 2026, Richard Benn, counsel at BCLP, Katherine Metcalfe, partner at Pinsent Masons, and Abdul-Lateef Jinadu, barrister at Keating Chambers discuss the Single Construction.

Construction analysis: The Grenfell Tower Inquiry's Phase 2 report called for a single regulator for the construction industry, bringing together functions currently spread across numerous professional, product and building-safety regimes. The government accepted that recommendation and, in December 2025, published a prospectus setting out how the new regulator might be created and operate in practice. Our panel of legal experts considers whether this proposal should be welcomed, the challenges it may present, and the practical implications for the construction industry. The panel comprises Richard Benn, counsel at BCLP, Katherine Metcalfe, partner at Pinsent Masons, and Abdul-Lateef Jinadu, barrister at Keating Chambers.

In the years since the Grenfell Tower fire in June 2017, the UK construction legal landscape has undergone change on a large scale and at a demanding pace. Through new laws and policies, the government has sought to improve the standards, regulations and processes that govern the safety and security of buildings, and to augment the redress available to those affected by unsafe building work. However, there remains much more that the government wishes to accomplish, and many more significant developments on the horizon. Foremost among those proposals are its plans to create a single regulator for the construction industry (the Regulator).

Progress report July 2026: the construction industry

On 17 December 2025, the UK government published its Single construction regulator prospectus—a consultation document setting out proposals for ambitious regulatory reform centred on the creation of the Regulator. The consultation closed on 20 March 2026, having received 184 responses. The government published its response on 9 July 2026, providing further details on its vision and ambition for the Regulator. The Prospectus and accompanying response form a key component of the government’s response to the Grenfell Tower Inquiry’s Phase 2 report. The report identified a fragmented regulatory landscape, with responsibilities divided between government departments, product regulators, building control authorities, professional bodies, testing houses and certification bodies. This fragmentation was linked to weak accountability, poor information flow and a failure to drive effective cultural change across the construction industry.

Against that diagnosis, the Prospectus sets out the case for reform and identifies the outcomes a future system should achieve. The government accepted most of the Inquiry’s proposed functions for the new regulator, and outlined how these might be integrated into a single system. It proposes an ambitious model that could bring together regulation of buildings, construction products and building professions under a more coherent framework, and sought views across a range of areas including digital regulation, competence, residents’ interests and the respective roles of government, industry and regulators.

The government’s response confirms that the Regulator will assume the current responsibilities of the Building Safety Regulator (BSR), including oversight of higher-risk buildings (HRBs), building control, and the operation of building regulations. Its remit will also extend to construction products, encompassing strategy, data and information, compliance and assurance, oversight of testing and certification, and enforcement—while avoiding direct involvement in product testing or certification to mitigate conflicts of interest. Additional functions may include maintaining a publicly accessible library of test data, accrediting fire risk assessors, supporting professional competence, and licensing contractors working on HRBs.

The journey towards the Regulator is already under way. In January 2026, the BSR moved out of the Health and Safety Executive and became a new non-departmental public body within the Ministry of Housing, Communities and Local Government (MHCLG). Ministers have described this as a key step towards the establishment of the Regulator, with the new body expected to form its foundation. The government's response confirms that, depending on parliamentary time and Bill progress, implementation of the Regulator is now expected to start from 2028.

For construction lawyers, the significance lies not only in the creation of a new institution, but in the likely reshaping of duties, evidence trails and risk allocation across projects and disputes. The Regulator’s proposed primary objective would be to secure the safety of people in buildings and the standard of the built environment, supported by secondary objectives relating to growth, product safety and trust in the system. Much will depend on how these proposals are translated into primary legislation, and whether consolidation can be achieved without introducing new layers of complexity.

In view of this upcoming shift on the regulatory horizon, we asked three experts for their opinions—including whether it should be welcomed, what challenges might emerge from such an extensive overhaul of the regulatory regimes affected, and what practical issues it might bring to the construction industry. On our panel are:

- **Richard Benn**—Counsel, BCLP
- **Katherine Metcalfe**, partner, Pinsent Masons
- **Abdul-Lateef Jinadu**, barrister, Keating Chambers

At a high level, do you consider the creation of a single construction regulator to be a positive development for the industry?

Katherine Metcalfe: On balance, yes, and two documents published in recent months do strengthen that view. The Construction Products Reform White Paper, published by MHCLG in February 2026, and the Building Control Independent Panel (BCIP) Report, published just days ago, together paint a consistent and troubling picture of a system that has failed structurally, not just in isolated instances.

Against that backdrop, I can see why government does not view the single construction regulator as an optional improvement, but rather a structural necessity. Having said that, the challenges associated with setting it up should not be underestimated. The BSR, local authority building control and the Office for Product Safety and Standards are all very different regulators, with different cultures and approaches to regulation.

Abdul-Lateef Jinadu: In principle, yes, though the answer depends entirely on the design and mandate of the proposed body and the seriousness with which government approaches the transition.

The current regulatory landscape is, frankly, a patchwork. Responsibility for building safety, construction products, professional competence, and building control is distributed principally across the BSR and the National Regulator for Construction Products (NRCP), with local authorities retaining significant building control functions for non-HRBs under the regime established by the Building Safety Act 2022 (BSA 2022), and the Health and Safety Executive retaining its own distinct functions in relation to construction health and safety under the Construction (Design and Management) Regulations 2015 and the Health and Safety at Work etc. Act 1974. The result is a system in which jurisdictions overlap, accountability is diffuse, and industry participants face the burden of navigating multiple regulatory relationships simultaneously.

A single regulator, if properly constituted, offers the prospect of coherent and consistent standard-setting, clearer lines of accountability, and a more rational interface between the industry and the state. Those are not trivial advantages. The post-Grenfell period has demonstrated, painfully, what happens when regulatory oversight is fragmented and responsibility for systemic failures can be passed between bodies indefinitely.

That said, I would caution against uncritical enthusiasm. Consolidation carries its own risks, and the history of regulatory reform in this country is littered with reorganisations that substituted structural change for substantive improvement. The question is not merely whether a single body is created, but whether it is given the resources, the independence, the technical expertise, and the enforcement powers necessary to do the job. A single regulator that is underfunded, understaffed, or captured by industry interests would be worse than the present arrangement, because it would create a false sense of security while concentrating the failures of the current system in one place.

The government response goes some way towards meeting that concern. It states that implementation will be phased in order to minimise disruption to existing regulatory activity, that the regulator will be properly resourced, and that a funding and cost-recovery model will be developed as part of the implementation phase. A commitment to develop a funding model is not a funding model, however, and neither the level of the eventual charges nor the incidence of them is yet known.

Richard Benn: It is hard to argue with the diagnosis. The Grenfell Tower Inquiry's Phase 2 Report was unsparing in its assessment of the regulatory landscape it surveyed: fragmented, gap-ridden, and, in its most damning phrase, ‘a recipe for inefficiency and an obstacle to effective regulation’. Regulatory responsibility was found to be dispersed across multiple departments and bodies, with no single body holding the big picture view of the building system that might have connected the dots between a defective product, an unqualified installer, and a building control regime that had been, in effect, compromised by commercial interests. Against that backdrop, the creation of the Regulator is clearly the right direction of travel, and the broad thrust of the proposals is to be welcomed.

The harder question is whether the plans laid out in the government's prospectus and response will actually get us there. The prospectus is, by design and by its own admission, a high-level strategic statement rather than an implementation blueprint and the response, to a large extent, merely confirms the views of the prospectus and does not add meaningful detail. Many consultation respondents made the same observation: it is straightforward enough to endorse broad principles, but rather less easy to provide meaningful feedback when the operational detail remains conspicuously absent. Endorsing the concept is one thing; reserving judgment on the execution is quite another. For now, at least, that reservation must stand.

What do you see as the key practical benefits—or risks—of consolidating regulatory functions?

Abdul-Lateef Jinadu: The practical benefits are real and should not be understated. A unified regulator eliminates the problem of regulatory arbitrage, where a developer or contractor can exploit gaps or inconsistencies between the remits of different bodies. It should produce greater consistency in how standards are interpreted and enforced, reduce the administrative burden on contractors, designers, and developers who currently must manage compliance across multiple regimes, and create a single institutional memory for learning from failures. There are also potential economies of scale in the deployment of technical expertise, inspection capacity, and data infrastructure.

However, the risks are equally substantial. The first is the risk of transition. The institutional knowledge, enforcement relationships, and operational capacity currently embedded in the BSR and the NRCP cannot simply be transferred by statute. There is a real danger that during the transition period, enforcement activity will slow, experienced personnel will leave, and the industry will face a period of effective regulatory limbo. The BSR became a standalone NDPB under MHCLG in January 2026, which is an important first step, but the broader consolidation remains prospective and dependent on primary legislation yet to be introduced. Given where we are in the implementation of the BSA 2022 regime, with the gateway process still bedding in, that transitional risk is particularly acute.

The government response now puts a date to the consolidation. The government intends to legislate as soon as parliamentary time allows and, depending on parliamentary time and the progress of the Bill, expects implementation of the regulator to begin from 2028. Implementation is to be phased so as to minimise disruption to existing regulatory activity. A phased transition is the right answer to the risk I have described, but it also prolongs the period of divided responsibility, and a start date of 2028 which is expressly contingent on parliamentary time is not a date on which anyone can plan with confidence.

The second is the risk of homogenisation. The construction sector encompasses high-rise residential, infrastructure, civil engineering, specialist fit-out, and heritage works, among much else. These sectors have genuinely different risk profiles, supply chain structures, and regulatory needs. A body designed with one sector's needs in mind may serve others poorly. There is a real question whether a single regulator can maintain the specialist expertise necessary across all 12 proposed regulatory functions. The government response does not resolve that question. It confirms the ambition to bring the regulation of buildings, products and professions into a single coherent system, but records that the SCR's specific functions, and how they are to work together, remain to be finalised. In the meantime the picture has become more complicated rather than less. The Building Control Independent Panel reported on 20 May 2026, and the government has accepted the Panel's principles for reform, including the creation of a single regulatory system for building control supported by fewer and stronger statutory bodies. The government acknowledges that this would affect the role and responsibilities of the new regulator. Institutional reform of building control is therefore proceeding in parallel with, and is capable of reshaping, the very body into which it is to be folded.

The third is the risk of governance capture. The more powerful and centralised a regulatory body becomes, the more attractive it is as a target for lobbying by the most resourceful parts of the industry. Adequate constitutional safeguards including transparency of decision-making, publication of regulatory action, and a governance structure that is independent of the largest duty-holders in substance and not merely in form, are therefore essential rather than ornamental. The consultation record bears the concern out. Respondents warned expressly against the regulator becoming too close to major duty-holders and asked for safeguards against regulatory capture. The government response records that concern but does not answer it. It says nothing about the constitutional safeguards that will be built into the governance of the new body.

Richard Benn: The theoretical case for consolidation is compelling. A regulator with sight of the whole system—buildings, products and professions, simultaneously— should be better placed than any of its predecessors to spot emerging risks, share intelligence across regulatory domains and drive the kind of cultural change that the Inquiry identified as essential. The existing patchwork of bodies, each operating within its own silo, is not merely inefficient; it was, as the Inquiry found, actively dangerous. A unified body operating across all three domains at once is a genuinely significant improvement on that baseline.

The risks of getting this wrong are equally real. The most common concern among consultation respondents was that the Regulator will simply replicate the problems of the BSR if it is not properly resourced from the outset. That anxiety is well-founded: the BSR's experience, where Gateway delays have caused serious disruption to the pipeline of HRB projects, is a salutary reminder of what happens when an ambitious regulatory body is established without the capacity and resource to match its mandate.

One of the more significant aspects of the Regulator’s proposed remit relates to the regulation and oversight of construction products. The jurisdiction of the new regulator is not limited only to the use of products in buildings, but encompasses regulatory responsibility for construction products more generally including in relation to operational strategy, data and information, compliance and assurance. This is a substantial extension beyond the more building-focused lens through which product regulation has typically been viewed, and it has implications that stretch well beyond the residential and higher-risk sectors most immediately associated with the post-Grenfell reform agenda and which bring the need for adequate resourcing into even sharper focus.

Beyond resourcing and scope, the question of how the Regulator will interact with existing structures such as local authority building control, registered building control approvers, fire and rescue services, professional bodies, product manufacturers, to name a few, remains unanswered. Duplication, confusion and the inadvertent overriding of frameworks that already work reasonably well are all live risks. The prospectus and response clearly aspire to minimise disruption during the transition, with the response in particular making clear the lessons that have been learnt from the setting up of the BSR and recognising the importance of bolstering capacity. But such an aspiration demands both legislative precision and significant operational investment to fulfil; interestingly and perhaps tellingly, neither of these factors is explicitly mentioned by the response. In my experience, regulatory transitions of this scale rarely begin and end with the same aspiration intact.

Katherine Metcalfe: There are benefits associated with improving the performance of building control across the building environment, and in addressing structural gaps in the regulation of construction products.

The report captures the building control benefits in its five reform principles: independence in the public interest; consistency by design; capability at scale; transparency and data; and efficiency and resilience.

On the products side, two thirds of construction products are currently unregulated. The proposed General Safety Requirement (GSR) will bring all remaining products within the regulatory regime on a risk-based basis, requiring manufacturers to assess safety risks connected to intended use and take proportionate action to eliminate or control such risks before placing products on the market. The closing of that gap is, in my view, one of the most practically significant reforms of the entire programme.

Whether either of these reforms require the consolidation of regulatory functions into one regulator is less obvious. The risks of doing so are real. Consolidation at this scale carries significant transition risk. The BSR has already experienced Gateway approval delays, and absorbing a new products regulatory function and building control oversight on top of its existing responsibilities is a formidable undertaking. It is crucial that government helps to build the capacity of building control, and testing and certification capability, if it is to achieve its goals.

How do you expect these changes to affect the existing building safety regime in England? Are there areas where uncertainty might arise?

Richard Benn: The most concrete structural change already made is the transfer of the BSR out of the Health and Safety Executive into a new arm's-length body under MHCLG, which took effect on 27 January 2026. For those advising clients on building safety compliance, the practical significance of this change in the short term is limited: the BSA 2022 dutyholder framework, the Gateway regime and the HRB regime all remain fully in force. The intention, as senior officials have confirmed, is for the new Regulator to take on the BSR's responsibilities as part of a carefully phased transition, rather than to tear up and replace what already exists. The government's initial response to the BCIP report also gives us a broad sense as to what the future of building control may look like, with the government accepting the report's recommendations to consolidate building control bodies and remove applicant choice.

That said, considerable areas of uncertainty remain. The legislative timetable is far from fixed: primary legislation is (loosely) expected 'as soon as parliamentary time allows (a phrase that should give pause to anyone who has watched parliamentary schedules contract under political pressure) with implementation for the Regulator, "[d]epending on parliamentary time and Bill progress…" expected to start from 2028. The interaction between the Regulator and local authority building control also remains unresolved. Whilst the BCIP report provides a useful insight as to the direction of travel, the vast detail of this remains to be consulted on. Meanwhile, the reassessment of registered building inspectors, necessary in principle, but genuinely disruptive in practice, creates a real risk of further capacity constraints at precisely the moment when the sector needs more inspectors, not fewer. In short, the existing regime remains intact for now, but the horizon is blurred. Clients with significant programmes of HRB work would be unwise to assume that there will be no more change.

Katherine Metcalfe: I would flag two important changes. The first is the broader package of reforms, which are likely to result in the expansion of the HRB rules to a broader range of buildings. This only increases the importance of the steps which the BSR is taking to make the rules more proportionate to the risks associated with different types of building work.

The other interesting development is the recognition that the statutory framework for construction product liability introduced through sections 147 to 151 of BSA 2022 are difficult to navigate and perhaps overly complicated. Government is accordingly exploring options to strengthen and potentially update those provisions.

Abdul-Lateef Jinadu: The building safety regime as currently constituted, built around the BSR and the gateway process introduced by BSA 2022, is still in its relative infancy. The regime has faced well-documented difficulties in terms of application backlogs at Gateways 2 and 3, and resourcing constraints within the BSR have attracted sustained criticism. The Prospectus itself acknowledges that swift action has been needed to tackle delays in gateway approvals. The SCR is intended to be built on the BSR as its foundation, with an expanded mandate and greater operational independence. The government response gives a fuller account of the past year than was available when the Prospectus was published, describing a new senior leadership team, an innovation unit within the BSR, a transformation plan directed at data, insight and service delivery, monthly publication of operational performance data, and a new rapid alert system for communicating emerging risks to principal accountable persons. However, any significant change to the institutional structure of the BSR at this stage carries a real risk of compounding those difficulties rather than resolving them. There is a further complication. Alongside the SCR, the government is reviewing the proportionality of the higher-risk building control regime, with the express aim of freeing the BSR's capacity for the highest-risk and most critical safety work. Two consultations have closed, one on dispensing with procedural requirements for high-volume routine telecommunications work and one on the categorisation of high-volume, low-complexity higher-risk building work, and the government response to both is awaited. The direction of travel is therefore in part towards taking work out of the regime, and not only towards clearing the queue within it.

Several specific areas of uncertainty stand out.

First, there is the question of institutional priority. Within a body given an expanded remit covering buildings, products, and professions, the HRB regime may not command the same dedicated focus it currently receives. The danger is dilution: that the urgent and the complex is crowded out by the routine.

Second, there is the question of legal continuity. Many of the functions of the BSR are statutory, conferred by or under BSA 2022 and the Building Regulations 2010, SI 2010/2214, as amended. Consolidation into the Regulator will require primary legislation to transfer those functions, together with an intricate series of transitional provisions. The scope for drafting errors, gaps in transfer, and unintended consequences is considerable, and practitioners will need to examine the transitional provisions with close attention when the legislation is eventually introduced. The difficulty is compounded by the fact that the statute book will change in stages rather than at once. The government response confirms that the construction products reforms proposed in the White Paper of February 2026 will be introduced using existing powers or secondary legislation where possible, including a general safety requirement to bring currently unregulated products within the regime, with the remainder awaiting primary legislation in a future session. Practitioners will be advising on a regime in which the products, buildings and professions strands each move on their own timetable.

Third, there is the question of contractual and enforcement continuity. Construction contracts, development agreements, and planning conditions will often reference the BSR or its functions. There will be a period during which it is not entirely clear which body holds which functions, and that uncertainty will generate disputes.

Fourth, and perhaps most importantly, there is the question of signal. The current regime was created precisely because self-regulation and fragmented oversight had demonstrably failed. Any reform that is perceived, rightly or wrongly, as loosening the rigour of the post-Grenfell settlement will face serious political and legal challenge.

One change made in the government response will be read in that light. The first of the four proposed system-wide outcomes, that buildings and built environments be safe and high-performing and deliver a healthy, accessible, secure and sustainable environment for occupants, has been narrowed to buildings and built environments that are safe and meet the needs of occupants and users. The government explains the amendment as a focusing of the outcome on the safety and needs of residents and building users. Whether it is read that way, or as the quiet departure of performance and sustainability from the headline objective, remains to be seen. The regulator's primary objective is confirmed as securing the safety of people in buildings and improving the standard and/or performance of buildings and built environments, and the disjunctive in that formulation will repay attention when it comes to be given statutory form.

What are the biggest issues construction lawyers should be advising their clients on in anticipation of these proposals?

Katherine Metcalfe: I would focus on two regulatory issues. First, product liability exposure. The White Paper proposes unlimited fines, imprisonment, civil monetary penalties, director disqualification and proceeds of crime recovery as available sanctions. Clients across the supply chain—from manufacturers and importers through to principal designers and principal contractors

—need to understand now how their existing contractual and insurance arrangements map onto this significantly enhanced enforcement landscape.

Secondly, building control procurement strategy. Once dutyholder choice of building control provider is removed, clients will need to adapt their project delivery models. Now is the time to review standard form contracts and development agreements that currently assume free selection of building control.

Abdul-Lateef Jinadu: There are several matters on which proactive advice is warranted, even at this stage.

The first is contractual drafting. Clients should be advised to review the regulatory reference provisions in their standard-form and bespoke contracts. Provisions that reference the BSR by name, or that define compliance obligations by reference to the functions of currently existing bodies, may need to be revisited to ensure they are robust to structural change. The same exposure attaches to references to the construction products regulator and to building control bodies, both of which are now in play. This applies with particular force to long-term framework agreements, development agreements, and PPP contracts, where the regulatory landscape at the time of execution may differ substantially from that at the time of performance. Two further drafting points arise from the government response. The first is that a funding and cost-recovery model is to be developed for the new regulator, so regulatory fees and charges are liable to change: change in law and cost-sharing provisions should be tested against that possibility. The second is that on long-dated projects the identity of the approving body may change between design and completion, which is a point for the definitions and for any provision which makes performance conditional on the consent or certificate of a named body.

The second is competence obligations. The competence framework introduced under BSA 2022 places new obligations on duty-holders at every stage of the design and construction process. Clients must understand that those obligations will survive any structural reorganisation and that the identity of the enforcing body is, in this sense, secondary to the substantive requirement. Advice should focus on ensuring that clients have the systems and records in place to demonstrate compliance, whoever comes to ask for it.

That advice is now more clearly right than it was, because the position on the professions has moved. The government response does not treat professional regulation as a settled part of the SCR's mandate. It defers the question to an overarching strategy for the built environment professions, trades and occupations, to be published in spring 2027, informed by a call for evidence launched in May 2026 and by an expert working group commissioned to analyse the links between professional activity and risk to the public, which may recommend bringing further professions within statutory regulation and reserving further building functions. The response states in terms that this work will help to determine what role the SCR will have in the regulation and oversight of the professions. Work on individual roles continues in the meantime, including the authoritative statement on the knowledge and skills of a competent fire engineer published in December 2025 and the consultation on the professionalisation of fire risk assessors which closed in June 2026.

The third is gateway compliance, particularly at Gateways 2 and 3 for HRBs. Any disruption to the BSR's operational capacity during the transition will affect timelines, and clients with live projects in the pipeline should be considering their programme risk and their contractual entitlements in the event of regulatory delay. The Prospectus acknowledges the backlog problem and commits to improvement, but the transition itself introduces new uncertainty. Two practical points can now be added. The BSR publishes operational performance data monthly, which gives a client a contemporaneous and independent evidential source for a delay claim founded on regulatory timescales. And the proportionality review may remove certain categories of work from the regime altogether, so on a marginal project the advice is not only about delay but about whether the project will remain within the regime at all once the changes are made.

The fourth is the enforcement landscape. BSA 2022 introduced substantial new enforcement powers, including compliance notices and stop notices, alongside the new remediation order regime and the expanded liability framework under the Defective Premises Act 1972 as amended. A period of regulatory transition, with attendant uncertainty about which body holds which powers, may affect the practical enforcement environment.

The government response confirms that a risk-based approach to regulation and to the enforcement of safe and proper practice will be a cornerstone of the SCR, that it will be given the powers it needs to take decisive action, and that penalties should be directed at conduct which undermines safety rather than at low-risk or procedural breaches. Clients on both sides of potential disputes should be advised accordingly. Two developments in redress should also be brought to clients' attention. The government intends to consult on strengthening consumer protections in the built environment, and it is considering commencement of the new build home warranty duty at section 144 of the Building Safety Act 2022, which would require every new build home to be sold with a warranty meeting prescribed requirements as to insurer backing, protection against developer insolvency in the early years, claims and redress timelines, plain language, and transferability to subsequent buyers. That duty has sat on the statute book, uncommenced, since 2022. If it is commenced, it will alter the sale and warranty documentation on every new build development.

The fifth, and perhaps most fundamental, is the cultural and reputational dimension. The post-Grenfell period has fundamentally changed what the courts, regulators, and the public will accept from those who commission, design, and build. Whatever structural form the regulatory landscape ultimately takes, the duty of care, the competence obligations, and the accountability framework are here to stay. Clients who understand that and build their practices accordingly will be better placed than those who treat regulatory reform as an opportunity to revisit standards that were, in truth, always the baseline.

Richard Benn: The most important starting point for clients navigating this landscape is simply to stay informed as the framework develops. The Regulator is not a finished product: it is a direction of travel, with primary legislation not expected until 2027 (at the earliest), implementation (if all goes to plan) in 2028 and a substantial pipeline of related consultations (on construction products, fire risk assessors, Approved Document B and built environment professions) still to run. The regulatory framework that ultimately emerges is likely to differ from the prospectus as currently framed. Clients who follow the evolution of these proposals closely as the picture develops will be far better placed to anticipate and adapt to change than those who treat these developments as background noise to be revisited once the statute book has settled.

Supply chain and stakeholder relationships are, in this context, a critical asset rather than a peripheral concern. Building safety legislation is already placing significant pressure on the industry, with costs increasingly being passed to contractors, some of whom struggle to meet the resulting obligations. Against that backdrop, maintaining open and productive channels of communication with contractors, subcontractors, product suppliers and professional consultants is not merely good practice; it is a necessity. Clients would be well advised to engage directly with their key contractors and suppliers now: to understand how they are assessing the risks the new regulatory framework poses to their operations, what mitigation plans they have in place, and how they are managing business continuity risks within their own supply chains.

Risk allocation and contract structuring deserve equally clear-eyed attention. A key question for parties to construction contracts is whether standard form provisions give sufficient coverage under the new regime, with amendments likely to be needed to address competence, record-keeping, traceability and indemnity requirements as the market familiarises itself with the new rules. On risk allocation more broadly, rather than relying on change of law provisions (which, as Covid and recent geopolitical disruption has demonstrated, can be quite a blunt instrument), well-advised parties should consider agreeing a more tailored and project-specific risk allocation in advance and ensuring their contracts reflect what has been agreed.

Finally, it would be realistic and prudent to plan for a period of turbulence as the new framework beds in. New regulatory regimes, however well designed, invariably bring teething difficulties: procedural uncertainties, inconsistencies in approach as new guidance is interpreted and applied for the first time, and backlogs as applications, approvals and assessments work their way through a system that is still finding its feet. The history of the BSR's early operation is instructive on this point and the lesson for clients is clear: those who remain informed and engaged, who build realistic contingencies into their programmes, and who approach these issues openly and constructively with the right supply chains will be significantly better placed to manage, programme and mitigate the impacts than those who are caught unawares.

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