

SL(6)477 – The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024

Background and Purpose

The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024 (“these Regulations”) implement changes made to the Building Act 1984 (“the 1984 Act”) brought about by the Building Safety Act 2022 (“the 2022 Act”).

These Regulations commence section 49(1) and (2) of the 2022 Act and amend the following legislation in relation to Wales:

- the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215);
- the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);
- the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118).

These Regulations come into force on 25 April 2024 and are part of a suite of new legislation bringing into force provisions made by the 2022 Act which received Royal Assent in 2022. Changes to the 1984 Act have been implemented in phases in order to bring the new building control regime into place.

The Welsh Government’s Explanatory Memorandum provides that the overall purpose of these amendments is to ensure that the regulatory framework continues to apply, where appropriate, as private sector building control transitions from Approved Inspectors, under the previous regime, to Registered Building Control Approvers under the new regime.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**



The Welsh Government is asked to explain the different drafting approaches taken in relation to regulation 3(j) and (k). Both regulations amend references to “approved inspector” to “approver” so that they will continue to apply to registered building control approvers. Regulation 3(j) specifically refers to “*substituted paragraph 4(a)*”, whilst regulation 3(k) simply refers to “*substituted paragraph 3*”. Given the similarities between regulation 20(6) and 20(6A), as referred to in regulation 3(j) and (k), it is questioned why the drafting is different by specifying the sub-paragraph in one provision but not the other.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 22 April 2024 and reports to the Senedd in line with the reporting point above.

