**Questionnaire from the TCC/BSA Working Group relating to Building Safety Act 2022**

**Introduction and more information about the TCC/BSA Working Group**

The TCC/BSA Working Group (the **Working Group**) was set up in May 2024 on the initiative of Mr Justice Constable and Mr Justice Waksman. The Working Group was constituted on the basis of invitation and the current members are:

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| *Judiciary* | *Barristers* | *Solicitors* |
| The Hon. Mr Justice Constable | Jonathan Selby KC (Keating Chambers) | Richard Adams (Burges Salmon LLP) |
| Judge Siobhan McGrath, President of the FTT (Property Chamber) | Jennie Gillies (4 Pump Court) | Sue Harris (Walker Morris LLP) |
| HHJ Siobhan Kelly |  | Natalie Pilagos (Wedlake Bell) |

The stated aim of the Working Group is to seek to provide some consistency of approach to issues that arise as a result of the enactment of the Building Safety Act 2022 (**BSA 2022**), whether that be in the Technology and Construction Court (**TCC**) or the First-tier Tribunal **(FTT**). This includes considering what areas in particular are causing concerns to practitioners, and how any issues might be addressed.

The Working Group will consider, for example: whether there are parts of the Civil Procedure Rules (**CPR**) that might need amendment or supplemental changes made to deal with procedural aspects; if the TCC Guide requires any amendments/additions to deal with the changes brought about by the BSA 2022; and production of standard orders.

**Why does the Working Group need your help?**

It is always important to find out what issues are being faced by practitioners, as well as sharing positive news about what is working. Rather than just rely on information from members of the Working Group and their network we would like to reach as many practitioners who do TCC work across England and Wales as possible and ask them what their experiences have been so far (good and bad).

This is the Working Group's first approach but there may be further consultations in the future that we hope you will want to be part of. Please do be honest and frank in your answers as your information can help shape change.

**What can you do to assist?**

Fill in the questionnaire. Please can you fill this in on a personal basis, or as part of a wider group (indicating the group involved if appropriate).

The responses can be anonymised if that is your preference and your email details will not be passed onto the Working Group if you make it clear that you do not want to be identified.

**Where should the completed questionnaires be sent?**

Please return these by email to[**sue.harris@walkermorris.co.uk**](mailto:sue.harris@walkermorris.co.uk)by close of business on **22 November 2024**.

**Information about the firm/group/entity answering the questionnaire**

|  |  |
| --- | --- |
| TCC Courts and Tribunals used |  |
| Presiding Judge(s) |  |
| Your contact details (name, email address, telephone number) |  |

**The Questionnaire**

**Please answer as many questions as possible but leave blank any you cannot/do not want to answer. The line below the question is an expandable box for your answer.**

|  |  |
| --- | --- |
|  | Have you issued Remediation Order (**RO**) applications or Remediation Contribution Order (**RCO**) applications? Please indicate the month of issue/which FTT these were issued in. |
|  |  |
|  | Were there any issues that you experienced in making the RO or RCO applications? If yes what were the issues or what were the positive experiences? |
|  |  |
|  | What was the average time from issue to hearing of RO/RCOs? |
|  |  |
|  | For those RO/RCOs that have been completed – how many resulted in an order of the FTT? How many settled before the FTT hearing? How many went to appeal? |
|  |  |
|  | Do you think a protocol for dealing with RO or RCO applications would be of assistance? If yes what areas would you expect it to cover? |
|  |  |
|  | Please supply copies of any orders made by the FTT in relation to RO/RCO, during the process and any final order. |
|  |  |
|  | Do you have any other comments to make about your experience of the FTT that you would like to add? Please indicate which FTT was involved. Was your experience overall positive or negative? Do you have any suggestions to make to improve the experience? |
|  |  |
|  | Have you applied for a Building Liability Order (**BLO**)? Please indicate the month of issue/which Court this was issued in. |
|  |  |
|  | Were there any issues that you experienced in connection with the BLO? If yes what were the issues or what were the positive experiences? |
|  |  |
|  | What process did you use to apply for the BLO (e.g. amendment to existing pleadings, originating application). What issues if any did you experience during the process? |
|  |  |
|  | In relation to the BLO that were commenced did you settle or was there a final order made of the Court (or is it ongoing)? |
|  |  |
|  | Do you think a protocol for dealing with a BLO would be of assistance? If yes what areas would you expect it to cover? |
|  |  |
|  | Please supply copies of any orders made by the TCC in relation to a BLO, during the process and any final order. |
|  |  |
|  | Do you have any other comments to make about your experience of dealing with the TCC in connection with matters relating to the BSA 2022 that you would like to add? Was your experience overall positive or negative? Do you have any suggestions to make to improve the experience? |
|  |  |
|  | Do you have any suggestions to make regarding amendments to the TCC Guide that are related to the BSA 2022? If so please give as much detail as possible regarding the relevant section and what your suggestion is. |
|  |  |
|  | Do you have any suggestions to make regarding amendments to the CPR that are related to the BSA 2022? If so please give as much detail as possible including identifying the relevant parts of the CPR. |
|  |  |