

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

Committee Room 4, Tŷ Hywel

Meeting date: 2 March 2026

Meeting time: 14.45

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

## Hybrid

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### Public meeting

(14.45 – 15.30)

#### 1 Introduction, apologies, substitutions and declarations of interest

(14.45)

#### 2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

(14.45 – 14.55)

(Pages 1 – 6)

Attached Documents:

LJC(6)-07-26 – Paper 1 – Draft report

#### 2.1 SL(6)761 – The Senedd and Elections (Wales) Act 2020 and the Senedd Cymru (Members and Elections) Act 2024 (Consequential Amendments) Regulations 2026

#### 2.2 SL(6)762 – The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2026



**2.3 SL(6)764 – The Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026**

**2.4 SL(6)767 – The Local Elections (Wales) (Amendment) Rules 2026**

**2.5 SL(6)768 – The Childcare Act 2006 (Local Authority Assessment) (Wales) (Amendment) Regulations 2026**

**2.6 SL(6)770 – The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026**

### **3 Instruments that raise no reporting issues under Standing Order 21.7**

(14.55 – 15.00)

(Page 7)

Attached Documents:

LJC(6)-07-26 – Paper 2 – Draft report

**3.1 SL(6)755 – School Organisation Code**

### **4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**

(15.00 – 15.05)

**Instruments subject to the Senedd annulment procedure**

**4.1 SL(6)752 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026**

(Pages 8 – 10)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–07–26 – Paper 3 – Draft report

**4.2 SL(6)753 – The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026**

(Pages 11 – 15)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–07–26 – Paper 4 – Draft report

**4.3 SL(6)773 – The Regulated Services (Registration) (Wales) (Amendment) (No. 2) Regulations 2026**

(Pages 16 – 17)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–07–26 – Paper 5 – Draft report

**Instruments subject to the Senedd approval procedure**

**4.4 SL(6)763 – The Child Minding and Day Care Exceptions (Revocation and Transitional Provision) (Wales) Order 2026**

(Pages 18 – 23)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-26 – Paper 6 – Draft report

LJC(6)-07-26 – Paper 8 – Written Statement by the Minister for Children and Social Care, 10 February 2026

LJC(6)-07-26 – Paper 7 – Letter from the Minister for Children and Social Care, 10 February 2026

**4.5 SL(6)765 – The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026**

(Pages 24 – 26)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-26 – Paper 9 – Draft report

**4.6 SL(6)766 – The Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026**

(Pages 27 – 28)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-26 – Paper 10 – Draft report

**4.7 SL(6)769 – The Welsh Language Standards (No. 10) Regulations 2026**

(Pages 29 – 32)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-26 – Paper 11 – Draft report

**5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered**

(15.05 – 15.15)

## **Instruments subject to the Senedd annulment procedure**

### **5.1 SL(6)732 – The Welsh Elections Information Platform (Amendments) Regulations 2026**

(Pages 33 – 35)

Attached Documents:

LJC(6)-07-26 – Paper 12 – Report

LJC(6)-07-26 – Paper 13 – Welsh Government response

### **5.2 SL(6)733 – The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments relating to Minimum Revenue Provision) Regulations 2026**

(Pages 36 – 38)

Attached Documents:

LJC(6)-07-26 – Paper 14 – Report

LJC(6)-07-26 – Paper 15 – Welsh Government response

### **5.3 SL(6)747 – The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2026**

(Pages 39 – 41)

Attached Documents:

LJC(6)-07-26 – Paper 16 – Report

LJC(6)-07-26 – Paper 17 – Welsh Government response

### **5.4 SL(6)751 – The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026**

(Pages 42 – 44)

Attached Documents:

LJC(6)-07-26 – Paper 18 – Report

LJC(6)-07-26 – Paper 19 – Welsh Government response

## **Instruments subject to the Senedd approval procedure**

**5.5 SL(6)746 – The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026**

(Pages 45 – 47)

Attached Documents:

LJC(6)-07-26 – Paper 20 – Report

LJC(6)-07-26 – Paper 21 – Welsh Government response

**6 Inter-Institutional Relations Agreement**

(15.15 – 15.20)

**6.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Windsor Framework (Retail Movement Scheme: Plant Health) (Amendment) Regulations 2026**

(Pages 48 – 49)

Attached Documents:

LJC(6)-07-26 – Paper 22 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 26 February 2026

**7 Papers to note**

(15.20 – 15.30)

**7.1 Correspondence with the Welsh Government: Reporting points in relation to Welsh-Language Subordinate Legislation**

(Pages 50 – 54)

Attached Documents:

LJC(6)-07-26 – Paper 23a – Letter from the Counsel General and Minister for Delivery, 23 February 2026

LJC(6)-07-26 – Paper 23b – Letter to the First Minister, 26 January 2026

**7.2 Correspondence from the Cabinet Secretary for Housing and Local Government to the Llywydd: Legislative Consent Memorandum on the Representation of the People Bill**

(Page 55)

Attached Documents:

LJC(6)-07-26 – Paper 24 – Letter from the Cabinet Secretary for Housing and Local Government to the Llywydd, 23 February 2026

**7.3 Correspondence from the Cabinet Secretary for Housing and Local Government to the Finance Committee: Building Safety (Wales) Bill – Revised Explanatory Memorandum**

(Pages 56 – 180)

Attached Documents:

LJC(6)-07-26 – Paper 25 – Letter from the Cabinet Secretary for Housing and Local Government, 24 February 2026

**7.4 Correspondence from the Cabinet Secretary for Health and Social Care: Welsh Government response to the Health and Social Care Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Terminally Ill Adults (End of Life) Bill**

(Pages 181 – 185)

Attached Documents:

LJC(6)-07-26 – Paper 26 – Letter from the Cabinet Secretary for Health and Social Care, 24 February 2026

**7.5 Correspondence from the Cabinet Secretary for Finance and Welsh Language: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill**

(Pages 186 – 191)

Attached Documents:

LJC(6)-07-26 – Paper 27 – Letter from the Cabinet Secretary for Finance and Welsh Language, 24 February 2026

LJC(6)-07-26 – Paper 28 – Letter to the Cabinet Secretary for Finance and Welsh Language, 13 February 2026

**7.6 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Deposit Return Scheme**

(Pages 192 – 194)

Attached Documents:

LJC(6)-07-26 – Paper 29 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 25 February 2026

**7.7 Correspondence from the Wine and Spirit Trade Association: Deposit Return Scheme**

(Pages 195 – 199)

Attached Documents:

LJC(6)-07-26 – Paper 30 – Paper from the Wine and Spirit Trade Association, 26 February 2026

**8 Motion under Standing Order 17.42(vi) and (ix) to resolve to exclude the public from items 9, 10, 11 and 13**

(15.30)

**Private meeting**

(15.30 – 15.50)

**9 Supplementary Legislative Consent Memoranda (Memorandum No. 2 and Memorandum No. 3) on the Public Office (Accountability) Bill**

(15.30 – 15.40)

(Pages 200 – 214)

Attached Documents:

LJC(6)-07-26 – Paper 31 – Legal Advice Note on Memorandum No. 2

LJC(6)-07-26 – Paper 32 – Legal Advice Note on Memorandum No. 3

**10 Legislative Consent Memorandum on the Armed Forces Bill**

(15.40 – 15.45)

(Pages 215 – 218)

Attached Documents:

LJC(6)-07-26 – Paper 33 – Legal Advice Note

**11 International Agreements: Draft report**

(15.45 – 15.50)

(Pages 219 – 224)

Attached Documents:

LJC(6)-07-26 – Paper 34 – Draft report

## **Break**

(15.50 – 16.00)

## **Public meeting**

(16.00 – 17.00)

## **12 Evidence session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, and the Counsel General and Minister for Delivery**

(16.00 – 17.00)

(To Follow)

Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Julie James MS, Counsel General and Minister for Delivery

James Gerard, Deputy Director, Justice Policy, Welsh Government

Scott Tyler, Head of UK Legislation Programme, Welsh Government

Tom Smithson, Deputy Director Economic Strategy & Regulation, Welsh Government

Attached Documents:

LJC(6)-07-26 – Paper 35 – Briefing paper

## **Private meeting**

(17.00 – 17.15)

## **13 Evidence session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, and the Counsel General and Minister for Delivery: Consideration of evidence**

(17.00 – 17.15)

## Statutory Instruments with Clear Reports 02 March 2026

### **SL(6)761 – The Senedd and Elections (Wales) Act 2020 and the Senedd Cymru (Members and Elections) Act 2024 (Consequential Amendments) Regulations 2026**

#### **Procedure: Senedd annulment procedure**

These Regulations make minor, technical amendments to secondary legislation in consequence of:

1. the renaming of the National Assembly for Wales to Senedd Cymru or the Welsh Parliament by the Senedd and Elections (Wales) Act 2020; and
2. changes made to the Senedd electoral system by the Senedd Cymru (Members and Elections) Act 2024 (in particular, the removal of redundant references to electoral regions).

**Parent Act:** Senedd and Elections (Wales) Act 2020, Senedd Cymru (Members and Elections) Act 2024

**Date Made:** 05 February 2026

**Date Laid:** 09 February 2026

**Coming into force date:** 01 April 2026



# Statutory Instruments with Clear Reports

## 02 March 2026

### **SL(6)762 – The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2026**

#### **Procedure: Senedd annulment procedure**

This instrument amends the Traffic Signs Regulations and General Directions 2016 (“TSRGD 2016”) in relation to Wales. The TSRGD 2016 sets out what traffic signs in Wales must look like, what they mean and how they may be placed and illuminated.

The instrument amends the TSRGD 2016 so that in specified circumstances some of the requirements for zebra crossings set out within it will not apply. The instrument permits highway authorities to omit the zig zags (controlled area) and illuminated beacons (Belisha beacons) where a zebra crossing is placed on a minor road within 5 metres of the junction with a major road, and the speed limit on both roads is 20 mph or lower.

**Parent Act:** Road Traffic Regulation Act 1984

**Date Made:** 06 February 2026

**Date Laid:** 09 February 2026

**Coming into force date:** 11 March 2026



# Statutory Instruments with Clear Reports

## 02 March 2026

### **SL(6)764 – The Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026**

#### **Procedure: Senedd approval procedure**

As part of the introduction of electoral registration without applications, under the changes made by the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”), these Regulations disapply the requirements in the Representation of the People (England and Wales) Regulations 2001 (“the 2001 Regulations”) placed upon Electoral Registration Officers to prepare edited registers of local government electors for an area in Wales or supply such registers or part of them to any person on payment of a fee.

Section 72(5)(d) of the 2024 Act states that prior to electoral registration without application being rolled out across Wales, the provisions of Chapter 2 of Part 1 of that Act which relates to electoral registration without applications may not be commenced until the requirements to prepare and supply an edited register of local government electors for an area in Wales are no longer in force.

Regulations 3 and 5 of these Regulations remove the requirements contained in regulations 93 and 110 of the 2001 Regulations for Electoral Registration Officers to publish an edited version of the local government register for an area in Wales and make it available for public inspection and sale.

Regulation 4 of these Regulations makes consequent provision disapplying requirements in relation to notifying a registration officer of change to edited register preference, which will no longer be required with respect to registers of local government electors for areas in Wales after the coming into force of these Regulations.

Regulation 6 requires a registration officer responsible for a register of local government electors for an area in Wales to cease to make available, for public inspection and sale, the edited version of that register that is in force at the time of the coming into force of these Regulations.

**Parent Act:** Representation of the People Act 1983

**Date Made:**

**Date Laid:**

**Coming into force date:** 01 October 2026



Senedd Cymru  
**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**  
—  
Welsh Parliament  
**Legislation, Justice and Constitution Committee**

# Statutory Instruments with Clear Reports

## 02 March 2026

### **SL(6)767 – [The Local Elections \(Wales\) \(Amendment\) Rules 2026](#)**

#### **Procedure: Senedd approval procedure**

The Local Elections (Wales) (Amendment) Rules 2026 (“the Amendment Rules”) amend the rules for the running of local government elections in Wales, the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021, together referred to as “the 2021 Rules”.

The 2021 Rules were fully redrafted and modernised in 2021, and the Amendment Rules make only necessary and technical changes to the 2021 Rules to take account of changes to policy and other legislation.

The main policy changes effected by the Amendment Rules include amending wording in the prescribed forms required as a result of the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023 (“the STV Rules”) and small improvements identified in the preparation of the STV Rules. Further changes made in the Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”) are also taken account of in the Amendment Rules, such as accessibility provisions.

The changes are summarised as follows:

- Welsh language requirements,
- Updating prescribed forms,
- Accessibility equipment duty,
- Joint descriptors,
- Working digitally,
- Use of schools and public rooms,
- Filling casual vacancies in town and community councils: “six month rule” correction, and
- Corrections and minor amendments.

**Parent Act:** Local Government Act 1972, Representation of the People Act 1983

**Date Made:**

**Date Laid:**

**Coming into force date:** 13 March 2026



Senedd Cymru  
**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**  
—  
Welsh Parliament  
**Legislation, Justice and Constitution Committee**

# Statutory Instruments with Clear Reports

## 02 March 2026

### **SL(6)768 – [The Childcare Act 2006 \(Local Authority Assessment\) \(Wales\) \(Amendment\) Regulations 2026](#)**

#### **Procedure: Senedd annulment procedure**

The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 require local authorities assess the sufficiency of childcare in their areas, develop an action plan setting out what steps are required to improve access and report annually on progress.

These Regulations amend the 2016 Regulations in particular they—

- require action plans prioritise steps to take and set a time for completion;
- require a further action plan is published with each annual report; and
- introduce a new Schedule 1, which sets out what matters must be contained in an assessment, in order to simplify and streamline the assessment process.

**Parent Act:** Childcare Act 2006

**Date Made:** 09 February 2026

**Date Laid:** 10 February 2026

**Coming into force date:** 11 March 2026



# Statutory Instruments with Clear Reports

## 02 March 2026

### **SL(6)770 – The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026**

#### **Procedure: Senedd approval procedure**

The Welsh Language (Wales) Measure 2011 (“the Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language.

Schedule 6 to the Measure sets out:

- (i) bodies who are liable to be required to comply with Welsh language standards, and
- (ii) which classes of standards are potentially applicable to each body.

This Order amends the Measure by inserting Community Housing Cymru into Schedule 6 and specifying classes of standard which can be applied to that body.

**Parent Act:** Welsh Language (Wales) Measure 2011

**Date Made:**

**Date Laid:**

**Coming into force date:** 30 March 2026



## Statutory Instruments with Clear Reports 02 March 2026

### **SL(6)755 – [The School Organisation Code](#)**

#### **Procedure: Other**

A draft of the code must be laid before the Senedd. If, within 40 days (excluding any time when the Senedd is dissolved or is in recess for more than 4 days) of the draft being laid, the Senedd resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

The School Organisation Code is issued under sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 ("the Act"). It is the third edition of the Code and it will come into force on 30 March 2026 and supersede the second edition of the Code published in 2018.

Section 38 of the Act provides that the Welsh Ministers must issue a code on school organisation. The Code may impose requirements and may also include guidelines setting out aims, objectives and other matters.

The Welsh Ministers, local authorities, governing bodies of maintained schools, the Commission for Tertiary Education and Research and any other person proposing a school reorganisation must act in accordance with the requirements in the Code and must have regard to the guidelines in the Code when exercising any functions under Part 3 of the Act.

This Code has been laid in place of a previous version of the Code which was withdrawn in January 2025 following the Committee's consideration of it.

**Parent Act:** School Standards and Organisation (Wales) Act 2013

**Date Made:**

**Date Laid:** 06 February 2026

**Coming into force date:** 30 March 2026



# Agenda Item 4.1

## **SL(6)752 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026**

### **Background and Purpose**

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 (“the Charging Regulations”) and the Care and Support (Financial Assessment) (Wales) Regulations 2015 (“the Financial Assessment Regulations”).

The Charging Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to the care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). The Charging Regulations also contain parallel provisions setting out requirements which apply when a local authority makes direct payments to meet a person’s need for care and support.

The Financial Assessment Regulations make provision under the 2014 Act about the way in which a local authority must carry out a financial assessment of a person’s (“A”) financial resources in the following cases—

- where the authority thinks that if it were to meet A’s needs for care and support (or a carer’s needs for support) it would impose a charge under section 59 of the 2014 Act, or
- where the authority thinks that if it were to make payments towards meeting the costs of A’s needs for care and support (or a carer’s needs for support) by making direct payments by virtue of section 50 or 52 of the 2014 Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

Regulation 2 of these Regulations amends regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) to increase the net weekly income amount from £44.65 to £46.35. Regulation 28 is also amended to make a corresponding amendment for recipients of direct payments.

Regulation 3 of these Regulations amends Schedules 1 and 2 to the Financial Assessment Regulations so that any payments received as compensation for miscarriages of justice arising from criminal proceedings are disregarded in the calculation of income and capital.



## Procedure

Senedd annulment procedure.

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 2 points are 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.**

Included in the list of enabling powers in the preamble to the Regulations are sections 50(1), 52(1), 61(1) and 66(3) of the 2014 Act.

Previous amending regulations, for example the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025, included sections 50, 52, 61 and 66 in the list of enabling powers and did not refer to specific subsections of these particular sections. Can the Welsh Government set out the reasons for the change in approach?

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

The preamble to the Regulations sets out the 2014 Act enabling powers relied upon by the Welsh Ministers. It is unclear why section 64(2)(b) is included specifically, but not 64(2)(a). Section 64(2)(b) requires that regulations dealing with financial assessments must make provision for assessing capital, and section 64(2)(a) for assessing income. We query whether Section 64(2)(a) should also be included, as these Regulations amend Schedule 1 to the Financial Assessment Regulations (sums to be disregarded in the calculation of income).

## Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

We note the following paragraphs set out in the Explanatory Memorandum:

*Consultation on amending the Charging Regulations is not required. A consultation on the principle of the changes being made by the amending*



regulations to the Charging Regulations was originally held between 21 December 2016 and 25 January 2017. Changes do not reflect a change in Welsh Government policy but instead act to update regulations to keep pace with the uplifts applied to state pension and benefits. As such consultation on an annual basis is not undertaken.

Consultation on amending the Financial Assessment Regulations is not required. Amendments in relation to the new disregards arising from changes in UK Government policy in non-devolved areas could affect a small number of individuals and does not reflect a change in Welsh Government policy. Changes to the regulations are merely a technical adjustment to ensure the regulations accurately reflect the financial support schemes identified above to ensure any awards made to individuals are protected from care and support charging.

#### **4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

We note the following paragraphs in the Regulatory Impact Assessment:

*Option 2 – make the amending regulations*

*7.2.7. This option would make the amending regulations to increase the MIA [Minimum Income Amount] from its current level of £44.65 to £46.35 per week. This would allow local authority supported residents to retain an inflationary uplift of 3.8% to spend on personal items as they wish.*

*Option 2 – make the amending regulations - Costs*

*7.2.8. This option results in local authorities receiving a smaller increase in charge income, than if the regulations were not made, of around an estimated £5.7 million per annum through contributions from the estimated 16,144 residents over state pension age alone. This would be due to the increased income residents would have resulting from the uplifts in state pensions. Residents would retain a proportion (collectively estimated at £1.4 million per annum) of this uplift to spend on personal items as they wish. There are no implementation costs to Welsh Government for making the outlined amendments.*

## **Welsh Government response**

A Welsh Government response is required to the technical reporting points.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 February 2026**



## **SL(6)753 – The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026**

### **Background and Purpose**

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable the making and consideration of applications for infrastructure consent. This process applies to significant infrastructure projects as included in Part 1 of the 2024 Act. These include energy, transport, waste and water projects.

Part 6 of the 2024 Act makes provision about infrastructure consent orders and includes powers for the Welsh Ministers to:

- correct errors in a decision document, and
- by order, change or revoke an infrastructure consent order.

These Regulations make provision about the procedure for correcting an error in a decision document and about the procedure in relation to applications to change or revoke an infrastructure consent order.

### **Procedure**

Senedd annulment procedure.

These 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 17 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In regulation 2(1), in the definition of “additional interested person”, there is a difference between the English and Welsh text. In the English text, in paragraph (b) of that definition, it refers to regulation “20(3)” but in the Welsh text it refers to regulation “20”.



**2. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In regulation 2(1), in the definition of “original specialist consultee”, there is a difference between the English and Welsh text. In the English text, it notes “the **relevant** infrastructure consent order” but the meaning given by the Welsh text is “the infrastructure consent order”. This difference is of greater significance because “the relevant infrastructure consent order” is a defined term in these Regulations. The same difference also occurs in regulation 61(2)(a) of these Regulations.

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

In regulation 2(1), in the definition of “planning authority”, in the Welsh text, it notes that the definition of that term means the local planning authority within the meaning given to the English term “**planning authority**” by Part 1 of the Town and Country Planning Act 1990. However, it should note that it means the local planning authority within the meaning given to the English term “**local planning authority**” which is the term defined by Part 1 of the Town and Country Planning Act 1990 (see section 336(1) of that Act). It also appears to be inconsistent with the definition of “planning authority” in the Welsh text of regulation 2(1) of S.I. 2025/690 (W. 114) and S.I. 2025/692 (W. 116).

**4. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In regulation 3(1)(d), there is a difference between the English and Welsh text. In the English text, it notes “the Welsh Ministers have received **a request** in writing” and “the person who made **the request**”. But the meaning given by the Welsh text is “the Welsh Ministers have received **an application** in writing” and “the person who made **the application**”. This is because the term “cais” which is used in the Welsh text to express the meaning of “request” in regulation 3(1)(d) has been defined as meaning “application” in these Regulations. Elsewhere, the words “archiad” or “gofyn” have been used to express the meaning of “request” in the Welsh text of these Regulations. The same difference between the English and Welsh text also occurs in regulation 31(1)(a).

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

In regulation 4(4), the term “correction of errors decision notice” is defined for regulation 4 and also prospectively defined for regulation 5. However, there is no signposted definition in regulation 5 noting that the term has the same meaning as given by regulation 4(4) of these Regulations. Therefore, the reader may not be aware of the application of that definition for regulation 5. It is more helpful for the reader if the definition is repeated or signposted in the second provision if prospective definitions are used or that the term is defined for the whole of the Regulations. The same issue also occurs in regulations 41(11) and 57(3) of these Regulations.



**6. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

Regulation 12(3) refers to “A notice under paragraph **(1)**...” of regulation 12. However, it appears that it should refer to “A notice under paragraph **(2)**...” of that regulation.

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

In regulation 17(3), the term “special category land” is defined for regulation 17 by reference to other phrases including “common”, “open space” and “fuel or field garden allotment”. However, these phrases are all defined terms in section 70(9) of the Infrastructure (Wales) Act 2024. Can the Welsh Government confirm if they are intended to bear the same meaning as given by section 70(9) of the 2024 Act? If so, they should all be defined with that same meaning in regulation 17(3) of these Regulations.

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

In regulation 20(2), the sub-paragraphs (a) to (c) are linked by a mixture of conjunctions - “and” between sub-paragraphs (a) and (b), and “or” between sub-paragraphs (b) and (c). A mixture of different conjunctions should not be used in the same list of paragraphs or sub-paragraphs because it can lead to an ambiguity as to the relationship between the paragraphs or sub-paragraphs in that list, e.g., (a) and (b)/ or (c), (a) and/ (b) or (c).

**9. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

Regulation 22(1)(a) incorrectly refers to “regulation 11(a), (b), (d) to (g) and (j)”. This should instead refer to “regulation 11**(1)**(a), (b), (d) to (g) and (j)” because regulation 11 is divided into numbered paragraphs in which those sub-paragraphs are found.

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

Regulation 24 notes that Part 4 applies where “the Welsh Ministers appoint a person or a panel of persons to examine an application under section 40(2) of the 2024 Act”. However, this phrase appears to be virtually identical to the meaning given to the defined term “examining authority” which is also used in Part 4 and in the other Parts of these Regulations. Could the Welsh Government explain whether this phrase differs in meaning from “examining authority” and if not, why the defined term has not been used in regulation 24?

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



In regulation 25(1), the term “representation period” is defined as meaning the post-application representation period in respect of a particular application. Therefore, it appears to bear the same meaning as the previously defined term “post-application representation period” which is used in other Parts of these Regulations. Could the Welsh Government confirm that both terms share the same meaning? If so, does the Welsh Government believe that it is confusing for the reader to use different defined terms with the same meaning in different Parts of these Regulations?

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

In regulation 25(1), the term “written representations” is defined with a meaning for Part 4 of these Regulations. However, the term is also used in regulations 60 and 67 in Part 6 of these Regulations. Could the Welsh Government confirm whether or not the term is intended to bear the same meaning in those regulations in Part 6? If so, it will not bear the same meaning because the term has only been defined for the purposes of Part 4.

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

In regulation 25(3), “further representations” is defined as meaning “oral or **written representations further** to initial written representations”. However, “further written representations” is a defined term in regulation 25(1) for Part 4 of these Regulations. Could the Welsh Government clarify whether that defined term “further written representations” should be noted in the definition of “further representations” or if “written representations further” has a different meaning?

**14. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In regulation 36(7), there is a difference between the English and Welsh text. In the English text, it notes “(except in paragraph (2)(b))” but these words are missing from the meaning of the Welsh text. In addition, it is also unclear where regulation 36(7) applies because it does not note “In this regulation” and “the relevant land” is a defined term which is used in other regulations such as regulations 9, 25 and 62 of these Regulations.

**15. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In regulations 51(6)(a) and 52(7)(a), there is an inconsistency in the Welsh text when expressing the meaning of “may” in the same context that the examining authority must notify the interested parties that they “**may** require the hearing or local inquiry to be re-opened”. In regulation 51(6)(a) a form of the word “gall” has been used which only suggests a possibility. But in regulation 52(7) a form of the word “caiff” has been used which suggest the conferring of permission or discretionary power on the interested parties to require the re-opening of the hearing of the local inquiry. In a similar fashion, in regulation 37(2), in the



Welsh text, the meaning of “may” has been expressed by using “gall” but the context suggests that a form of “caiff” is the correct choice of word to express the meaning of “may”.

**16. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

In the Schedule, in Column 2, in paragraph (b), there is a difference between the English and Welsh text. In the English text, it notes “entering **of** leaving a trunk road” but the meaning given by the Welsh text is “entering **or** leaving a trunk road”.

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

In the Schedule, in the “Interpretation of Table”, in paragraph (a), the terms “network”, and “operator” are defined with the same meaning as in section 83(1) of the Railways Act 1993 for paragraph (b) of the Table. However, the term “railway” is also defined in section 81 of the Railways Act 1993 and used in paragraph (b) of the Table. Could the Welsh Government clarify if “railway” is intended to bear the same meaning in paragraph (b) of the Table as it is given in the Railways Act 1993? If so, it should also be defined in paragraph (a) of the Interpretation of Table. In addition, the terms “network”, “operators” and “railway” are used in paragraph (q) of the Table. Therefore, could the Welsh Government also clarify if those terms are intended to bear the same meaning as given by the Railways Act 1993 in paragraph (q) of the Table as there is no definition provision for that paragraph?

## 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.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**25 February 2026**



# Agenda Item 4.3

## **SL(6)773 – The Regulated Services (Registration) (Wales) (Amendment) (No. 2) Regulations 2026**

### **Background and Purpose**

The Regulation and Inspection of Social Care (Wales) Act 2016 (the “**2016 Act**”) provides the statutory framework for the regulation and inspection of social care services, and the regulation of the social care workforce in Wales.

The Regulated Services (Registration) (Wales) Regulations 2017 (the “**principal Regulations**”) make provision about the form and content of applications for registration and applications for variation of registration under the 2016 Act.

The Regulated Services (Registration) (Wales) (Amendment) (No. 2) Regulations 2026 (the “**No. 2 Regulations**”) amend the principal Regulations to give effect to changes introduced by section 6A(1) of the 2016 Act, which restricts the provision of certain children’s services to local authorities and not-for-profit entities. These services, referred to in these Regulations as “**restricted children’s services**”, include children’s home services, secure accommodation services and fostering services.

The intended effect of the amendments made by the No. 2 Regulations is to ensure that applications to register, or to vary registration in respect of restricted children’s services, include sufficient information to demonstrate compliance with the statutory requirement that such services are provided by not-for-profit entities.

### **Procedure**

Senedd annulment procedure.

These 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**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **Merits Scrutiny**

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**



The No. 2 Regulations revoke and remake the *Regulated Services (Registration) (Wales) (Amendment) Regulations 2026* (SL(6)715) in response to this Committee's report on those regulations.

The most substantive scrutiny point raised by the Committee in its report was the omission of a regulation in the English text. In its response, the Welsh Government stated:

*"The Welsh Government is grateful to the Committee for pointing out this error. The Welsh Government is currently in the process of moving to the use of the Lawmaker system for producing subordinate legislation and this SI was transferred to the Lawmaker system from the previous software (the SI template). Unfortunately, during this process, the text of regulation 10 was omitted from the English version. To correct this error, the Welsh Government will shortly make a new set of Regulations, the *Regulated Services (Registration) (Wales) (Amendment) (No.2) Regulations 2026* which will revoke and replace these Regulations."*

## Welsh Government response

A Welsh Government response is not required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**17 February 2026**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**

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# Agenda Item 4.4

## **SL(6)763 – The Child Minding and Day Care Exceptions (Revocation and Transitional Provision) (Wales) Order 2026**

### **Background and Purpose**

This Order is made under Part 2 of the Children and Families (Wales) Measure 2010 (“the Measure”), and revokes and replaces the Child Minding and Day Care Exceptions (Wales) Order 2010 (“the 2010 Order”).

Part 2 of the Measure provides for the registration and inspection of child minders and day care providers in Wales by the Welsh Ministers.

Sections 21(1) and 23(1) of the Measure require a child minder and a person providing day care for children to register with the Welsh Ministers. Section 19(2) of the Measure states that a person provides “child minding” if that person looks after one or more children under the age of 12 on domestic premises for reward. Section 19(3) of the Measure states that a person provides “day care for children” if the person provides care at any time for children under the age of 12 on premises other than domestic premises.

It is an offence under section 21(5) of the Measure for a person to act as a child minder without being registered as a child minder by the Welsh Ministers. Section 23(2) of the Measure makes it an offence for a person to provide day care without being registered to provide day care by the Welsh Ministers.

This Order sets out exceptions to what constitutes “child minding” and “day care for children” for the purposes of Part 2 of the Measure. The Order is made in accordance with powers given to the Welsh Ministers in section 19(4) and (5) of the Measure to specify circumstances in which a person whose activity would otherwise amount to “child minding” or provision of “day care for children” is excepted from the requirement to register.

Part 1 of this Order contains definitions of certain terms used in the Order.

Part 2 sets out various circumstances in which a person is not providing “child minding” for the purposes of Part 2 of the Measure. Where any of the circumstances set out in Part 2 of the Order apply, a person is not required to register as a child minder with the Welsh Ministers.

Part 3 sets out the circumstances in which a person is not providing “day care for children” for the purposes of Part 2 of the Measure. Where any of the circumstances set out in Part 3 of the Order apply, a person is not required to register as a day care provider with the Welsh Ministers.

Part 4 revokes the 2010 Order and makes provision for transitional arrangements.



## Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

## Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

There is no specific statutory duty to consult before making a new Order under section 19(4) of the Measure. However, a consultation has taken place on the proposed changes and as embodied in a draft Order with relevant stakeholders and the wider public. Paragraph 5.3 of Explanatory Memorandum states:

*“A 12 week consultation ran from 11 August 2025 to 3 November 2025 on the draft Order. The consultation was drawn to the attention of a wide audience of key stakeholders including providers of childcare, playwork and activities for children, CWLWM partnership members, Play Wales, schools, local authorities, CIW, Children’s Commissioner for Wales, Estyn, Social Care Wales, Children in Wales, Sport Wales, Arts Council of Wales, WLGA, WCVA, CWVYS, representatives bodies for religious faiths, education providers and charities.”*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 February 2026**





Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Summary of responses regarding the Consultation on The Child Minding and Day Care Exceptions (Wales) Order 2010 and Approval Scheme for Childcare, Playwork and Activities</b>
<b>DATE</b>	<b>10 February 2026</b>
<b>BY</b>	<b>Dawn Bowden MS, Minister for Children and Social Care</b>

I am pleased to publish the Summary of Responses to the consultation on the exceptions to childcare registration and the proposal for a Voluntary Approval Scheme, along with our next steps for taking this work forward.

The consultation was launched on 11 August 2025 and closed on 3 November 2025. It was shared widely to ensure it reached a broad and diverse range of organisations and individuals involved in childcare, playwork and activities and related sectors across Wales, as well as parents and families.

A total of 97 written responses were received from a wide range of individuals, organisations and stakeholders. In addition, officials held four focus groups: two with parents, one with registered providers and one with unregistered providers, involving 35 participants in total.

I would like to take this opportunity to thank everyone who took the time to consider and respond to the consultation. I would especially like to thank all of the members of our Exceptions Order Advisory Group who have helped to shape the Child Minding and Day Care Exceptions (Revocation and Transitional Provision) (Wales) Order 2026 (“the 2026 Order”) and development of a Voluntary Approval Scheme. A summary of responses to the consultation is available here: [Exceptions to childcare registration and the proposal for a Voluntary Approval Scheme | GOV.WALES](#)

The Welsh Government also commissioned Children in Wales to undertake engagement sessions with young people, giving them an opportunity to share their views on key issues raised in the consultation. Although these workshops did not formally form part of the consultation, they provided valuable insight. Three workshops were held in different locations with young people aged 10–25, and the [Children in Wales report](#) is published alongside the summary of responses.

Following the consultation, the Welsh Government proposing to make changes to the exceptions to childcare registration and the further development of a Voluntary Approval Scheme. The proposals relating to the exceptions will help ensure that oversight of childcare, playwork and activity provision in Wales is proportionate in determining which providers are not required to register. The development of the Voluntary Approval Scheme aims to allow some exempt providers to seek approval under the scheme. Overall, these proposals aim to promote child centred, safe and accessible provision that meets the needs of children and families. Together, these proposals aim to widen: affordable and flexible childcare; play and activity options for families; children's access to enriching opportunities; access to financial assistance for parents; and provide reassurance that providers meet appropriate registration standards or verified eligibility criteria for approval.

The changes to the exceptions are set out in the 2026 Order which will be laid today. It is anticipated that the 2026 Order will be made on 1 April 2026, come into force on 1 April 2027 and is fully enforceable by 1 April 2028 following a one-year transitional period. The Welsh Government intends to publish guidance to support understanding of the 2026 Order before it comes into force.

For the Voluntary Approval Scheme, the next stage of work will be to refine the details of the scheme taking account of the responses to the consultation. We will be working towards an implementation date of April 2027.



Ein cyf/Our ref: MA/DB/0218/26

Buffy Williams MS  
Chair of Children, Young People and Education Committee

Mike Hedges MS  
Chair of Legislation, Justice and Constitution Committee

10 February 2026

Dear Buffy and Mike,

You will wish to be aware that I have today laid, the Child Minding and Day Care Exceptions (Revocation and Transitional Provision) (Wales) Order 2026. It will revoke and replace the 'Child Minding and Day Care Exceptions (Wales) Order 2010'.

The purpose of the Order is to set out circumstances where registration as a child minder or day care provider under the Children and Families (Wales) Measure 2010 is not required. When a provider is exempt from registration, they don't have to comply with the requirements set out in the [Child Minding and Day Care \(Wales\) Regulations 2010](#) or have regard to the [National Minimum Standards for Regulated Childcare](#), and they are not inspected by Care Inspectorate Wales.

I would like to offer the Committees the opportunity to receive a technical briefing from officials on the operation of this Order. The purpose of such a briefing would be to support Members' understanding of:

- how the Order is intended to function in practice,
- the intended effect of the instrument, and
- the consultation undertaken and how responses were addressed.

If the Committees wishes to take up this offer, arrangements can be made through Legal, Governance and Programme Unit (LPGU) officials, who will liaise directly with your clerking teams to identify a suitable date.

Please do not hesitate to contact LPGU if the Committee requires any further information or clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

**Dawn Bowden AS/MS**  
Y Gweinidog Plant a Gofal Cymdeithasol  
Minister for Children and Social Care

# Agenda Item 4.5

## **SL(6)765 – The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026**

### **Background and Purpose**

These Regulations make amendments to Schedule 9 (treaty state suppliers (specified international agreements)) to the Procurement Act 2023 (“the 2023 Act”) (alongside the UK Government’s Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026) in order to implement the procurement chapter of the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India (“the UK-India CETA”) signed at Buckinghamshire on 24 July 2025.

Schedule 9 to the 2023 Act lists international agreements to which the United Kingdom is a party and which contain procurement obligations to which effect must be given in the United Kingdom. Regulation 2 of these Regulations amends Schedule 9 to the 2023 Act to reflect the provisions of the UK-India CETA.

Regulation 3 of these Regulations makes provision for transitional arrangements, so that these Regulations will not affect any procurement under the 2023 Act which relates to the UK-India CETA, where the procurement has commenced before the day on which that agreement enters into force.

Regulation 4 of these Regulations makes an amendment to regulation 4(1) of the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025 (S.I. 2025/1361 (W. 223)) by inserting a definition into the provision.

### **Procedure**

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

### **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.**



In regulation 3(1)(c), there is no reference to an interpretation or definition provision for the term “framework”. We note that this is a defined term in section 45(2) the Procurement Act 2023. We ask why a definition was not included in these Regulations.

## Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

These Regulations amend changes to Schedule 9 to the 2023 Act that are to be made by the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026, which are due to come into force on 30 March 2026, one day before these Regulations.

### **3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

Regulation 4 amends regulation 4(1) of the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025 by inserting a definition of “below-threshold contract”. The Welsh Government stated this amendment would be made in their response to a technical reporting point raised on those Regulations.

### **4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

We note the following set out in paragraphs 3.3 to 3.5 of the Explanatory Memorandum:

*3.3 In addition, the Welsh Ministers have consented to the UK Government laying and making a connected instrument, namely “the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026”.*

*3.4 The majority of the UK Statutory Instrument (UKSI) is giving effect to the UK-India CETA and does not require the Welsh Ministers consent. This document refers to the regulations being laid and made by Welsh Ministers in relation to the Implementation of the UK-India CETA in relation to contracts being entered into under the Procurement Act 2023.*

*3.5 However, there is a small element of the UKSI which relates to transitional and savings provisions and amends a current UKSI known as The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024. This element does require Welsh Ministers consent.*

### **5. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**



We note the following, set out at paragraph 8.1 of the Explanatory Memorandum:

*As these Regulations are technical amendments to implement international obligations, no formal public consultation has been undertaken.*

## **Welsh Government response**

A Welsh Government response is required to the technical reporting point.

**Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 February 2026**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament **Pack Page 26**

**Legislation, Justice and Constitution Committee**

## **SL(6)766 – The Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026**

### **Background and Purpose**

Schedule 4A to The Representation of the People Act 1983 details the expenses that candidates must account for at UK Parliamentary elections and local government elections, including local government elections in Wales.

Paragraph 13A, which was inserted by regulation 4(1) of the Representation of the People (Variation of Election Expenses and Exclusions) Regulations 2024 (S.I. 2024/428), provides for a general exclusion for reasonable expenses incurred that are reasonably attributable to the protection of persons or property, other than at local government elections in Wales.

This Order amends paragraph 13A so that the general exclusion also applies in relation to local government elections in Wales.

### **Procedure**

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **Merits Scrutiny**

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

#### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

The Explanatory Memorandum ("EM") accompanying the Order references the Gould principle, which provides that electoral law should not be changed within six months of an election that the change would impact. Paragraphs 13-14 of the EM state as follows:

*"13. The coming into force date for the SI will be 13 March 2026, however, the legislation will come into effect in relation to local government elections from 7 May 2026.*



*14. Whilst this does not meet the Gould principle, it is important the changes take place as soon as possible to protect the safety of candidates. Furthermore, this is a straightforward change, bringing rules into alignment with other elections in Wales and England and guidance can be updated quickly. Also, this amendment does not require any administrative changes to the systems used to run elections."*

## **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 February 2026**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament **Pack Page 28**

**Legislation, Justice and Constitution Committee**

## **SL(6)769 – The Welsh Language Standards (No. 10) Regulations 2026**

### **Background and Purpose**

The Welsh Language (Wales) Measure 2011 (“the Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language (“standards”). These replace the system of Welsh language schemes provided for by the Welsh Language Act 1993.

Section 26 of the Measure enables the Welsh Ministers to specify standards, and section 39 enables them to provide that a standard is specifically applicable to a person by authorising the Welsh Language Commissioner (“the Commissioner”) to give a notice to that person requiring compliance with the standard (a “compliance notice”).

These Regulations specify standards in relation to the conduct of registered social landlords in Wales (which are referred to in the Regulations as “bodies”). The Regulations do not have a direct effect on bodies and will not, by themselves, create rights for people. That will only happen when all the conditions in section 25 of the Measure have been met. However, the Regulations enable the Commissioner to give a compliance notice to those bodies, in relation to standards specified in the Regulations, that require bodies to comply with standards.

The Regulations also amend the Welsh Language Standards (No. 2) Regulations 2016 to add Community Housing Cymru to Schedule 6 to those Regulations.

These Regulations use the Welsh alphabet in the English and Welsh versions. This style is different to the usual numbering style adopted in subordinate legislation made by the Welsh Ministers. The same style was adopted within the Welsh Language Standards (No. 1) Regulations 2015 and subsequent Regulations specifying Welsh language standards.

The title of these Regulations is the Welsh Language Standards (No. 10) Regulations 2026. If passed by the Senedd, these will be the 9<sup>th</sup> Welsh Language Standards Regulations to be made. Usually, a number in the name of one of a series of Statutory Instruments refers to the number made in the particular year. However, the Explanatory Memorandum (“the EM”) explains that it is intended that all the Regulations made under section 26 of the Measure will be made in a series, in the same way as commencement orders.

### **Procedure**

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.



## Technical Scrutiny

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

### **1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts**

In paragraph 13 of Schedule 3 to these Regulations, in the Welsh text, in relation to the meaning of “forms”, reference is made to standard 81. This reference does not appear in the equivalent provision in the English text.

## Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

Paragraph 32 of Schedule 1 to these Regulations states that, for the purposes of standards 35, 38, 59 and 63, and Part 3 of Schedule 1 to these Regulations, references to documents or other materials being available to members of the public in Wales or being produced for public use do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000 (“FOIA”).

It is noted that public access to environmental information held by public authorities is provided by virtue of the Environmental Information Regulations 2004 (“EIR”). FOIA provides public access to most *other* types of information held by public authorities.

Whilst it is noted that equivalent or similar provisions in preceding Welsh Language Standards Regulations do not refer to EIR, the Welsh Government is asked to clarify why the disapplication provided for under paragraph 32 of Schedule 1 has not been extended to documents or material that are only available to the public by virtue of EIR.

For the sake of completeness, it is accepted that the question as to whether a body falls within the definition of a “public authority” under regulation 2 of EIR, and therefore the scope of EIR, is often a complex one.

### **3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

Regulation 4 of these Regulations is connected to the Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026 (“the Order”), which was laid before the Senedd on 10 February 2026.

Section 25 of the Measure provides that a person must comply with a standard of conduct specified by the Welsh Ministers if, and for as long as, six conditions are met. Condition 1 is



that the person is liable to be required to comply with standards. Condition 2 is that the standard is potentially applicable to the person.

Section 33 of the Measure provides that a person is liable to be required to comply with standards if the person is (a) within Schedule 5 and also within Schedule 6 to the Measure, or (b) within Schedule 7 and also within Schedule 8. A person is within Schedule 5 if the person falls within a category of persons specified in column 2 of the table in Schedule 5. A person is within Schedule 6 if the person (a) is specified in column 1 of the table in Schedule 6, or (b) is within a category of persons specified in that column. Schedules 7 and 8 are not relevant to the Order.

Sections 35 and 38 of the Measure enable the Welsh Ministers, by order, to amend the Schedule 6 table. The Order amends Schedule 6 to the Measure by inserting Community Housing Cymru into Schedule 6 and specifying classes of standards in column 2.

This amendment to the Measure ensures that Community Housing Cymru is liable to be required to comply with standards. This is relevant to these Regulations in that, via regulation 4, an amendment is made to the Welsh Language Standards (No. 2) Regulations 2016 (“the No. 2 Regulations”) to add Community Housing Cymru to Schedule 6 to the No. 2 Regulations. This authorises the Welsh Language Commissioner to give a compliance notice to Community Housing Cymru, as a person listed in Schedule 6 to the No. 2 Regulations, requiring them to comply with standards specified under regulation 2 of the No. 2 Regulations (see regulation 3(1) of the No. 2 Regulations).

If made, the Order would come into force on 30 March 2026. These Regulations, including regulation 4, would come into force on 31 March 2026, if made.

#### **4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

Paragraph 2.3 of the EM to these Regulations explains that the Welsh Language and Education (Wales) Act 2025 (“the 2025 Act”) places a duty on the Welsh Ministers to complete a review of certain standards which are specified under section 26 of the Measure within 12 months of publishing a Code (“the Code”) to describe Welsh language ability. The Code must be based on the Common European Framework of Reference for Languages.

It is noted that section 4 (which places a duty on the Welsh Ministers to review the specified standards within 12 months of publishing the Code), section 6 (which places a duty on the Welsh Ministers to prepare the Code), and section 7 (which places a duty on the Welsh Ministers to publish and review the Code) of the 2025 Act have not yet been brought into force via commencement order by the Welsh Ministers.

The EM explains that the purpose of the review “*will be to determine whether amendments are necessary to certain standards to facilitate meeting targets set in a revised Welsh Language Strategy or to reflect the Code prepared under the Act.*”



This suggests that, as these Regulations are proposed to be made under section 26 of the Measure, the standards set out in these Regulations will be subject to that review.

## **Welsh Government response**

A Welsh Government response is required in relation to the first and second reporting points only.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**23 February 2026**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

Welsh Parliament **Pack Page 32**

**Legislation, Justice and Constitution Committee**

## **SL(6)732 – The Welsh Elections Information Platform (Amendments) Regulations 2026**

### **Background and Purpose**

These Regulations amend the Welsh Elections Information Platform Regulations 2025 (“the 2025 Regulations”). They replace references to an order under section 13 of the Government of Wales Act 2006 in the 2025 Regulations to instead insert the particular corresponding provisions of the Senedd Cymru (Representation of the People) Order 2025 (S.I. 2025/864)(W. 150). These Regulations also make amendments to the definition of “candidate” to differentiate between individual and party list candidates, and remove the condition regarding the font style of a candidate statement.

### **Procedure**

Senedd annulment procedure.

These 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 4 points are 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.**

In the preamble, the sections of the Elections and Elected Bodies (Wales) Act 2024 that are cited do not appear to accurately reflect the enabling powers that were relied upon for the making of these Regulations. The list of enabling provisions includes section 26(4) that contains a broad range of different powers. However, it should specify the relevant paragraphs in that subsection that contain the enabling powers that are relied upon for the making of these Regulations. It is particularly problematic that section 26(4)(c) is subject to a different procedure. If the power in section 26(4)(c) is relied upon the instrument should have been made under the approval procedure. In addition, the list includes section 26(8) but it is not the convention to cite provisions which only specify the relevant procedure under which the instrument is made.

#### **2. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**



In regulation 4, it incorrectly notes that the 2025 Regulations are amended in accordance with regulations 5 and 6. The 2025 Regulations are also amended by regulation 7 of these Regulations. Therefore, regulation 4 does not correctly identify the amending provisions of these Regulations.

### **3. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In regulation 5(d), a new definition of “individual candidate” is inserted in regulation 2 of the 2025 Regulations. The definition includes references to “a Senedd election” and “a party list candidate” which are both defined terms in the Senedd Cymru (Representation of the People) Order 2025 (“the 2025 Order”). However, neither of those terms have been defined with a meaning in the existing 2025 Regulations. Therefore, if both “a Senedd election” and “a party list candidate” are intended to bear the same meaning as given by article 2(1) of the 2025 Order, the definitions of those terms should also be inserted in the 2025 Regulations.

### **4. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In regulation 6, there appear to be several errors in the new references that replace the existing references in regulation 6(1) of the 2025 Regulations as follows. In regulation 6(c), it should refer to “rule **31(1)**” to be precise because that is the specific provision which relates to the notice of poll. In regulation 6(d), it should refer to “rule **31(2)**” rather than “rule **32(2)**” because that is the provision that relates to the notice of the situation of each polling station and the description of voters entitled to vote. In regulation 6(e), it should refer to “rule **64**” rather than “rule **62**” because that is the provision that relates to the declaration of results.

## **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 to all reporting points.

## **Committee Consideration**

The Committee considered the instrument at its meeting on 9 February 2026 and reports to the Senedd in line with the reporting points above.



**Government Response: *The Welsh Elections Information Platform (Amendments) Regulations 2026***

**Technical Scrutiny point 1:** The Welsh Government note the point raised. Whilst section 26(4)(c) is a power that requires the approval procedure, when considering the meaning of the Regulations from reading the operative provisions, it is clear that power is not relied upon. Supporting this, the Government has cited section 26(8) which serves to clarify that the annulment procedure is the appropriate procedure.

The effect and purpose of the Regulations are not outside the scope of the enabling powers, and the correct procedure has been followed.

**Technical Scrutiny point 2:** The Welsh Government is grateful to the Committee for raising this point and is investigating with the SI Registrar whether a correction slip can be utilised to correct this cross-referencing.

**Technical Scrutiny point 3:** The Welsh Government notes the point raised by the Committee but does not consider these definitions are required. The terms are only used in the one definition referred to and are terms that will be recognised and understood by the readers of these Regulations and the electoral community without further definition. The guidance provided by the platform operator, as part of the Regulations, will also provide further clarity on the terms in any event.

**Technical Scrutiny point 4:** The Welsh Government is grateful to the Committee for raising this point and is investigating with the SI Registrar whether a correction slip can be utilised to correct this cross-referencing. It is noted that the references are accompanied by a narrative which describes the type of notices to be published on the platform.

# Agenda Item 5.2

## **SL(6)733 – The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments relating to Minimum Revenue Provision) Regulations 2026**

### **Background and Purpose**

These Regulations amend the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 (“the 2003 Regulations”), which provide the regulatory framework for the accounting practices to be followed by local authorities in Wales.

Currently, during each financial year in respect of the financing of capital expenditure incurred in that year or in any financial year prior to that year, a local authority must charge to a revenue account a minimum amount (“minimum revenue provision” or “MRP”) for that financial year. For each financial year, a local authority must calculate an amount of MRP which it considers to be prudent.

Local authorities also have discretion to charge to a revenue account any amount in addition to the MRP.

These Regulations amend the 2003 Regulations to provide that, during the financial year beginning with 1 April 2026, county councils and county borough councils have discretion to make MRP but are not required to do so. The amendments provide that, where such councils choose to make MRP, they must still calculate an amount they consider prudent. Paragraph 1.2 of the Explanatory Memorandum explains that the Welsh Government will issue supplementary guidance to the current guidance *“in relation to the 2026-2027 financial year to provide flexibility in the calculation of what is a prudent amount of MRP for that financial year.”*

Paragraph 4.5 of the Explanatory Memorandum goes on to state:

*“There is a statutory requirement on local authorities to set a balanced budget each year, including the MRP. The Welsh Government is aware of the current pressures facing local authorities from across a range of sources from inflation and service demand patterns, together with significant changes within large UK grants and uncertainty from political cycles. This short-term flexibility in the level of MRP provision applied gives county councils and county borough councils an additional flexibility to manage their immediate and medium-term budget planning. This change is optional not mandatory and can be used alongside other flexibilities such as use of reserves and capital directions based on the specific circumstances of an individual local authority. Any change to a local authority’s MRP policy must be agreed by full council as part of the annual MRP statement.”*



## Procedure

Senedd annulment procedure.

These 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(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In the signatory block at the end of these Regulations, it is incorrectly noted that Jayne Bryant MS is the Cabinet Secretary for Finance and Welsh Language. However, that block should state that Jayne Bryant MS is the Cabinet Secretary for Housing and Local Government.

## 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 9 February 2026 and reports to the Senedd in line with the reporting point above.



**Government Response: The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments relating to Minimum Revenue Provision) Regulations 2026**

**Technical Scrutiny point 1:** The Welsh Government accepts the reporting point and will seek to change the Cabinet Secretary's title in the signatory block by correction slip.

## **SL(6)747 – The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2026**

### **Background and Purpose**

These Regulations amend various Regulations which make provision relating to student finance. The changes made by these Regulations:

1. extend the definition of a “person with leave to enter or remain as a relevant Afghan citizen” to enable persons who have indefinite leave to enter or remain in the UK granted via the Afghanistan Response Route<sup>1</sup> to become eligible for student support and fee protections; and
2. update the wording of that definition to clarify that such persons are required to have existing leave to enter or remain in the UK in order to be eligible for student support.

### **Procedure**

Senedd annulment procedure.

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(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

There is an inconsistency in the Welsh text of regulation 5 referring to the same provision in regulation 2(1) of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018.

In both language texts, the descriptions of the amendments are different in order to achieve the same legal effect. However regulation 5(a), in the Welsh text, refers to an amendment to “**sub-paragraph** (b)” which should refer to “**paragraph** (b)” of the definition of “person with leave to enter or remain as a relevant Afghan citizen”. As a result, the same provision in that

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<sup>1</sup> [Afghanistan Response Route - GOV.UK](https://www.gov.uk)



definition is described differently in the Welsh text of regulation 5(a) when compared with regulation 5(b) and (c), where it is correctly referred to as “paragraph (b)” when making other amendments to that provision.

### **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 23 February 2026 and reports to the Senedd in line with the reporting point above.



**Government Response: *The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2026***

Technical Scrutiny point 1: We note the minor typographical error identified and we are currently liaising with the S.I. Registrar about the possibility of correcting it by way of a correction slip.

# Agenda Item 5.4

## **SL(6)751 – The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026**

### **Background and Purpose**

This Order amends the Marine Licensing (Exempted Activities) (Wales) Order 2011 (“the 2011 Order”), which specifies licensable marine activities in respect of which a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (“the 2009 Act”) is not required. It applies in relation to activities for which the Welsh Ministers are the appropriate licensing authority under section 113 of the 2009 Act.

Section 74 of the 2009 Act enables the licensing authority to make orders exempting, with or without conditions, activities from the need to have a marine licence under Part 4 of the 2009 Act. In deciding whether to make an order under section 74, the Welsh Ministers must consider the need to protect the environment, human health and to prevent interference with other legitimate uses of the sea and any other factor that the licensing authority considers relevant, including marine plan policies.

Part 1 of the Order contains the introductory provisions.

Part 2 of the Order amends existing exemptions from the requirement to hold a marine licence as set out in the 2011 Order by adding or amending exemptions and conditions relating to those exemptions.

Part 3 of the Order introduces new exemptions from the requirement to hold a marine licence.

### **Procedure**

Senedd annulment procedure.

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

### **Technical Scrutiny**

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In article 3(b)(iii), the term “the 2009 Act” has been used in place of the full title of the Marine and Coastal Access Act 2009. However, article 3 of the 2011 Order defines this as “the Act”



and so the text in article 3(b)(iii) should instead read “the Act”. We note that there is a definition of “the 2009 Act” included in the preamble of the Order, however, it is not possible to define a term in the preamble for the operative provisions in the body of a statutory instrument.

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

In article 21, it may be beneficial for the reader if there was an explanation of “Highest Astronomical Tide” in a footnote, similarly to the explanations provided in footnotes 11 and 12.

### **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 23 February 2026 and reports to the Senedd in line with the reporting points above.



**Government Response: *The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026***

Technical Scrutiny point 1: We are grateful to the Committee for bringing this to our attention. We accept the point and are discussing with the SI Registrar amending this minor error by way of correction slip.

Technical Scrutiny point 2: We are grateful to the Committee for bringing this to our attention and note the point. We are of the view that the drafting does not create any uncertainty or lack of clarity to the reader such that an amendment is required.

## **SL(6)746 – The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026**

### **Background and Purpose**

Under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 (“the 2003 Regulations”) a local authority in Wales has the power to issue Fixed Penalty Notices (“FPN”) for stationary idling offences. This is an offence of leaving a vehicle’s engine running when stationary on a public road.

These Regulations amend the 2003 Regulations to introduce a new FPN range for stationary idling offences, replacing the fixed penalty of £20 with a range of £75 - £150. Each local authority will be able to choose to set fixed penalty amounts linked to the circumstances of an offence or set a single penalty for all stationary idling offences in its area.

These Regulations provide that proceeds from such penalties must be used by the appropriate authority that issued the penalty for the purposes of: enforcing and administering stationary idling offences; supporting and encouraging air quality improvement in the local area; or reducing public exposure to transport emissions in that area.

### **Procedure**

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

### **Technical Scrutiny**

The following 1 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In regulation 3, the location for the amendment is incorrectly described as “sub-paragraph (b)” of regulation 8 of the 2003 Regulations. However, it should be described as “paragraph (b)” because it is the first division of regulation 8 in the 2003 Regulations. This is also inconsistent with regulation 5 of these Regulations where a similar division in regulation 16 of the 2003 Regulations has been correctly referenced.

### **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 23 February 2026 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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**Legislation, Justice and Constitution Committee**

**Government Response: The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026**

**Technical Scrutiny point 1:** The Welsh Government accepts the reporting point and will seek to amend regulation 3 prior to the making of the Regulations as set out below.

*Technical drafting corrections to be made prior to the making of the Regulations*

<b>CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING</b>	<b>CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING</b>
<b>Rheoliadau Traffig Ffyrdd (Allyriadau Cerbydau) (Cosbau Penodedig) (Cymru) (Diwygio) 2026</b>	<b>The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026</b>
In regulation 3 for “yn is-baragraff” substitute “ym mharagraff”.	In regulation 3 delete “sub-” from “sub-paragraph (b)” to read “paragraph (b)”.
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

# Agenda Item 6.1

Huw Irranca-Davies MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid  
Hinsawdd a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change  
and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0569/26

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

26 February 2026

Dear Mike,

I received a letter from Baroness Hayman of Ullock, the UK Government Minister for Animal Welfare and Biosecurity, requesting consent to the application of the Windsor Framework (Retail Movement Scheme: Plant Health) (Amendment) Regulations 2026 (the Regulations), which are due to be laid on Tuesday 28 April 2026. I wish to inform the Committee of the intention to consent to the application of the Regulations to Wales. The Regulations will be made by the Secretary of State and apply to Wales, England and Scotland.

The purpose of the Regulations is to bring Great Britain (GB) into alignment with European Union (EU) import requirements for certain Rest of World goods (originating from non-EU or UK countries), specifically for pest control reasons, protecting the biosecurity of the island of Ireland whilst maintaining the flow of trade between GB and Northern Ireland (NI).

The arrangements for the Northern Ireland Retail Movement Scheme (NIRMS) were announced by the UK Government and the EU on 27 February 2023. The list of goods eligible to move from GB to NI under NIRMS includes tomato, pepper and ginger. The EU will amend import requirements for tomatoes and peppers from Taiwan and Israel, and all ginger from the Rest of World, via an Implementing Regulation, published in draft on 3 December 2025, amending Commission Implementing Regulation (EU) 2019/2072. The amendments relate to pest measures, specifically against the pest *Bactrocera latifrons* for tomatoes and peppers, for which GB currently aligns on import controls. The EU are also introducing new measures on ginger against the pest *Ralstonia pseudosolanacearum* to mitigate this developing pest risk.

GB is not dynamically aligned with the EU in this area. Alignment of import controls for these goods, both in the legislation and in practice, makes them eligible for NIRMS and is included in the Written Guarantees associated with the Scheme.

These goods are currently eligible for movement to NI under NIRMS. GB currently aligns with the EU's import controls on *Bactrocera latifrons* for tomatoes and peppers. However, the EU are updating their legislation to include Taiwan and Israel in the current legislation.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto:Correspondence.Huw.Irranca-Davies@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The EU are also introducing new measures against *Ralstonia pseudosolanacearum* for all Rest of World ginger. The Regulations are required to amend the entry requirements for the relevant products, to maintain alignment with EU legislation in order to keep these goods on the list of Rest of World products eligible to move via NIRMS.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion it is considered consistent with the Welsh Government's principles on UK legislation in devolved areas that the Regulations be made by the Secretary of State. The Regulations impact on biosecurity which has traditionally been approached as a joint concern. GB is an island and plant pests and diseases have no respect for the borders between countries. The Regulations relate to the importation of plants and most of these goods which enter Wales come through English ports.

Introducing separate regulations in Wales, England and Scotland would risk divergence on biosecurity matters where policy is aligned. This may hamper enforcement by cross border bodies and place an additional burden on businesses. Businesses benefit from significantly reduced certification and checking requirements when moving products from GB to NI via NIRMS.

There is no policy divergence between the Welsh and UK Government in this matter, and the Regulations amend legislation that was not made bilingually. We will notify the general public when consent is given and the Regulations are laid before the UK Parliament.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



**Huw Irranca Davies AS/MS**

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion  
Gwledig Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

# Agenda Item 7.1

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni  
Counsel General and Minister for Delivery



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Mike Hedges, Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
CF99 1NA

23 Chwefror 2026

Annwyl Mike

## Reporting points in relation to Welsh-Language Subordinate Legislation

I thank the Committee for its letter of 26 January. As the Cabinet member responsible for the Legislative Programme, I am responding on behalf of the Government. Our current arrangements have been reviewed in order to provide this response.

The Welsh and English texts of subordinate legislation that is made bilingually is of equal standing for all purposes (Government of Wales Act 2006, section 156 and Legislation (Wales) Act 2019, section 5). The Welsh Government, therefore, recognises the importance of avoiding inconsistencies between the Welsh and English texts of the subordinate legislation it makes.

The Government's continued aim is to produce good law and minimise the number of reporting points that require amendment, within a culture of continuous improvement. We welcome the Committee's feedback and reporting points are always analysed carefully.

I am pleased to say that despite a significant increase in the number of Welsh statutory instruments laid, in the three-month period between September 2025 and December 2025 the number of notified reporting points was considerably reduced. However, the Government welcomes the opportunity to engage with the Committee in the context of our commitment to continuous improvement and will continue to monitor this as we move towards the Seventh Senedd.

In addition to increasing capacity in relevant teams and resolving transitional issues as we move to new legislative drafting software, the recently appointed Director of Legal Services intends to work with First Legislative Counsel and relevant teams to pursue continuous improvement with respect to drafting and translation of secondary legislation, with the aim of further reducing reporting points by the Committee.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru](mailto:Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru)  
[correspondence.Counsel.General@gov.wales](mailto:correspondence.Counsel.General@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As I stated in my letter to the Committee on 22 July 2025 the Welsh Government is keen to continue to work collaboratively with the Senedd and the Legislation, Justice and Constitution Committee and its successor following the election. To this end, I have asked my officials to arrange a meeting with the Clerk of the Committee to consider how they can best work with the Committee to improve the scrutiny process in relation to Welsh statutory instruments and non-WSI subordinate legislation.

I have copied this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, and the Rt Hon Elin Jones MS, Llywydd.

Yn gywir,



**Julie James AS/MS**

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni  
Counsel General and Minister for Delivery

Rt Hon Eluned Morgan MS  
First Minister of Wales

26 January 2026

Annwyl Eluned,

### Errors and inconsistencies in Welsh-language subordinate legislation

During our meeting on 19 January 2026, the Legislation, Justice and Constitution Committee considered draft reports on nine pieces of subordinate legislation in line with Standing Orders 21.2, 21.3 and 21.7. Those nine draft reports contained a total of 29 reporting points, of which 14 related to either errors in the Welsh text, or discrepancies between the meaning of the Welsh and the English texts.

The proportion of Welsh-language drafting errors identified by Senedd lawyers in these reports is broadly representative of the proportion of Welsh-language drafting errors identified in our reports throughout the Sixth Senedd.

The excessive number of errors in the drafting of Welsh-language subordinate legislation is a matter of significant concern for this Committee. You may be aware that the Committee wrote to the Cabinet Secretary for Housing and Local Government about this issue in June 2025 in relation to the Senedd Cymru (Representation of the People) Order 2025.

Notwithstanding the inconsistency of these errors with the Welsh Government's own Welsh language standards, identifying and seeking the correction of, or an explanation for, the errors has considerable resource implications for staff at the Senedd, the Welsh Government, and, in cases where correction slips are required, The National Archives. In some instances, they result in delays in the subordinate legislation being made.

The Committee's concerns are particularly acute in the context of the [letter from the Counsel General and Minister for Delivery](#) dated 21 January 2026, which indicates that the Welsh Government intends to bring forward a "significant number of items of subordinate legislation" before the Easter recess. If the Welsh Government does not take steps to address linguistic inconsistencies in the drafting of its subordinate legislation, as well as having considerable impacts across institutions, we are concerned that it could make it challenging for the Welsh Government to meet its subordinate legislation delivery programme without sacrificing the quality of the legislation laid before the Senedd.

I would therefore be grateful if you could respond to the following:

1. Do you share our concerns about the number of reporting points that relate to either errors in Welsh-language subordinate legislation, or discrepancies between the meaning of the Welsh and the English legislative texts, and the significant proportion of those that lead to material differences between the Welsh- and English-language legislation?
2. What is your assessment of the reason for these errors? Specifically:
  - a. Do you have any concerns about the capacity of staff within the Welsh Government to draft subordinate legislation in Welsh or translate subordinate legislation into the Welsh language?
  - b. We have [recently raised concern](#) with the Cabinet Secretary for Housing and Local Government about the approval process for subordinate legislation following the identification of 87 reporting points across three Codes of Practice. Are you satisfied that the processes for checking Welsh-language subordinate legislation before laying is suitably robust to minimise the number of drafting errors that are identified by this Committee?
3. What additional steps are you taking to ensure that a high number of linguistic inconsistencies do not arise in the significant volume of subordinate legislation to be laid before the end of the Sixth Senedd?
4. Do you have any views on how the number and proportion of errors relating to either errors in the Welsh text or discrepancies between the meaning of the Welsh and the English texts can be reduced in the Seventh Senedd?

I would appreciate your response no later than 6 March 2026 so that we can take it into account as we consider and agree our legacy report.

I am copying this letter to Julie James MS, Counsel General and Minister for Delivery.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Jayne Bryant AS/MS  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai  
Cabinet Secretary for Housing and Local Government

Agenda item 7.2  


Llywodraeth Cymru  
Welsh Government

Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN  
[Llywydd@senedd.wales](mailto:Llywydd@senedd.wales)

23 February 2026

Dear Llywydd,

The UK Government introduced the Representation of the People Bill into the House of Commons on 12 February 2026.

The breadth and complexity of the Bill is considerable, and it contains 81 clauses and 11 schedules which span a wide range of electoral matters, many of which are technical in nature. My officials are working through the provisions of the Bill, and our initial analysis is that the Bill makes relevant provision for the purposes of Standing Order 29 and will therefore require a Legislative Consent Memorandum to be laid. Although we had productive engagement with the UK Government and have had the opportunity to feed into the development of the legislation before the Bill was published, the size and complexity of the Bill, and its continuing evolution up until introduction, have posed a challenge in carrying out our analysis.

Whilst the Legislative Consent Memorandum will be laid as soon as possible, due to the scale and complexity of the Bill, this will be outside the normal two-week Standing Order 29 deadline. We aim to lay the Legislative Consent Memorandum before the dissolution of the Senedd under the expectation that a further Legislative Consent Memorandum will need to be laid after the election so that the consent implications may be considered by the next Senedd.

I am copying this letter to the Counsel General, Legislation, Justice and Constitution Committee, and to the Local Government and Housing Committee.

Yours sincerely,



**Jayne Bryant AS/MS**  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai  
Cabinet Secretary for Housing and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Jayne.Bryant@llyw.cymru](mailto:Gohebiaeth.Jayne.Bryant@llyw.cymru)  
[Correspondence.Jayne.Bryant@gov.Wales](mailto:Correspondence.Jayne.Bryant@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JB/0084/26

Peredur Owen Griffiths MS  
Chair  
Finance Committee  
Senedd Cymru

CC: John Griffiths MS, Chair of the Local Government and Housing Committee  
Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

24 February 2026

## Building Safety (Wales) Bill – Revised Explanatory Memorandum

Dear Peredur,

Following completion of Stage 2 proceedings and in line with Standing Order 26.28, I have laid a revised Explanatory Memorandum (EM) for the Building Safety (Wales) Bill. I would like to bring relevant changes to the Committee's attention.

Revisions have been made to the following sections of the EM to reflect the amendments agreed at Stage 2:

- Chapter 3: Purpose and intended effect
- Chapter 4: Consultation
- Chapter 5: Power to make subordinate legislation
- Annex 1: Explanatory notes
- Annex 2: Index of standing order requirements

Having considered the effect of amendments on the costs and benefits of the Bill, I have concluded there are none. Therefore, I have not amended the RIA as a consequence of Stage 2 amendments.

However, I have addressed your recommendation to undertake a comprehensive revision of the RIA. As I mentioned in evidence, we have continued to work with stakeholders to clarify the costs. The costs workstream with local authorities has reassessed the costs associated with enforcement and sanctions, building certificates and transitional costs. There are some changes to the RIA as a result. The workstream continues, and output from it will inform preparations for implementation.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Jayne.Bryant@llyw.cymru](mailto:Gohebiaeth.Jayne.Bryant@llyw.cymru)  
[Correspondence.Jayne.Bryant@gov.Wales](mailto:Correspondence.Jayne.Bryant@gov.Wales)

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The total cost estimate for the Bill has increased from £165.44m (£144.91m in present value) to £169.41m (£148.23m in present value). The cost estimate for the Welsh Government remains unchanged at £25.51m (PV £22.03m). The cost estimate for fire and rescue authorities is marginally higher at £2.60m (PV £2.21m) compared to the original estimate of £2.59m (PV £2.46m). The cost estimate for local authorities is up from £5.31m (PV £4.62m) to £7.72m (PV £6.84m).

Estimated compliance costs for industry have also been adjusted. Transitional costs are estimated to be slightly lower at £27.60m (PV £26.78m) but recurrent costs are estimated to increase from £99.97m (PV £88.2m) to £105.99m (PV £90.36m). Thus, the overall estimated compliance cost increases from £132.02m (PV £115.80m) to £133.59m (PV £117.14m). Compliance costs will become clearer still as we progress the detailed work on regulations. We will, of course, continue to engage the sector as we embark on that.

As you recommended, table 8.16 now shows details of the specific activities individual bodies will undertake, including a breakdown of costs by individual provisions. As I explained in my letter of 19 December, the new building safety regime will consist of a package of measures. I do not think it is possible to assign benefits to individual provisions with any degree of accuracy and so I have not attempted to do that.

Chapter 8 now includes a detailed account of the costing methodology used.

Finally, the RIA now makes clear where key supporting documentation such as the Cost and Benefits Model reports are published. Information previously referred to as being in the Excel Model is now included in the Cost Model report.

I hope you find the revised EM helpful.

While writing, I will take the opportunity to let you know that I have tabled Stage 3 amendments in response to recommendation 5 of the LJC Committee. The amendments include removing the power to define “storey” from section 6. “Storey” is not defined in section 6 of the Bill, so will have its everyday meaning. However, the amendments include defining when a mezzanine floor is to be regarded as a “storey” in respect of regulated buildings, and to enable regulation under section 17 to amend the meaning of “storey” in section 6. Such regulations would be subject to an enhanced Senedd approval procedure.

I would like to take the opportunity to again thank each of the Committees for their scrutiny of the Bill.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

**Jayne Bryant AS/MS**

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai  
Cabinet Secretary for Housing and Local Government

February 26

Building Safety (Wales) Bill - Cost Model  
Report

*Prepared by Adroit Economics*

*For and on behalf of*

Welsh Government

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Registered Office:

Adroit House, 31 Finchley Road, Hale, Altrincham, Cheshire, WA15 9RE

Company registered in England No: 05567197

[www.adroit-economics.co.uk](http://www.adroit-economics.co.uk)

# 1. Introduction

- 1.1 This document sets out the approach, method, assumptions and the results of an assessment of the costs of the two proposed policy options for the occupation phase of the new building safety regime in Wales, which will be provided for in the Building Safety (Wales) Bill. The assessment is based on HM Treasury Green Book principles.
- 1.2 The new building safety regime is intended to improve the safety of existing multi-occupied residential buildings in Wales, from purpose built high rise residential blocks to converted houses providing two or more residential units and relevant HMOs.
- 1.3 Specifically, the new building safety regime is intended to contribute to fire safety outcomes in multi-occupied residential buildings including fire prevention, fire protection, escape and firefighting. In category 1 and category 2 buildings, the new building safety regime is intended to contribute to the risk of structural safety incidents being as low as possible.
- 1.4 The occupation phase regime focuses on occupied buildings in scope (i.e. after the building is constructed and is occupied). This analysis therefore only assesses the benefits attributable to occupation phase measures.
- 1.5 The analysis draws in large part on the methodology, data sources and assumptions used in the analysis for the UK Government’s Building Safety Act 2022 (hereinafter referred to as the England analysis). However, this analysis also reflects the different policy in Wales and draws on data reflecting the specific conditions and circumstances in Wales. The analysis builds on the [Economic Impact Assessment](#) published alongside the White Paper [Safer Buildings in Wales](#).

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**Abbreviations**

AP	Accountable Person(s)
BSA	Building Safety Authority/Authorities
FRA	Fire Risk Assessment
FRS	Fire and Rescue Service(s)
FSA	Fire Safety Authority/Authorities
HMO	House(s) in Multiple Occupation
HSE	Health and Safety Executive
MHCLG	Ministry of Housing, Communities and Local Government
PAP	Principal Accountable Person(s)
RPT	Residential Property Tribunal
WG	Welsh Government

## 2. Executive Summary

2.1 The analysis estimates the cost to the regulator (this includes Welsh Government, local authorities in their role as building safety authorities, and fire and rescue authorities in their role as fire safety authorities) and to industry (this includes all principal accountable persons and accountable persons, including social landlords and local authority building owners, as well as the landlords of HMOs) of complying with the range of additional requirements (for buildings in scope), over and above the current situation (the counterfactual), proposed under the policy options assessed in the analysis.

### **Buildings in scope**

2.2 The Bill is about buildings in occupation (not buildings under construction).

2.3 All multi-unit residential buildings in Wales are in scope, from 18m+ high rise residential to a two storey maisonette/converted house. Also included are relevant HMOs.

2.4 Buildings in scope are divided into the following categories:

- 18m+ buildings containing 2 or more residential units;
- 11-18m buildings containing 2 or more residential units;
- Large blocks of flats under 11m with more than 25 residential units;
- Small blocks of flats under 11m with between 6 and 25 residential units;
- Other buildings under 11m containing flats including converted houses and flats over shops (between 2 and 5 residential units);
- Sheltered accommodation;
- Purpose built student accommodation;
- Relevant HMOs.

**Two policy options are considered**

2.5 The analysis assesses the costs of two policy options, over and above the counterfactual:

- Option 1: Business as usual (the counterfactual);
- Option 2: Do minimum: Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. The regime would cover the regulation of building safety risks in multi-occupied residential buildings of at least 18m. Multi-occupied residential buildings under 18m and certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties, including resident fire safety duties, but would be excluded from scope of the other duties in the regime;
- Option 3: Preferred option (the Bill): Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. It would cover the regulation of building safety risks in multi-occupied residential buildings. There would be three categories of building in scope of the regime as follows. Certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties but would be excluded from scope of the other duties in the regime.

In option 3, the categories of regulated building would be:

- Category 1: Multi-occupied residential buildings of at least 18m tall or at least 7 storeys;
- Category 2: Multi-occupied residential buildings of less than 18m tall and fewer than 7 storeys and at least 11m tall or at least 5 storeys. These buildings would be subject to some but not all of the requirements that would apply to category 1 buildings;
- Category 3: Multi-occupied residential buildings of less than 11m tall and fewer than 5 storeys. These buildings would be subject to some but not all of the requirements that will apply to category 2 buildings, including fire safety duties but not structural safety duties.

### Types of additional requirement considered

2.6 The additional requirements proposed under the policy options include:

- Preparation of the fire safety position;
- Preparation of safety cases;
- Creation of the golden thread;
- Creation of the key dataset;
- Occurrence recording and reporting;
- Engaging residents;
- Providing systems to receive building safety complaints;
- Duties on residents;
- Sanctions and enforcement;
- Building registration;
- Building Certificate;
- Familiarisation costs.

**Types of cost taken into account**

2.7 The principal costs of compliance with the proposed policy that are assessed are:

- Additional time (costs) required to undertake tasks, and
- Any costs of purchasing goods or services.

2.8 The estimates do not include the cost of undertaking any remediation work that is identified through the investigations.

Although the Bill requires accountable persons to take all reasonable steps, including carrying out works, to manage building safety risks, the estimates do not include the cost of undertaking such works. The management of fire safety risk is already a requirement under the Fire Safety Order 2005. Any costs incurred in managing building safety risks could lead to the avoidance of much greater costs were the risk to materialise. Potential costs of doing so would vary so greatly between buildings as to make any estimate worthless.

2.9 Costs are divided into those that fall on industry and on the regulator.

**Appraisal period etc**

2.10 The following appraisal periods are used in the analysis:

- Costs – a 10 year policy appraisal period is modelled;
- Benefits – a 70 year appraisal period is used.

The 10 year appraisal period for costs is long enough for the new regime to achieve a steady state. However, recurrent costs will continue to be incurred after the end of the 10 year appraisal period.

The 70-year appraisal period used to assess benefits captures those benefits that accrue during the 10-year policy appraisal period (equal to that used to estimate costs) and benefits that may persist over the life-span of a building, assumed to be 60 years. This is to best capture all the benefits and reflects the Green Book guidance on ‘persistence’ of benefits.

It is likely to take 10-15 years before all of the improvements to building safety are actioned following safety cases. Therefore, we expect the benefits of reduced impact of fires and structural damage to be experienced between years 14/15 and years 19/20. Following that

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we expect benefits to reduce but with longer lasting benefits on building safety continuing to be realised throughout the life of the building.

### Start year and price year

2.11 The analysis uses a start year of 2027-28 and a price year of 2023-24.

### Phase in and transition

2.12 18m+ buildings in Year 1 and other buildings in Year 2.

### Results

2.13 Table 2.1 shows the total costs of the two policy options over 10 years.

Table 2.1: Total 10 Year Costs PV (£million)		
	Option 2	Option 3
18m+/7 storeys+	£29.36	£29.36
11-18m/ 4-6 storeys	£5.75	£8.05
Under 11m/ 4 storeys	£72.31	£73.40
HMO	£10.43	£10.43
Other costs	£25.12	£26.99
<b>Total costs</b>	<b>£142.97</b>	<b>£148.23</b>

2.14 Table 2.2 shows the estimated total benefits that will derive from each policy option. (See separate benefits report for detail of the benefits calculations)

Table 2.2: Benefits_PV (£m)		
	Option 2	Option 3
7 storeys+	£19.82	£19.82
4-6 storeys	£3.23	£6.81
under 4 storeys	£30.31	£34.33
HMO	£1.65	£1.65
<b>Total benefits</b>	<b>£55.00</b>	<b>£62.60</b>

2.15 Table 2.3 shows the total net benefits (the benefits minus the costs)

Table 2.3: Net Benefits (NPV) (£m)		
	Option 2	Option 3
7 storeys+	-£9.54	-£9.54
4-6 storeys	-£2.52	-£1.24
under 4 storeys	-£42.01	-£39.07
HMO	-£8.78	-£8.78
Other Costs	-£25.12	-£26.99
<b>Total net benefits</b>	<b>-£87.97</b>	<b>-£85.63</b>

2.16 The costs are estimated to be greater than the benefits for both policy options.

2.17 Some of the identified benefits have not been monetised, the most important of which is the wider benefit of residents feeling safer in their homes.

2.18 If it had been possible to monetise these, table 2.4 shows the annual non-monetised benefits per resident required to break even and table 2.5 provides a breakdown by building type.

Table 2.4: Summary of benefits, costs, net benefits and annual non-monetised benefits required to break even (£)		
	Option 2	Option 3
Benefits	£55.00	£62.60
Costs	£142.97	£148.23
Net Benefits	<b>-£87.97</b>	<b>-£85.63</b>

Table 2.5: Breakeven additional annual benefit required per resident by building type (£)		
	Option 2	Option 3
7 storeys+	£73	£73
4-6 storeys	£11	£6
under 4 storeys	£20	£18
HMO	£13	£13
Total	<b>£28</b>	<b>£27</b>

**Cost Results – further detail**

2.19 The tables below provide further breakdowns of the costs results, by who bears the costs.

**Estimated 10yr PV costs for Proposed Options (£m)**

2.20 Table 2.6 shows the estimated 10yr PV costs for proposed options.

**Table 2.6: Estimated 10yr PV costs for Proposed Options (£m)**

		Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
Counterfactual - no change	Option 1	-	-	-	-	-
All multi-occupied residential buildings at least 18m subject to category 1 duties. Multi-occupied residential building below 18m subject to fire safety provisions only.	Option 2	114.47	4.65	1.82	22.03	<b>142.97</b>
All multi-occupied residential buildings at least 18m subject to category 1 duties; multi-occupied residential buildings between 11-18m subject to category 2 duties; multi-occupied residential building below 11m subject to category 3 duties; relevant HMO subject to the fire safety provisions only	Option 3	117.14	6.84	2.21	22.03	<b>148.23</b>

### Estimated 10yr PV Costs for Proposed Options by Building Type (£m)

2.21 Tables 2.7 and 2.8 show the estimated 10yr PV costs for the proposed options by building type.

Table 2.7: Estimated 10yr PV costs for option 2 by building type (£m)								
		Transition Costs	Other Costs (BSA IT etc)	18m+ buildings	11-18m buildings	<11m buildings	HMO	Total
All multi-occupied residential buildings at least 18m subject to category 1 duties. Multi-occupied residential building below 18m subject to fire safety provisions only.	Industry	£1.27	£0.25	£26.51	£5.44	£70.59	£10.39	<b>£114.47</b>
	BSA	£1.11	£0.43	£1.97	£0.13	£1.00	£0.00	<b>£4.65</b>
	FSA	£0.02	£0.00	£0.87	£0.17	£0.72	£0.03	<b>£1.82</b>
	WG		£22.03	£0.00	£0.00	£0.00	£0.00	<b>£22.03</b>
	<b>Total</b>	<b>£2.41</b>	<b>£22.72</b>	<b>£29.36</b>	<b>£5.75</b>	<b>£72.31</b>	<b>£10.43</b>	<b>£142.97</b>

Table 2.8: Estimated 10yr PV costs for option 3 (the Bill) by building type (£m)								
		Transition Costs	Other Costs (BSA IT etc)	18m+ buildings	11-18m buildings	<11m buildings	HMO	Total
All multi-occupied residential buildings at least 18m subject to category 1 duties; multi-occupied residential buildings between 11-18m subject to category 2 duties; multi-occupied residential building below 11m subject to category 3 duties; relevant HMO subject to the fire safety provisions only	Industry	£1.30	£0.25	£26.51	£7.51	£71.17	£10.39	<b>£117.14</b>
	BSA	£1.24	£2.15	£1.97	£0.28	£1.20	£0.00	<b>£6.84</b>
	FSA	£0.02	£0.00	£0.87	£0.26	£1.04	£0.03	<b>£2.21</b>
	WG							
	<b>Total</b>	<b>£2.55</b>	<b>£24.44</b>	<b>£29.36</b>	<b>£8.05</b>	<b>£73.40</b>	<b>£10.43</b>	<b>£148.23</b>

### Estimated 10yr PV capital and revenue costs

2.22 Tables 2.9 and 2.10 show the estimated 10yr PV capital and revenue costs for the proposed options.

Table 2.9: Estimated 10yr PV capital and revenue costs for option 2 (£m)

	Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
Capital Costs	12.12	0.39	-	-	<b>12.51</b>
Revenue Costs	102.35	4.26	1.82	22.03	<b>130.46</b>
<b>Total Costs</b>	<b>114.47</b>	<b>4.65</b>	<b>1.82</b>	<b>22.03</b>	<b>142.97</b>

Table 2.10: Estimated 10yr PV capital and revenue costs for option 3 (the Bill) (£m)

	Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
Capital Costs	12.28	2.11	-	-	<b>14.39</b>
Revenue Costs	104.86	4.73	2.21	22.03	<b>133.84</b>
<b>Total Costs</b>	<b>117.14</b>	<b>6.84</b>	<b>2.21</b>	<b>22.03</b>	<b>148.23</b>

### Costs in relation to the specific policy requirements of the Bill

2.23 Table 2.11 and 2.12 shows an estimate of present value costs of option 2 and option 3 over 10 years for industry and each of the authorities, against each of the specific policy requirements of the Bill.

Table 2.11: Option 2 10yr NPV (£m) 2023 Prices

	Industry	Local Authorities	Fire and Rescue Authorities	Welsh Government	Total
Fire Safety Measures	£37.208	£0.000	£0.000	£0.000	£37.208
Safety Case	£4.183	£0.005	£0.008	£0.000	£4.196
Golden Thread	£14.268	£0.000	£0.000	£0.000	£14.268
Building Registration Information	£0.068	£0.000	£0.000	£0.000	£0.068
Occurrence Recording and Reporting	£0.064	£0.066	£0.023	£0.035	£0.188
Duties on Residents	£9.418	£0.000	£0.000	£0.000	£9.418
Engaging Residents	£23.006	£0.000	£0.000	£0.000	£23.006
Providing systems to receive building safety complaints	£22.233	£1.262	£0.302	£0.000	£23.797
Sanctions and Enforcement	£2.543	£0.964	£0.806	£21.515	£25.827
Building Registration	£0.047	£0.526	£0.000	£0.485	£1.058
Building Certificate	£0.155	£0.713	£0.664	£0.000	£1.532
Familiarisation and implementation	£1.275	£1.115	£0.017	£0.000	£2.406
<b>Total</b>	<b>£114.467</b>	<b>£4.650</b>	<b>£1.820</b>	<b>£22.034</b>	<b>£142.972</b>

Table 2.12: Option 3 10yr NPV (£m) 2023 Prices

	Industry	Local Authorities	Fire and Rescue Authorities	Welsh Government	Total
Fire Safety Measures	£37.208	£0.000	£0.000	£0.000	£37.208
Safety Case	£4.183	£0.005	£0.008	£0.000	£4.196
Golden Thread	£15.822	£0.000	£0.000	£0.000	£15.822
Building Registration Information	£0.404	£0.000	£0.000	£0.000	£0.404
Occurrence Recording and Reporting	£0.064	£0.066	£0.023	£0.035	£0.188
Duties on Residents	£9.418	£0.000	£0.000	£0.000	£9.418
Engaging Residents	£23.006	£0.000	£0.000	£0.000	£23.006
Providing systems to receive building safety complaints	£22.233	£1.262	£0.302	£0.000	£23.797
Sanctions and Enforcement	£3.270	£1.211	£1.200	£21.515	£27.096
Building Registration	£0.079	£2.347	£0.000	£0.485	£2.912
Building Certificate	£0.155	£0.713	£0.664	£0.000	£1.532
Familiarisation and implementation	£1.296	£1.240	£0.017	£0.000	£2.552
<b>Total</b>	<b>£117.138</b>	<b>£6.844</b>	<b>£2.214</b>	<b>£22.034</b>	<b>£148.230</b>

**3. Policy Options**

3.1 The analysis assesses the costs of two policy options, over and above the counterfactual:

- Option 1: Business as usual (the counterfactual);
- Option 2: Do minimum: Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. The regime would cover the regulation of building safety risks in multi-occupied residential buildings of at least 18m. Multi-occupied residential buildings under 18m and certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties, including resident fire safety duties, but would be excluded from scope of the other duties in the regime;
- Option 3: Preferred option (the Bill): Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. It would cover the regulation of building safety risks in multi-occupied residential buildings. There would be three categories of building in scope of the regime as follows. Certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties but would be excluded from scope of the other duties in the regime.

In option 3, the categories of regulated building would be:

- Category 1: Multi-occupied residential buildings of at least 18m tall or at least 7 storeys;
- Category 2: Multi-occupied residential buildings of less than 18m tall and fewer than 7 storeys and at least 11m tall or at least 5 storeys. These buildings would be subject to some but not all of the requirements that would apply to category 1 buildings;
- Category 3: Multi-occupied residential buildings of less than 11m tall and fewer than 5 storeys. These buildings would be subject to some but not all of the requirements that will apply to category 2 buildings, including fire safety duties but not structural safety duties.

3.2 There are four categories of requirement for the buildings in scope of the policy (see table 4.1 which details).

3.3 Table 3.1 sets out which buildings will be subject to the policy requirements under the different options.

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Table 3.1: Which buildings will be subject to the policy requirements under the different options	
Option 2	
Category 1	18m+
Category 2	11-18m; under 11m
Fire Safety Provisions only	HMO

Table 3.2: Which buildings will be subject to the policy requirements under the different options	
Option 3	
Category 1	18m+
Category 2	11-18m
Category 3	Under 11m
Fire Safety Provisions only	HMO

## 4. Methodology

- 4.1 In summary, the analysis estimates/calculates the cost (to the regulator and to industry) of complying with the range of additional requirements (for buildings in scope), over and above the current situation (the counterfactual), proposed under the two policy options assessed in the analysis, for buildings in occupation.
- 4.2 The additional requirements proposed under each policy option are:
- Preparation of the fire safety position;
  - Preparation of safety cases;
  - Creation of the golden thread;
  - Creation of the key dataset;
  - Occurrence recording and reporting;
  - Engaging residents;
  - Providing systems to receive building safety complaints;
  - Duties on residents;
  - Sanctions and enforcement;
  - Building registration;
  - Building Certificate;
  - Familiarisation costs.

**Sequence of calculations used to estimate the costs of the policy options**

4.3 The analysis involves two main steps:

- **Step 1** - Identifying/estimating the additional costs of compliance for typical buildings
- **Step 2** - Multiplying the cost per building by the number of buildings affected (in scope) across Wales over the 10 year policy appraisal period – this provides an estimate of the total cost of each policy option in Wales, over the appraisal period.

Step 1 – sequence of calculations further detail

- Cost of complying with the proposed policy, **per building type**, is calculated through the following two step process:
  - = Types of activity required, by industry and by the regulator, to comply with the policy proposals, per building-type, are identified;
  - = The cost of each of these activities, per building-type, is calculated based on (i) time involved multiplied by an appropriate hourly rate and (ii) quantification of other specific expenditure.

Step 2 – sequence of calculations further detail

- The aggregated cost of complying with policy for all buildings in scope, across Wales, is then calculated as follows:
  - = The number of buildings in scope is identified;
  - = The aggregated cost of policy is then calculated by multiplying the cost per building by the number of buildings in scope.

**Appraisal period etc**

4.4 The following appraisal periods are used in the analysis:

- Costs – a 10 year policy appraisal period is modelled.
- Benefits – a 70 year appraisal period is used.

**Start year and price year**

4.5 The analysis uses a start year of 2027-28 and a price year of 2023-24.

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**Phase in and transition**

4.6 The proposed implementation is for category 1 (18m+ buildings) to commence in Year 1 and all other buildings in Year 2.

**Assumptions**

4.7 The analysis rests on a large number of assumptions. The degree of certainty regarding the assumptions varies.

Assumptions’ Quality Rating

4.8 Assumptions have been given a rating of 1-3 to reflect the level of evidence supporting the assumption. The scoring is based on the following criteria.

<b>RAG rating</b>	<b>1</b>	Quality is high - known verified source
	<b>2</b>	Quality is medium - evidence based assumption
	<b>3</b>	Quality is low - based on clearly stated assumption without direct supporting evidence
		Check has not been performed due to time or resource constraints.

**Types of cost taken into account**

4.9 The principal costs of compliance with the proposed policy that are assessed are:

- Additional time (costs) required to undertake tasks, and
- Any costs of purchasing goods or services.

4.10 The estimates do not include the cost of undertaking any remediation work that is identified through the investigations.

Costs for 18m+ buildings were assessed first

4.11 The analyse commenced by estimating the costs for the 18m+ buildings. This was relatively straight forward because the majority of the costs had already been identified for the England Building Safety Bill, and it was confirmed that 18m+ residential buildings in Wales are very similar to those in England. England’s policy was limited to 18m+, so no costing work had been done for under 18m buildings though.

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Therefore, the approach adopted in this analysis to estimate the costs for other multi dwelling buildings was to start with the 18m+ building costs and adjust these to reflect any differences with under 18m buildings.

**Requirements of each policy option**

4.12 Table 4.1 shows the four categories of requirements for Option 2.

**OPTION 2**

Do Minimum: Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. The regime would cover the regulation of building safety risks in multi-occupied residential buildings of at least 18m. Multi-occupied residential buildings under 18m and certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties, including resident fire safety duties, but would be excluded from scope of the other duties in the regime.

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Table 4.1: Four categories of requirements for policy option 2					
	Cat 1	Cat 2	Cat 2	Relevant HMO	Costed Measures
	18m+	11-18m	0-11m		
Fire Safety Position	Yes	yes	yes	yes	Fire Risk Assessment - new
	yes	yes	yes	yes	Fire Risk Assessment - annual update
Structural safety position	yes	yes			Structural risk assessment – to be set out in regulations
Safety Cases	yes				Safety Case Evidence Base - Collate information and fill gaps
	yes				Safety Case Evidence Base - Building Surveys
	yes				Safety Case Evidence Base - annual update
	yes				Safety Case Evidence Base - 5 yearly building survey

	yes				support from BSA in preparing safety cases
	yes				Safety Case Report - prepare initial report
	yes				Safety Case Report - 5 yearly update
Golden Thread	yes				produce 2D plans including fire safety and structural data
	yes				annual update of plans
	yes	yes	yes	yes	manage and maintain a digital record (very light touch for cat 2)
Building Registration Information	yes	no	no	no	provide Building Registration Information
Occurrence recording and reporting	yes				occurrence recording and reporting for refurbishments
	yes				occurrence recording and reporting for existing buildings
Duties on residents	yes	yes	yes (Fire safety duties only)	yes (HMOs not within a Cat 1 or Cat 2 building will have some fire safety duties)	PAP/AP preparation and issue of contravention notices <sup>1</sup> HMOs not within a Cat 1 or Cat 2 building- FSA enforcement via a compliance notice
Engaging Residents	yes	yes <sup>2</sup>	yes <sup>3</sup>		prepare building safety information for residents

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<sup>1</sup> There will also be some direct enforcement by the BSA and FSA although this will not be routine

<sup>2</sup> Some information provided to residents (not full strategy)

<sup>3</sup> Some information provided to residents (not full strategy)

	yes				prepare and review residents' engagement strategy, revising it as appropriate
	yes				hold meetings - annually
	yes yes				additional meetings during refurbishment Provision of copies of strategy by APs
Provision of information and documents to other persons	yes	yes	yes	yes	including on change of accountable person Regs will set out when and how documents should be given
Systems to receive building safety complaints	yes				establish an internal residents' complaints process
	yes				respond to incidents - categorise
	yes				respond to incidents - report progress to residents
	yes	due regard	due regard		inform/escalate to BSA
		yes	yes		arrange consideration of complaints
Sanctions and Enforcement	yes	yes	yes	yes	investigate issue
	yes	yes	yes	yes	informal notice issued
	yes	yes	yes	yes	formal notice issued
	yes	yes	yes	yes	legal proceedings commence
	yes	yes	yes	yes	Prosecution
Registration	yes	no	no	no	submit registration information and register buildings
	yes	no	no	no	BSA to review Building Registration Information

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	yes	no	no	no	BSA may be required to review registration decisions (prior to right to appeal to RPT)
Determination of PAP (BSA <sup>4</sup> )	yes	yes	yes	yes	
Building Certificate	yes				BSA to review (i) safety case and supporting information for category 1 buildings
PAP/AP enforcement (Contravention orders)	yes	yes	yes	no	

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<sup>4</sup> The building safety authority will be able to make a determination as to who the PAP is where there are two or more people that meet the definition, they make a joint application to the building safety authority (that is, they would normally be expected to be in agreement about who the PAP is but seeking confirmation from the authority). Where a joint application cannot be made, the application would go to the tribunal. This will apply across all categories of building.

4.13 Table 4.2 shows the four categories of requirements for Option 3.

**OPTION 3**

Preferred option (the Bill): Legislate to introduce a new regime in Wales focusing on the occupation phase of a building’s life cycle. It would cover the regulation of building safety risks in multi-occupied residential buildings. There would be three categories of building in scope of the regime as follows. Certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties but would be excluded from scope of the other duties in the regime.

In option 3, the categories of regulated building would be:

- Category 1: Multi-occupied residential buildings of at least 18m tall or at least 7 storeys;
- Category 2: Multi-occupied residential buildings of less than 18m tall and fewer than 7 storeys and at least 11m tall or at least 5 storeys. These buildings would be subject to some but not all of the requirements that would apply to category 1 buildings;
- Category 3: Multi-occupied residential buildings of less than 11m tall and fewer than 5 storeys. These buildings would be subject to some but not all of the requirements that will apply to category 2 buildings, including fire safety duties but not structural safety duties.

Table 4.2: Four categories of requirements for policy option 3					
	Cat 1	Cat 2	Cat 3	Relevant HMO	Costed Measures
	18m+	11-18m	0-11m		
Fire Safety Position	yes	yes	yes	yes	Fire Risk Assessment - new
	yes	yes	yes	yes	Fire Risk Assessment - annual update
Structural safety position	yes	yes			Structural risk assessment – to be set out in regulations
Safety Cases	yes				Safety Case Evidence Base - Collate information and fill gaps

	yes				Safety Case Evidence Base - Building Surveys
	yes				Safety Case Evidence Base - annual update
	yes				Safety Case Evidence Base - 5 yearly building survey
	yes				support from BSA in preparing safety cases
	yes				Safety Case Report - prepare initial report
	yes				Safety Case Report - 5 yearly update
Golden Thread	yes				produce 2D plans including fire safety and structural data
	yes				annual update of plans
	yes	yes KBI <sup>5</sup>	yes KBI	yes KBI	manage and maintain a digital record (very light touch for cat 2/3)
Building Registration Information	yes	no	no	no	provide Building Registration Information
Occurrence recording and reporting	yes				occurrence recording and reporting for refurbishments
	yes				occurrence recording and reporting for existing buildings
Duties on residents	yes	yes	yes (Fire safety duties only)	yes (HMOs not within a Cat 1 or Cat 2 building will have some fire safety duties)	PAP/AP preparation and issue contravention notices <sup>6</sup> HMOs not within a Cat 1 or Cat 2 building- FSA enforcement via a compliance notice

<sup>5</sup> Key Building information in Cat 2 includes structural safety information \*(may or may not include 2D plans – this will be for regs). Cat 3 is just fire safety information (and not 2D plans)

<sup>6</sup> There will also be some direct enforcement by the BSA and FSA although this will not be routine

Engaging Residents	yes	yes <sup>7</sup>	yes <sup>8</sup>		prepare building safety information for residents
	yes				prepare and review residents' engagement strategy, revising it as appropriate
	yes				hold meetings - annually
	yes				additional meetings during refurbishment
	yes				provision of copies of strategy by APs
Provision of information and documents to other persons	yes	yes	yes	yes	
Resident Complaints	yes				establish an internal residents' complaints process
	yes				respond to incidents – categorise
	yes				respond to incidents - report progress to residents
	yes	due regard	due regard		inform/escalate to BSA
Sanctions and Enforcement	yes	yes	yes	yes	investigate issue
	yes	yes	yes	yes	informal notice issued
	yes	yes	yes	yes	formal notice issued
	yes	yes	yes	yes	legal proceedings commence
	yes	yes	yes	yes	prosecution

<sup>7</sup> Some information provided to residents (not full strategy)

<sup>8</sup> Some information provided to residents (not full strategy)

Registration	yes	Yes	No	No	submit registration information and register buildings
	yes	Yes	No	No	BSA to review Building Registration Information
	yes	yes	no	no	BSA may be required to review registration decisions (prior to right to appeal to RPT)
Determination of PAP (BSA <sup>9</sup> )	Yes	Yes	Yes	Yes	
Building Certificate	yes				BSA to review (i) safety case and supporting information for CAT 1 buildings
PAP/AP enforcement (Contravention orders)	Yes	Yes	Yes	No	FSA and BSA notified on application for an order <sup>10</sup>

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<sup>9</sup> The building safety authority will be able to make a determination as to who the PAP is where there are two or more people that meet the definition, they make a joint application to the building safety authority (that is, they would normally be expected to be in agreement about who the PAP is but seeking confirmation from the authority). Where a joint application cannot be made, the application would go to the tribunal. This will apply across all categories of building.

<sup>10</sup> BSA may provide advice and guidance to the PAP/AP or resident on general duties/good practice e.g. pointing to sources of support as to your rights, or PAP/AP guidance (which we will produce) on supporting residents to meet their duties, but as duties on residents relate only to fire safety FSA will be the enforcing authority

**Buildings in scope and time cost assumptions - overview**

4.14 Table 4.3 sets out details of the common assumptions used across the analysis regarding time costs and building numbers.

Table 4.3: Common assumptions used across the analysis regarding time costs and building numbers													
ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption e.g. one-off transition cost/ annual ongoing costs	Location in the report	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
0_1	hourly rates used to value the cost of time - industry	Industry			Table 4.6						industry time costs have been valued using an average of employment costs (valuing internal staff time) and typical industry charge out rates (valuing external staff time). General assumption across development and design industry is that 50% of	Survey by Adroit consortium to gather information on charge out rates in 2019 and inflated to current prices using annual wage inflation from ASHE	2

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											resourcing will be inhouse staff and 50% will be outsourced external staff time.		
0_2	Employment Costs	Industry			Table 4.6						ASHE is the ONS source for salary costs and is aligned to previous impact assessments. A 20.6% uplift for non-wage employment costs (such as pensions) is based on an RPC opinion (in turn based on the census labour costs)	ASHE is published by ONS and is a reliable source of information about wages and salaries	1
0_3	hourly rates used to value the cost of time - regulator	Regulator			Table 4.5						regulator time costs have been valued using employment costs based on average salaries provided by WG and regulators in England,	information provided by MHCLG / HSE	1

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											including the 20.6% uplift for non-wage employment costs and adding 65% to allow for other non-employment costs such as admin support, HR, marketing, travel etc. The 65% uplift was agreed with MHCLG.		
0_4	working hours per day	Both	hrs			7.5	7.5	7.5	7.5	7.5	Assumptions used for valuing time and FTE employment - 7.5 hr per day / 220 working days per year	Typical industry standard for working days/hours	1
0_5	Building Numbers (Year 1)	Both	building numbers			180	449	1,044	5,936	44,225	building data provided by WG. Adroit analysis to best fit numbers to reference building types	information provided by WG	2
0_6	estimated number of flats per building	Both	flats per building			56	40	40	9	2	estimated number of flats per building to inform estimate costs	based on typical floorplate of buildings and number of	2

												stories and data provided by WG	
0_7	New Build Rate	Both	as % of stock per annum	annual		2.3%	2.0%	2.0%	0.7%	0.1%	estimate of the number of new buildings constructed per annum	assumptions based on estimated provided by WG for Cat 1 buildings (4 p.a.) and estimates by Adroit based on trends in number of new build flats, assuming higher growth in larger blocks of flats. Assume all new build Cat 1 buildings are not LA owned	2
0_8	Refurbishment Rate	Both	as % of stock per annum	annual		3%	3%	3%	3%	3%	assuming 3% of buildings are refurbished p.a. based on lifespan of elements such as cladding	based on PRP experience that buildings have a major refurbishment every 30 years	2

## Buildings in scope assumptions – further detail

### Reference Buildings

- 4.15 To assess the cost per building, the analysis identifies a small number of ‘typical’ buildings, which are thought to represent a high proportion of buildings in scope. These typical buildings (building-types) are termed reference buildings in the analysis.
- 4.16 Table 4.4 shows the reference buildings on which the model is based. These were estimated based on typical floorplates and number of floors for purpose-built flats and the ratio of dwellings to buildings for the other buildings (mixed use and conversions).

Table 4.4: Reference buildings – size (number of dwellings)	
Reference building types	Number of dwellings per building
Residential building at least 18m	56
Residential buildings between 11 and 18m	40
Purpose Built Block of Flats under 11m – large (26+ residential units)	40
Purpose Built Block of Flats under 11m – small (6 to 25 residential units)	9
Converted Houses / Flats over Shops	2
Sheltered accommodation	9
student accommodation	30

## Time cost assumptions – further detail

### Regulator Time Costs

- 4.17 Regulator time costs have been estimated based on direct employee costs only (no outsourcing is assumed). Hourly rates are based on:
- Hourly rates based on data collated on employment costs and charge out rates in 2019 and inflated to 2023 prices using the HMT GDP deflator;

- Salary plus 20.6% on-costs – salary rates were derived from information provided by HSE and FRS on average pay for different grade levels and ONS data for other occupations;
- The resulting rate was then further adjusted (+65%) to include non-employment costs (such as the cost of travel & IT equipment, administrative support, marketing etc).

4.18 Table 4.5 shows the hourly rates used in the analysis to calculate regulator time costs.

Table 4.5: Hourly rates – Regulator time costs			
Dutyholder	Occupation	2023 Salary + oncosts	2023 Hourly Rates (+65% for non-employment costs)
BSA	Lead Regulator / Project Manager	£57.50	£94.87
BSA	Building Control expert	£40.88	£67.45
BSA	Fire Engineer	£45.39	£74.89
BSA	Structural Engineer	£45.39	£74.89
BSA	Admin	£18.76	£30.95
FSA	Fire inspection Staff Watch Manager	£39.10	£64.51
FSA	Fire inspection staff Station Manager	£53.71	£88.63
Local Planning Authority	Planning Officer	£31.14	£51.39

4.19 Details of other assumptions used in the model are set out in the various Assumptions ‘tabs’.

Industry Time Costs

4.20 All industry time costs are assumed to comprise a blend of direct employment costs and outsourcing costs (50/50) (as was done in the England appraisal):

- Activities undertaken by employees – these are termed direct cost of employee and are based on salary rates plus 20.6% on-costs;

- = ASHE (annual survey of hours and earning – ONS) has been used as the source of salary data;
- = The 20.6% on-costs covers additional employment costs such as pensions etc and is based on ONS data.
- = Regarding direct employment costs - HMT Green Book advises that to assess the economic cost of industry time the correct approach is to value the opportunity cost of the resource (i.e. labour). (para 6.1).
- Activities that our outsourced - buying in support (rather than using employees) for example from a third party, such as a property management company – are costed as follows:
  - = Hourly charge out rates for a range of relevant occupations/ professions have been used - charge out rates already include productivity, overheads and profit.

4.21 Table 4.6 shows the hourly rates used in the analysis to calculate industry time costs.

Table 4.6: Hourly rates used to calculate industry time costs				
Dutyholder	Occupation	2023 Salary + oncosts	2023 Hourly Rates (Blended)	SOC code
Building Owner	Principal Accountable Person / Accountable Person	£34.29	£89.07	1122
Building Owner	Safety Manager	£42.96	£66.09	
Building Owner	Legal Advice	£34.29	£89.07	
Building Owner	Health and Safety Expert	£27.38	£66.09	
Building Owner	Fire Risk Assessor	£24.50	£63.87	
Building Owner	Building Manager	£35.32	£45.82	
Building Owner	Administrator	£18.77	£32.10	
Client	Project manager	£34.29	£89.07	1122
Client	Architect	£32.65	£66.33	2431
Principal Contractor	Project Manager	£34.29	£89.07	1122
Principal Contractor	Contractors	£28.60	£53.84	2436
Principal Contractor	Site Manager	£28.60	£55.07	2436

**5. Sequence of calculations – example - Fire Safety Position**

5.1 This section shows, as an example, the sequence of calculations and types and sources of assumptions used in the model to cost one strand of policy – fire risk assessment. A similar process is used to cost all other elements of policy.

5.2 The calculations and assumptions are in the blue tab “1. Fire Safety Position” in the model.

***Sequence of calculations***

5.3 The following sequence of calculations is used:

- Cost per building type:
  - = Identification of the nature and type of activities that need to be undertaken, per building, to comply with policy;
  - = Identification of the amount of time required, and by whom;
  - = Monetisation of the time required by applying appropriate hourly rates;
  - = Identification of any specific expenditure/costs;
- Scaling up:
  - = Identifying the number of buildings in scope in Wales;
  - = Estimating the number of buildings to which policy is assumed to apply;
  - = Estimating the counterfactual;
  - = Deducting the counterfactual from the buildings in scope;
  - = Multiplying the remainder by the cost per building.

5.4 The following tables show key steps in/ elements of the calculations.

**Time required per building - 18m+**

5.5 Table 5.1 shows assumptions regarding the time required to prepare an initial report and to undertake an annual review.

Table 5.1: Time required per initial report, annual review and 5 yearly review, for an 18m+ building									
		Who	Whether initial transition cost or repeatable cost	Industry or regulator	Time cost of other	Range			Type of cost
						Low	Mid	High	
Check Fire Risk Assessor Competence									
Time to check registered for competent assessor	Initial FRA Report	PAP/AP	Transition	Industry	hrs per FRA	0.25	0.25	0.25	One-off
Cost of Fire Risk Assessment									
Cost of producing initial FRAs	Fire Risk Assessments	Survey & report	Transition	Industry	Cost per FRA	£1,000	£1,250	£1,500	One-off
Booking flat inspections - Safety Manager	Fire Risk Assessments	Safety Manager	Transition	Industry	hrs per FRA	7.5	10	15	One-off
Annual review									
PAP time for management processes and checking	Annual FRA Review	PAP/AP	Annual	Industry	hrs per FRA per annum	1	1.5	2	Annual
Visual survey – FR assessor time on site	Annual FRA Review	Fire Risk Assessor	Annual	Industry	hrs per FRA per annum	2	2	2	Annual
FRA report production – FR assessor time	Annual FRA Review	Fire Risk Assessor	Annual	Industry	hrs per FRA per annum	1	2	3	Annual

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Scope of Surveys

- Visual survey - visual walk around building and inside looking at building approach, external wall systems, FF systems, common areas, risers, plant rooms, flat external and exteriors
- Intrusive surveys - intrusive of external walls, common area compartmentation and in flat compartmentation (it is suggested this is done if there are concerns about compartmentation in the common areas, estimated at 10% of buildings))

Survey counterfactual

- Some of these surveys will have already been undertaken on a number of taller/mid-rise buildings so will be under the counterfactual, but to a lesser extent on the lower buildings;
- Few will have had intrusive surveys in flats.

Mitigation

5.6 The proposed policy intent is that if mitigation measures are required, as a result of risk assessment, this will require a more survey time, plus more time and cost to implement mitigation. This has not been modelled yet.

**Allowing for the counterfactual**

5.7 Table 5.2 shows the assumptions made regarding the counterfactual. The assumptions are based on the consultants’ industry experience.

Table 5.2: Assumptions used to account for the counterfactual – 18m+			
Proportion of Buildings - counterfactual	Low	Mid	High
% of FRA reviewed annually	90%	90%	90%

**Proportion of buildings to which policy is assumed to apply**

5.8 Table 5.3 shows the proportion of buildings to which policy is assumed to apply. The proportions are based on the intentions of the current proposed policy.

Table 5.3: Proportion of Buildings to which Policy is assumed to apply			
	Low	Mid	High
% of buildings required to prepare FRA	100%	100%	100%
% of FRA reviewed annually	100%	100%	100%

**Scaling up**

5.9 Table 5.4 shows how the above assumptions are applied to calculate to cost of complying with policy for 18m+ buildings across Wales.

5.10 Table 5.4 is divided into two parts:

- Part 1: Calculates the number of 18m+ buildings in scope, allowing for the counterfactual:
  - = Column 1 shows the list of activities that need to be undertaken;
  - = Column 2 shows whether the cost is a time cost or specific expenditure;
  - = Column 3 shows who bears the cost – industry or the regulator;
  - = Column 4 shows whether the cost is a transition cost or an ongoing cost;
  - = Column 5 shows the % of buildings to which this applies;
  - = Column 6 shows the number of buildings to which this applies in the first year of policy
  - = Column 7 shows the number of buildings to which this applies in the second year of policy...and so on
- Part 2: Cost per building multiplied by number of buildings:
  - = Column 5 shows the cost per building for each activity.

5.11 The remaining columns shows the resulting total policy cost for each year of the 10 year appraisal period.

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Table 5.4: Extract from the scaling up calculation for the Fire Safety Position for category 1 Buildings (non-LA owned)										
Col 1	2	3	4	5	6	7	8			
Activity	Type of Cost	Industry/ Regulator	Annual/ Transition		Yr 1	Yr 2	Yr 3	.....	Yr 9	Yr 10
				% of buildings						
Check Fire Risk Assessor Competence				100%	151					
Commission New Fire Risk Assessment (above counterfactual)				10%	15					
Flat Inspections				10%	1.5					
Fire Risk Assessment - annual update (above counterfactual)				10%		15	16		18	18
				Cost per building						
time to check Fire Risk Assessor Competence	Staffing	Industry	Transition	£22	£3,362					
Commission New Fire Risk Assessment	Fees	Industry	Transition	£1,250	£18,875					
Flat Inspections	Staffing	Industry	Transition	£661	£998					
Fire Risk Assessment - annual update	Staffing	Industry	Annual	£389		£5,875	£6,031		£6,965	£ 7,120
Total Cost		Industry			£23,235	£5,875	£6,031		£6,965	£7,120
Total Cost		Regulator								

## 6. Results

### Costs

#### *Estimated 10yr PV costs for Proposed Options (£m)*

6.1 Table 6.1 shows the estimated 10yr PV costs for proposed options.

Table 6.1: Estimated 10yr PV costs for Proposed Options (£m)

		Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
Counterfactual - no change	Option 1	-	-	-	-	-
All multi-occupied residential buildings at least 18m subject to category 1 duties. Multi-occupied residential building below 18m subject to fire safety provisions only.	Option 2	114.47	4.65	1.82	22.03	<b>142.97</b>
All multi-occupied residential buildings at least 18m subject to category 1 duties; multi-occupied residential buildings between 11-18m subject to category 2 duties; multi-occupied residential building below 11m subject to category 3 duties; relevant HMO subject to the fire safety provisions only	Option 3	117.14	6.84	2.21	22.03	<b>148.23</b>

**Estimated 10yr PV Costs for Proposed Options by Building Type (£m)**

6.2 Tables 6.2 and 6.3 show the estimated 10yr PV costs for the proposed options by building type.

Table 6.2: Estimated 10yr PV costs for option 2 by building type (£m)								
		Transition Costs	Other Costs (BSA IT etc)	18m+ buildings	11-18m buildings	<11m buildings	HMO	Total
All multi-occupied residential buildings at least 18m subject to category 1 duties. Multi-occupied residential building below 18m subject to fire safety provisions only.	Industry	£1.27	£0.25	£26.51	£5.44	£70.59	£10.39	<b>£114.47</b>
	BSA	£1.11	£0.43	£1.97	£0.13	£1.00	£0.00	<b>£4.65</b>
	FSA	£0.02	£0.00	£0.87	£0.17	£0.72	£0.03	<b>£1.82</b>
	WG		£22.03	£0.00	£0.00	£0.00	£0.00	<b>£22.03</b>
	<b>Total</b>	<b>£2.41</b>	<b>£22.72</b>	<b>£29.36</b>	<b>£5.75</b>	<b>£72.31</b>	<b>£10.43</b>	<b>£142.97</b>

Table 6.3: Estimated 10yr PV costs for option 3 (the Bill) by building type (£m)								
		Transition Costs	Other Costs (BSA IT etc)	18m+ buildings	11-18m buildings	<11m buildings	HMO	Total
All multi-occupied residential buildings at least 18m subject to category 1 duties; multi-occupied residential buildings between 11-18m subject to category 2 duties; multi-occupied residential building below 11m subject to category 3 duties; relevant HMO subject to the fire safety provisions only	Industry	£1.30	£0.25	£26.51	£7.51	£71.17	£10.39	<b>£117.14</b>
	BSA	£1.24	£2.15	£1.97	£0.28	£1.20	£0.00	<b>£6.84</b>
	FSA	£0.02	£0.00	£0.87	£0.26	£1.04	£0.03	<b>£2.21</b>
	WG		£22.03	£0.00	£0.00	£0.00	£0.00	<b>£22.03</b>
	<b>Total</b>	<b>£2.55</b>	<b>£24.44</b>	<b>£29.36</b>	<b>£8.05</b>	<b>£73.40</b>	<b>£10.43</b>	<b>£148.23</b>

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**Estimated 10yr PV Costs for Proposed Options by Detailed Building Type (£)**

6.3 Table 6.4 shows the estimated 10yr PV costs for option 2 by detailed building type (£).

**Table 6.4: Estimated 10yr PV costs for option 2 by Detailed Building Type (£)**

	Transition costs	Other Costs (BSA IT etc)	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO	Total
<b>Industry</b>	1,274,978	254,924	22,470,516	4,043,363	5,442,199	786,936	23,994,423	43,989,860	1,640,526	175,824	10,393,447	114,466,996
<b>BSA</b>	1,114,632	426,717	1,680,058	292,328	132,139	20,148	384,561	571,718	24,036	3,759	-	4,650,096
<b>FSA</b>	16,744	-	745,102	129,061	173,269	26,836	500,112	161,132	30,334	4,773	32,881	1,820,245
<b>WG</b>		22,034,417										22,034,417
<b>Total</b>	2,406,354	22,716,057	24,895,676	4,464,753	5,747,606	833,920	24,879,096	44,722,710	1,694,896	184,357	10,426,328	142,971,754

6.4 Table 6.5 shows the estimated 10yr PV costs for option 3 (the Bill) by detailed building type (£).

**Table 6.5: Estimated 10yr PV costs for option 3 (the Bill) by detailed building type (£)**

	Transition costs	Other Costs (BSA IT etc)	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO	Total
<b>Industry</b>	1,295,720	254,924	22,470,516	4,043,363	7,512,498	809,913	24,420,176	44,087,645	1,669,517	180,389	10,393,447	<b>117,138,108</b>
<b>BSA</b>	1,239,721	2,148,254	1,680,058	292,328	283,974	28,244	534,295	597,254	34,243	5,367	-	6,843,739
<b>FSA</b>	16,744	-	745,102	129,061	255,012	39,549	735,518	206,353	46,371	7,299	32,881	2,213,890
<b>WG</b>		22,034,417										22,034,417
<b>Total</b>	2,552,185	24,437,594	24,895,676	4,464,753	8,051,484	877,706	25,689,989	44,891,252	1,750,132	193,055	10,426,328	148,230,155

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### Estimated Average Annual Cost for Proposed Options by Detailed Building Type (£)

6.5 Table 6.6 shows the estimated average annual cost for option 2 by detailed building type (£).

Table 6.6 Estimated average annual cost for option 2 by detailed building type (£)										
	Other Costs (BSA IT etc)	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2- 5 flats)	Sheltered accommodati on	student accommodati on	HMO
<b>Industry</b>	29,616	2,610,517	469,739	632,249	91,423	2,787,558	5,110,532	190,588	20,426	1,207,461
<b>BSA</b>	49,574	195,181	33,961	15,351	2,341	44,676	66,420	2,792	437	-
<b>FSA</b>	-	86,562	14,994	20,130	3,118	58,101	18,720	3,524	555	3,820
<b>WG</b>	2,559,854	-	-	-	-	-	-	-	-	-

6.6 Table 6.7 shows the estimated average annual for option 3 (the Bill) by detailed building type (£)

Table 6.7 Estimated average annual cost for option 3 (the Bill) by detailed building type (£)										
	Other Costs (BSA IT etc)	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2- 5 flats)	Sheltered accommodati on	student accommodati on	HMO
<b>Industry</b>	29,616	2,610,517	469,739	872,766	94,092	2,837,020	5,121,892	193,957	20,957	1,207,461
<b>BSA</b>	249,574	195,181	33,961	32,991	3,281	62,072	69,386	3,978	624	-
<b>FSA</b>	-	86,562	14,994	29,626	4,595	85,449	23,973	5,387	848	3,820
<b>WG</b>	2,559,854	-	-	-	-	-	-	-	-	-

### Estimated Average Annual Cost per Building for Proposed Options by Detailed Building Type (£)

6.7 Table 6.8 shows the estimated average annual cost per building for option 2 by detailed building type (£).

Table 6.8 Estimated average annual cost per building for option 2 by detailed building type (£)

	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO
<b>Industry</b>	15,447	16,198	1,292	1,209	443	114	448	1,018	62
<b>BSA</b>	1,155	1,171	31	31	7	1	7	22	-
<b>FSA</b>	512	517	41	41	9	0	8	28	0
<b>WG</b>									

6.8 Table 6.9 shows the estimated average annual cost per building for option 3 (the Bill) by detailed building type (£).

Table 6.9 Estimated average annual cost per building for option 3 (the Bill) by detailed building type (£)

	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO
<b>Industry</b>	15,447	16,198	1,783	1,245	451	114	456	1,045	62
<b>BSA</b>	1,155	1,171	67	43	10	2	9	31	-
<b>FSA</b>	512	517	61	61	14	1	13	42	0
<b>WG</b>									

**Estimated Average Annual Cost per Flat for Proposed Options by Detailed Building Type (£)**

6.9 Table 6.10 shows the estimated average annual cost per flat for option 2 by detailed building type (£).

**Table 6.10 Estimated average annual cost per flat for Proposed Options by Detailed Building Type (£)**

	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses/Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO
<b>Industry</b>	276	289	32	30	49	57	50	34	62
<b>BSA</b>	21	21	1	1	1	1	1	1	0
<b>FSA</b>	9	9	1	1	1	0	1	1	0
<b>WG</b>									

6.10 Table 6.11 shows the estimated average annual cost per flat for option 3 (the Bill) by detailed building type (£).

**Table 6.11 Estimated average annual cost per flat for option 3 (the Bill) by detailed building type (£)**

	18m+_non-LA owned	18m+_LA owned	Purpose Built Flats - 11-18m	Purpose Built Flats - large (<11m)	Purpose Built Flats - small	Converted Houses / Flats over shops (2-5 flats)	Sheltered accommodation	student accommodation	HMO
<b>Industry</b>	276	289	45	31	50	57	51	35	62
<b>BSA</b>	21	21	2	1	1	1	1	1	-
<b>FSA</b>	9	9	2	2	2	0	1	1	0
<b>WG</b>									

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### Estimated 10yr PV Capital and Revenue Costs

6.11 Tables 6.12 and 6.13 show the estimated 10yr PV capital and revenue costs for the proposed options. These costs are all related to IT systems – for the Golden Thread for PAPs/AP and for the BSA to maintain a database for registration and building information.

Table 6.12: Estimated 10yr PV capital and revenue costs for option 2 (£m)

	Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
<b>Capital Costs</b>	12.12	0.39	-	-	<b>12.51</b>
<b>Revenue Costs</b>	102.35	4.26	1.82	22.03	<b>130.46</b>
<b>Total Costs</b>	<b>114.47</b>	<b>4.65</b>	<b>1.82</b>	<b>22.03</b>	<b>142.97</b>

Table 6.13: Estimated 10yr PV capital and revenue costs for option 3 (the Bill) (£m)

	Industry Costs	Building Safety Authority Costs	Fire Safety Authority Costs	Welsh Government costs	Total
<b>Capital Costs</b>	12.28	2.11	-	-	<b>14.39</b>
<b>Revenue Costs</b>	104.86	4.73	2.21	22.03	<b>133.84</b>
<b>Total Costs</b>	<b>117.14</b>	<b>6.84</b>	<b>2.21</b>	<b>22.03</b>	<b>148.23</b>

**7. Annex A: Fire Safety Position Assumptions**

**The requirement**

7.1 The fire safety position refers to the requirement for buildings in scope to have a new fire risk assessment which is updated annually.

**Buildings in scope**

7.2 Applies to all multi-dwelling buildings in Wales and HMOs.

**Assumed activities**

- All PAPs across cat 1, cat 2 and cat 3 buildings (including HMO) will commission a new Fire Risk Assessment within the first year of the policy;
- All PAPs will assess the competency of the fire risk assessor. It is assumed that an online register will be available;
- To support new fire risk assessments, 10% of cat 1 buildings, cat 2 buildings and large cat 3 buildings, and 5% of small cat 3 blocks of flats will undertake flat inspections;
- All Accountable Persons will review their Fire Risk Assessments annually;
- The counterfactual assumes that 90% of 18m+ buildings, 33% of large blocks of flats (including all 11-18m buildings) and 20% of other smaller buildings are commissioning new/updated FRAs each year.

7.3 Table 7.1 sets out details of the common assumptions used to cost the activities required to comply with Fire Safety Position requirement:

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Table 7.1: Common assumptions used to cost the activities required to comply with the Fire Safety Position requirement

ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
1_1	buildings in scope of fire safety provisions in Bill				yes	yes	yes	yes	yes	all Cat 1, Cat 2 and Cat 3 buildings as well as relevant HMOs	Policy	1
1_2	number of buildings reviewing FRA annually under counterfactual		% of all buildings	counterfactual - annual	90%	33%	33%	20%	20%	assume FRAs are reviewed annually for 90% of Cat 1 buildings, every 3 years for large purpose built block of flats and once every 5 years (20%) for a typical small building under the counterfactual	PRP Industry Experience	2
1_3	number of buildings reviewing FRA under policy		% of all buildings	policy - annual	100%	100%	100%	100%	100%	assume all PAPs commission a review of the FRA under policy every year	policy	1
1_4	number of buildings		% of all buildings	policy - annual	100%	100%	100%	100%	100%	assume all PAPs review competency of Fire Risk Assessor	Consultant's judgement	1

	reviewing FRA assessor competency												
1_5	time to assess competency	Industry	hrs per building	policy - one-off - year 1	0.25	0.25	0.25	0.25	0.25	Assume 15 mins for each PAP to check competency of a Fire Risk Assessor - assuming an online register is available	PRP Industry Experience	2	
1_6	cost to prepare FRA	Industry	£ per building	policy - one-off - year 1	£1,250	£1,100	£1,100	£600	£100	Assume cost to prepare a type 3 FRA	PRP Industry Experience	2	
1_7	Proportion of buildings with flat inspections as part of initial FRA		% of all buildings	policy - one-off - year 1	10%	10%	10%	5%	0%	assume a proportion of the larger buildings will require access to flats as part of the FRA	PRP industry experience	2	
1_8	Time to undertake flat inspections	Industry	hrs per building	policy - one-off - year 1	10	5	5	1	-	time required to book time with residents/leaseholders to enter flats to inspect internal parts of flats (e.g. fire door closers)	PRP industry experience	2	
1_9	time to review FRA	Industry	hrs per building	policy - annual cost	5.5	3.5	3.5	2.75	0.75	time to review FRA annually based on time for PAP to coordinate, and time for a visual survey	PRP industry experience	2	

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## 8. Annex B: Safety Cases

### The requirement

8.1 The requirement to prepare a safety case for buildings in scope.

### Buildings in scope

8.2 Only applies to category 1 buildings

### Assumed activities

- 20% of buildings have a safety case prepared each year over the first 5 years of the policy. This involves;
  - = Preparing the safety case evidence base
  - = Preparing the safety case report
- 1 in 5 (20%) safety cases require building surveys to support the preparation of the safety case;
- 3% of buildings require a new safety case report p.a. following change of PAP;
- The BSA provides support to the AP to help prepare 10% of the first safety cases;
- Once a safety case is prepared there is an annual cost to keep it up to date;
- 5 years after the initial safety case is prepared, all buildings commission a building survey and prepare an updated safety case report.

8.3 Table 8.1 sets out details of the common assumptions used to cost activities required to comply with the Safety Case preparation requirement.

**Table 8.1: Common assumptions used to cost the activities required to comply with the Safety Case preparation requirement**

ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
2_1	buildings in scope of safety case requirements				yes	no	no	no	no	Category 1 buildings only	policy	1
2_2	activities required to prepare safety case									Initial collation of evidence base and building information required to prepare safety case for existing buildings (assume not required for new build). Filling gaps in evidence base. Analysis of information and preparation of safety case report required for all buildings (existing and new)	policy	1
2_3	Phasing of completion of first safety cases for existing building - proportion of buildings completed per annum		% of all buildings	policy - transition cost - annual (until all buildings have safety cases prepared)	20%					initial safety cases for existing buildings are assumed to be prepared and completed over a 5 year period - 20% p.a.	consultants judgement	3
2_4	building intrusive surveys to inform safety case evidence		% of all safety cases	policy - transition	20%					assume 20% of initial safety cases require building surveys to be undertaken to collect the necessary information about the fire and structural performance of the building	PRP industry experience - tested with MHCLG/HSE	2

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	base - as % of all safety cases											
2_5	cost of building intrusive surveys	Industry	£ per building	policy - transition - one-off cost	£3,500					assumed to cost £3500 for an initial intrusive survey if required and £1000 for follow up visual/desk based survey after 5 years	PRP industry experience - tested with MHCLG/HSE	2
2_6	time to prepare safety case evidence base	Industry	Hrs per building	policy - transition - one-off cost	32					assumed average of 32 hours (£1,850) per building to collate evidence, identify gaps, commission and manage investigations to fill gaps - existing building only	PRP industry experience - tested with MHCLG/HSE	2
2_7	time to prepare safety case report for existing buildings	Industry	Hrs per building	policy - transition - one-off cost	63					assumed average of 63 hours (£4,260) per building to review risks and identify mitigations; prepare, review and sign off safety case report - existing buildings, new build and change of PAP	PRP industry experience - tested with MHCLG/HSE	2
2_8	change of PAP triggering new safety case		% of all buildings	policy - annual	3%					assumes safety case is reviewed on change of PAP. Only non-LA buildings assumed to change PAP (3% p.a.)	consultants judgement	3
2_9	time to update evidence based each year - hrs per building	Industry	Hrs per building	policy - annual cost	32					assume 32 hours (£2,080) per building per annum - for monthly updates of information in evidence base	PRP industry experience - tested with MHCLG/HSE	2
2_10	time to update safety case report after 5 years - per building	Industry	Hrs per building	policy - cost after 5 years	12					assume average of 12 hours (£780) per building to review evidence and write report every 5 years	PRP industry experience - tested with MHCLG/HSE	2

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2_11	support from regulator to prepare first safety case - % of safety cases		% of safety cases in year 1	policy - transition - year 1	10%					assume the regulator supports 10% of PAPs to prepare the first safety case report for existing buildings- assumed to be in Year 1	consultants judgement	3
2_12	time for regulator to provide support - hrs per building	Regulator	Hrs per building	policy - transition - one-off cost	10.5					assume average of 10 hrs (£1,140) for BSA and FSA to provide guidance to PAPs preparing first safety case	consultants judgement	3

## 9. Annex C: Golden Thread

### The requirement

9.1 The requirement to prepare a digital record for buildings in scope.

### Buildings in scope

9.2 The requirement differs for category 1 and other multi dwelling buildings;

- For category 1 buildings, the golden thread requirement is for digital storage of: digital plans, safety case, fire risk assessment, resident's engagement strategy and all other relevant documents;
- For other buildings, the golden thread requirement is for digital storage of only the fire risk assessment, any complaints made to or about the PAP and any floorplans that are available.

### Assumed activities

- Assume 90% of category 1 buildings need to procure a data storage system for the golden thread which includes an annual fee;
- All buildings will need to maintain the golden thread and QA the data within the golden thread;
- 50% of category 1 buildings will need to prepare up to date 2D building plans to include in the golden thread;
- 75% of category 1 buildings will need to add fire and structure details to building plans;
- 15% of category 1 buildings will update their building plans each year as a result of changes to the building;
- 1% of buildings will have a new PAP and the golden thread must be transferred between the existing PAP and the new PAP.

9.3 Table 9.1 sets out details of the common assumptions used to cost activities required to comply with the golden thread requirement.

**Table 9.1: Common assumptions used to cost activities required to comply with the golden thread requirement**

ID	Assumption	Industry/ Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one- off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11- 18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
3_1	Buildings in scope				yes	yes	yes	yes	yes	All Cat 1, Cat 2 and Cat 3 buildings.	policy	1
3_2	activities required for golden thread									assume Cat 1 and Cat 2/3 buildings have different requirements. Cat 2/3 buildings require a digital storage system to store and retain key building information. Cat 1 buildings need a more complex storage system to hold more information (safety cases etc) and also need to input data into the storage system. Cat 1 buildings also need to have digital building plans included in the golden thread.	policy	1
3_3	Number of Cat 2 buildings that require a digital storage system		% of all buildings			100%	100%	100%	100%	assume all Cat 2/3 buildings will need to set up a digital storage system for building safety information	consultants judgement	3
3_4	Cat 2 - digital storage system (hrs) - one off cost to establish	Industry	hrs per building	one off transition cost		5	1	1	1	assume it takes an average of 1 hr per building (£90) to establish a digital storage system for Cat 2/3 buildings - this would include time for understanding how to set up a shared cloud based	consultants judgement	3

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										folder for storing building safety information		
3_5	Cat 2 - digital storage system - annual cost	Industry	£ per building	annual		0	0	0	0	it is not assumed that there are any additional ongoing costs to maintain the golden thread - given low cost of cloud based storage	assume there is no additional ongoing cost - cloud storage systems or existing systems can be used for no additional	2
3_6	Cat 1 - digital storage system - counterfactual - % of buildings with existing digital storage system		% of all buildings		10%					assume 10% of buildings already have a digital storage system (for example, one that is currently used for asset management) that can be used for the golden thread - therefore 90% will need to invest in a new system	assumption that some larger PAPs will already have a system in place that does not need to be adapted	3
3_7	Cat 1 - digital storage system - costs per annum	Industry	£ per building	annual	£3,920					assume a cost per annum to maintain a digital storage system - based on industry costs of £70 per flat and 56 flats per building	based on PRP industry experience	2
3_8	Cat 1 - digital building plans - new plans - one off cost	Industry	£ per building	one off transition cost	£7,000					assume 50% of buildings will need to create new digital plans at a cost of £7000 per building	based on PRP industry experience - cost based on quotes provided to clients	2
3_9	Cat 1 - digital building plans - additional detail added - one off costs	Industry	£ per building	one off transition cost	£2,500					assume 75% of buildings will need to add fire safety and structural details to the plans at a cost of £2500 per building	based on PRP industry experience - cost based on quotes	2

											provided to clients	
3_10	Cat 1 - digital building plans - time to update plans (hrs) - annual cost	Industry	hrs per building	annual	3.5					assume 15% of building p.a. will need to update digital plans each year to reflect changes to the fire safety or structural details - taking 3.5hrs of architects time at a cost of £230 per building	based on PRP industry experience	2
3_11	Cat 1 - change of PAP - time to handover digital records - one off (hrs)	Industry	hrs per building	one off transition cost	8.5					assume 1% of buildings change PAP per annum and need to handover golden thread to new PAP (non-LA owned buildings only) - taking an average of 8.5hrs of time at a cost of £760 per building	consultants judgement	3
3_12	Cat 1 - annual maintenance of data within the digital record and QA of information (hrs) - annual cost	Industry	hrs per building	annual	21					assume all Cat 1 buildings maintain the golden thread - spending an average of 21 hrs per annum inputting data - consisting of (12.5hrs) QA and maintaining registration information (7.5hr) and oversight of the digital record (1hr) - average cost per building of £650 p.a.	based on PRP industry experience - compared with asset management activity under the counterfactual	3

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## 10. Annex D: Building Registration Information

### The requirement

10.1 The requirement is to submit building information and building management information as part of the registration process for buildings in scope.

### Buildings in scope

10.2 Applies to multi-occupied buildings at least 18m (Option 2), and at least 11m (Option 3).

### Assumed activities

- All Accountable Persons to input key dataset information into spreadsheet;
- Assume 10% of buildings undergo works that require key dataset to be updated.

10.3 Table 10.1 sets out details of the common assumptions used to cost activities required to comply with the Building Registration Information requirement.

Table 10.1: Common assumptions used to cost activities required to comply with the Registration Information requirement												
ID	Assumption	Industry/Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
4_1	Buildings in scope				yes	yes	no	no	no	All Cat 1 and Cat 2 buildings.	Policy	1
4_2	activities required									input building registration information into spreadsheet/online form and update when details change. Cat 1 buildings have more information to	Policy	1

										input at registration stage than Cat 2.		
4_3	number of buildings required to complete information		% of all buildings	one off	100%	100%				proportion of buildings required to input registration information	Policy	1
4_4	input registration information - existing buildings	Industry	hrs per building	one off	2.75	10				assume all buildings input information in Year 1 - average of 2.75hrs for Cat 1 buildings (£250); 1.25hrs for Cat 2 purpose built flats (£110)	consultants judgement	3
4_5	input registration information - new build	Industry	hrs per building	one off	1.5	1.5				assume time to input building registration information for new build is less than existing buildings - average of 1.5 hrs for Cat 1 buildings (£130); 0.7hrs for large Cat 2 buildings (£60)	consultants judgement	3
4_6	update registration information		% of all buildings	annual	10%	10%				assume 10% buildings update information each year (e.g. following refurbishment)	consultants judgement - based on PRP industry experience	2
4_7	update registration information	Industry	hrs per building	annual	1.5	1.00				assume average of 1.5 hrs for Cat 1 buildings; 1hrs for Cat 2 buildings	consultants judgement	3

## 11. Annex E: Occurrence recording and reporting

### The requirement

11.1 The requirement to record and report incidents where a building safety risk occurs in buildings in scope.

### Buildings in scope

11.2 Only applies to category 1 buildings

### Assumed activities

- Assume 25% of buildings have an incident that needs to be reported each year (either failure of safety critical components or structural decay);
- Assume a further 8% of buildings have an incident during a refurbishment works that needs to be reported (assuming 10% of buildings are refurbished per annum and 76% have an incident that needs to be reported);
- On average, it is assumed that it takes the AP 1.5hrs to report an incident and 0.5hrs for the BSA to log and analyse the report.

11.3 Table 11.1 sets out details of the common assumptions used to cost activities required to comply with the occurrence recording and reporting requirement:

Table 11.1: Common assumptions used to cost activities required to comply with the occurrence recording and reporting requirement												
ID	Assumption	Industry/Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
5_1	Buildings in scope				yes	no	no	no	no	Cat 1 buildings only	Policy	1
5_2	activities required									report on failure of building safety components or early	Policy	1

										decay of structure - PAP to record incident; BSA to review information		
5_3	frequency of reports		% of all buildings	annual	33%					assume 25% of Cat 1 buildings report an incident per annum related to fire and structural safety issues and a further 8% of buildings report an issues related to construction defects during refurbishment works per annum.	PRP industry experience of building defects	2
5_4	time to prepare and submit mandatory reports	Industry	hrs per report	annual	1.5					assume it takes an average of 1.5hrs for industry to prepare a report (£120) and	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
5_5	Time to review mandatory reports	Regulator	hrs per report	annual	0.5					Assume it takes 0.5hr (£50) for the BSA to review and analyse report		3
5_6	Time to visit site	Regulator	Days per site visit	annual	2.5					Assume that 5% of cases require a site visit – assumes to take 2.5 days of time in total (1 day BSA, 1.5 days FSA)		3

**12. Annex F: Duties on Residents**

**The requirement**

12.1 The requirement is for residents to comply with duties under the building safety regime and introduces the provision for PAPs/APs to be able to issue contravention notices to residents if issues cannot be resolved informally.

**Buildings in scope**

12.2 Applies to all multi dwelling buildings

**Assumed activities**

- For category 1 buildings, it is assumed that there are 5 contravention notices per building per annum– based on typical incidents such as blocking escape routes or propping open fire doors;
- For other large buildings under 18m – flats and student accommodation - it is assumed that there are 2.5 contravention notices per annum;
- For other small buildings under 11m - flats and sheltered housing - it is assumed that 75% will issue a contravention notice per annum;
- For converted houses/flats, it is assumed that 15% issue a contravention notice each year;
- It is assumed that it takes an average of 1hr to prepare and issue a notice.

12.3 Table 12.1 sets out details of the common assumptions used to cost activities required to comply with the Residents’ Responsibility requirements:

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Table 12.1: Common assumptions used to cost activities required to comply with the Resident Responsibility requirements												
ID	Assumption	Industry/Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	(18m+) assumption	(11-18m) assumption	(large block of flats) assumption	(small block of flats) assumption	(converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
6_1	Buildings in scope				yes	yes	yes	yes	yes	Cat 1, Cat 2 and Cat 3 buildings	Policy	1
6_2	activities required									PAPs given the ability to issue contravention notices to residents that fail to comply with informal requests to address building safety issues - common issues expected to be blocking escape routes and propping open fire doors	Policy	1
6_3	frequency of issuing contravention notices - number p.a.		number per building	annual	5	2.50	2.50	0.75	0.15	assume Cat 1 buildings will issue 5 notices p.a.; large cat 2 buildings will issue 2.5 notices p.a.; 75% of small blocks of flats will issue a notice p.a. and 15% of converted houses will issue a notice p.a.	PRP industry experience of working with RPs	2
6_4	time to prepare notice (hrs)	Industry	hrs per notice	annual	1.00	1.00	1.00	1.00	1.00	time to prepare the notice estimated at 1 hr (£75) per notice	consultants judgement	3
6_5	Frequency of issuing contravention order	Industry	As % of contravention notices	annual	12.50%	12.50%	12.50%	12.50%	12.50%	Assume that 1 in 8 contravention notices are followed by a contravention order	Consultants judgement in discussion with WG	3
6_6	time to prepare a	Industry	hrs per order	annual	1.25	1.25	1.25	1.25	1.25	time to prepare the contravention order estimated at 1.25 hr per order	Consultants judgement in	3

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	contrave ntion order											discussion with WG	
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### 13. Annex G: Engaging Residents

#### The requirement

13.1 The requirement for buildings in scope to provide building safety information to residents and leaseholders.

#### Buildings in scope

13.2 Applies to a multi dwelling buildings.

#### Assumed activities

- All regulated buildings are required to prepare safety information for residents and respond to requests for information;
- All category 1 buildings are required to prepare a residents’ engagement strategy and hold meetings to disseminate information;
- It is assumed that 10% of category 1 buildings hold additional meetings to cover safety information during refurbishment reach year;

13.3 Table 13.1 sets out details of the common assumptions used to cost activities required to comply with the Residents’ Engagement requirements:

Table 13.1: Common assumptions used to cost activities required to comply with the Resident Engagement requirements												
ID	Assumption	Industry/Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
7_1	Buildings in scope				yes	yes	yes	yes	yes	Cat 1, Cat 2 and Cat 3 buildings	Policy	1
7_2	activities required									Cat 1 only - prepare residents’ engagement strategy; hold meetings to disseminate information; additional meetings during refurbishment work. Cat 1 and Cat 2/3 - prepare building	Policy	1

											safety information for residents and provide information on request.		
7_3	Prepare building safety information for residents - existing buildings - yr 1	Industry	£ per building	one off transition	£2,048	£735	£735	£223	£111		Cat 1 - assume average of 39hrs to prepare information for residents+£250 printing costs (£2,050); Cat 2/3 large block - 8hrs to prepare and disseminate information (£740); Cat 3 small blocks - 2.5hrs (£220); Cat 3 - converted houses - 1.25hrs (£110)	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
7_4	Prepare building safety information for new residents	Industry	£ per building	annual	£180	£33	£33	£22	£11		Cat 1 - assume average of 2hrs p.a. to prepare updated information for residents+£100 printing costs to provide to new residents (£180) ; Cat 2/3 large block - 0.3hrs to disseminate information to new residents (£30); Cat 3 small blocks - 0.2hrs (£20); Cat 3 - converted houses - 0.1hrs (£10)	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
7_5	respond to requests for information - cost per building per annum	Industry	£ per building	annual	£1,176	£178	£178	£45	£ 2		Cat 1 - assume average of 2hrs per month to respond to ad hoc requests for safety information - 24 hrs per annum (£1,180); Cat 2/3 large block - 2hrs per annum to respond to requests (£180); Cat 3 small blocks - 0.5hrs (£50); Cat 3 - converted houses - 10% of building have a request per annum @ 0.25hr per request (£10)	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
7_6	Prepare a residents' engagement strategy - cost per building	Industry	£ per building	one off transition	£931						Cat 1 - 15hrs to prepare strategy + £250 to print strategy. Assume 25% of buildings already have a residents' engagement strategy (£930)	consultants estimates - tested with MHCLG/HSE	3
7_7	Hold meetings and disseminate information - cost per	Industry	£ per building	annual	£2,394						Cat 1 - 40hrs to arrange and hold events each year (£2,400). Assume 25% of buildings already have a residents' engagement strategy. For LA owned properties there is additional cost of	consultants estimates - tested with MHCLG/HSE	3

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	building per annum									£560 to allow for two local authorities to attend events		
7_8	buildings undergoing refurbishment each year	Industry	% of all buildings	annual	10%					assume that 10% of buildings undergo refurbishment that requires engagement with residents	PRP industry experience	2
7_9	additional meetings during refurbishment - cost per building	Industry	£ per building	annual	£3,058					Cat 1 - 60hrs to arrange and hold events during refurbishment works. Assume 25% of buildings already have a residents' engagement strategy. (£3,060). For LA owned properties there is an additional cost of £1400 to allow two local authorities to attend events	consultants estimates - tested with MHCLG/HSE	3

**14. Annex H: Providing systems to receive building safety complaints**

**The requirement**

14.1 The requirement for buildings in scope to give due consideration to complaints about building safety.

**Buildings in scope**

14.2 All regulated building (cat 1, cat 2 and cat 3) are required to establish internal complaints procedures

**Assumed activities**

- The assumed number of additional complaints received by the AP is:
  - = 5 complaints per annum (cat 1)
  - = 3.6 complaints per annum (large block of flats)
  - = 2.7 complaints per annum (student accommodation)
  - = 0.8 complaint per annum (small block of flats and sheltered housing)
  - = 18% of converted houses/flats over shops receive a complaint per annum
- Regarding complaints escalated to the BSA, it is assumed that 15% of complaints are not resolved by the AP and are escalated to the BSA.
- The assumed number of additional complaints received directly by the BSA is:
  - = 1 complaint per annum in all cat 1 buildings
  - = 1 complaint in 70% of large blocks of flats per annum
  - = 1 complaint in 50% of student accommodations per annum
  - = 1 complaint in 20% of small blocks of flats and sheltered housing per annum

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= 1 complaint in 2% of converted houses/flats over shops per annum

- It is assumed that in the first 3 years of the regime the number of complaints will be 25% above the level in the year 5 and it is assumed to fall to 50% below the year 5 level by year 10

14.3 Table 14.1 sets out details of the common assumptions used to cost activities required to comply with the Residents’ Complaint requirements:

Table 14.1: Common assumptions used to cost activities required to comply with the Resident’s Complaint requirements												
ID	Assumption	Industry/Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
8_1	buildings in scope				yes	Yes	yes	yes	yes	Cat 1, Cat 2 and Cat 3 buildings	policy	1
8_2	activities required									establish a complains process and respond to complaints. Escalate to BSA i complaint is not resolved	policy	1
8_3	establish an internal residents complaints process (hrs)	Industry	hrs per building	one off transition	35	10	10	2	0.5	Cat 1 - 35hr of time to develop complaints process + £960 to establish a complaints system (total cost of £3,270) Cat 2/3 large - 10hrs (£660), Cat 3 small - 2hrs (£130), Cat 3 - converted house - 0.5hr (£30)	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
8_4	estimated number of complaints p.a. per building	Industry	number per building	annual	5	4	4	1	0.2	Cat 1 - 5 incidents per building; Cat 2/3 large - 3.6 incidents per building, cat 3 small - 1.2 incidents, converted house - 1 incident every 5 years	consultants judgement - based on information provided by several RPs in England about types of complaints to their call centre - Cat 1	2

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											estimates tested with HSE/MHCLG	
8_5	time to respond to incidents - hrs per incident (hrs)	Industry	hrs per incident	annual	3.33	1.25	1.25	1.25	1.25	time to receive information on complaint and categorise the complaint and assign it to case worker - Cat 1 - 3.3hr per incident (£250); Cat 2/3 - 1hr per incident (£70)	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
8_6	respond to incidents - internal complaints process - hrs per incident	Industry	hrs per incident	annual	3.75	1	1	1	1	time to engage maintenance team, feedback on progress, escalate to AP, and log complaint	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
8_7	proportion of complaints that get escalated to BSA - as % of all complaints	Regulator	% of incidents	annual	15%	15%	15%	15%	15%	complaints where the BSA needs to get involved	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
8_8	complaints that get escalated to BSA - time for BSA to handle case (hrs)	Regulator	hrs per incident	annual	1.75	0.9	0.9	0.7	0.7	time for BSA to review complaint, investigate and assess the issue	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
8_9	complaints made directly to BSA - number per building	Regulator	per building	annual	1.00	0.71	0.71	0.16	0.02	number of complaints made by residents directly to the BSA	consultants estimate	3

8_10	complaints made directly to BSA - average time to respond	Regulator	hrs per incident	annual	0.9	0.6	0.6	0.5	0.5	time for BSA to review complaint, investigate and assess the issue	consultants estimate	3
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14.4 Table 14.2 below sets out the assumed profile of number of complaints relative to ‘steady state’ estimates presented in table 10.1 above – assuming number of complaints will be higher in early years of the new regime.

Table 14.2: Profile of number of complaints per annum										
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Profile of Complaints over time	125%	125%	125%	110%	100%	75%	75%	50%	50%	50%

**15. Annex I: Sanctions and Enforcement**

**The requirement**

15.1 The requirement is for regulators to be granted the powers to ensure compliance with the requirements of the Bill.

**Buildings in scope**

15.2 Applies to category 1, category 2 and category 3 buildings.

**Assumed activities**

Number and level of incidents

- Incidents are categorised as minor, medium or major;
- It is assumed that:
  - = 15% of category 1 buildings have a minor incident per annum;
  - = 10% have a medium incident per annum;
  - = 5% have a major incident per annum;
- For category 2 and category 3 buildings, it is assumed that the number of incidents is proportionate to the number of flats in the building compared with the equivalent category 1 building;
- For converted houses/flats over shops, it is assumed that only minor incidents will occur (none will be subject to a medium or major incident).

Issuing a notice

- It is assumed that:
  - = 80% of major incidents attract an informal notice – assumed to be a letter requiring issue is addressed;
  - = 70% of medium incidents attract an informal notice – assumed to be a letter requiring issue is addressed;

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= And 60% of minor incidents attract an informal notice – assumed to be a letter requiring issue is addressed;

Formal Notices

- For category 1 buildings, it is assumed that:
  - = 30% of buildings are issued with a compliance notice;
  - = 5% of buildings are issued with an urgent action notice;
  - = 10% of buildings are issued with an information notice;
  - = 10% of buildings are issued with a fixed penalty notice;
  - = 3% of buildings are subject to legal proceedings.
- For category 2 and category 3 buildings, it is assumed that
  - = 10% of medium/major incidents that receive an informal notice also get a formal notice – assumed to be a compliance/fixed penalty notice from the regulator with a threat of legal action;
  - = It is assumed that 10% of major and 2% of medium incidents that receive a formal notice then attract legal action – assumed to involve legal proceedings;
  - = It is then assumed that 10% of major incidents that commence legal proceedings result in prosecution;

15.3 Table 15.1 sets out details of the common assumptions used to cost activities required to comply with the Sanctions and Enforcement requirements.

Table 15.1: Common assumptions used to cost activities required to comply with the Sanctions and Enforcement requirements												
ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)

				cost/annual ongoing costs								
9_1	buildings in scope				yes	yes	yes	yes	yes		Policy	1
9_2	activities									estimates of the number and time required to investigate and enforce sanctions based on assumptions about different types of incidents (minor/medium/major) and the type of sanction (informal, formal, legal proceedings, prosecution)	Policy	1
9_3	number of major incidents per building per annum - % of building stock		% of all buildings	annual	5%	4%	2%	0%	-	estimate of the proportion of building with a major incident that needs to be investigated by the regulator - estimates assume number of incidents is proportional to the number of flats in a building for Cat 2 and that for Cat 3 the ratio is 50% of the Cat 2 rate	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_4	number of medium incidents per building per annum - % of building stock		% of all buildings	annual	10%	7%	4%	1%	-	estimate of the proportion of building with a medium incident that needs to be investigated by the regulator	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_5	number of minor incidents per building per annum - % of building stock		% of all buildings	annual	15%	11%	5%	1%	1%	estimate of the proportion of building with a minor incident that needs to be investigated by the regulator	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_6	proportion of major incidents that result in informal notice		% of incidents	annual	80%	80%	80%	80%	80%	estimate of the proportion of incidents that are found to have an issue that can be rectified with an informal notice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_7	proportion of medium incidents that result in informal notice		% of incidents	annual	70%	70%	70%	70%	70%	estimate of the proportion of incidents that are found to have an issue that can be rectified with an informal notice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3

9_8	proportion of minor incidents that result in informal notice		% of incidents	annual	60%	60%	60%	60%	60%	estimate of the proportion of incidents that are found to have an issue that can be rectified with an informal notice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_9	% of incidents that get escalated to formal notices as % of cases in year 4 onwards ('steady state') - year 1		% of incidents	annual		25%	25%	25%	25%	assume that in first 3 years of the policy, that regulators do not use formal sanctions in as many cases as in subsequent years - focus in initial years is assumed to be using informal sanctions to address issues	consultants estimate - based on discussion with WG policy team	2
9_10	% of incidents that get escalated to formal notices as % of cases in year 4 onwards (steady state) - year 2		% of incidents	annual		50%	50%	50%	50%	assume that in first 3 years of the policy, that regulators do not use formal sanctions in as many cases as in subsequent years - focus in initial years is assumed to be using informal sanctions to address issues	consultants estimate - based on discussion with WG policy team	2
9_11	% of incidents that get escalated to formal notices as % of cases in year 4 onwards (steady state) - year 3		% of incidents	annual		75%	75%	75%	75%	assume that in first 3 years of the policy, that regulators do not use formal sanctions in as many cases as in subsequent years - focus in initial years is assumed to be using informal sanctions to address issues	consultants estimate - based on discussion with WG policy team	2
9_12	proportion of major incidents that result in formal notice - yr 4 onwards		% of incidents	annual		8%	8%	8%	8%	estimate of the proportion of incidents that are found to have an issue that require a formal notice to be issued	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_13	proportion of medium incidents that result in formal notice - yr 4 onwards		% of incidents	annual		7%	7%	7%	7%	estimate of the proportion of incidents that are found to have an issue that require a formal notice to be issued	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_14	proportion of minor incidents that result in		% of incidents	annual		-	-	-	-	estimate of the proportion of incidents that are found to have an issue that require a formal notice to be issued	consultants estimates - Cat 1 estimates	3

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	formal notice- yr 4 onwards										tested with MHCLG/HSE	
9_15	proportion of major incidents where the regulator starts legal proceedings - yr 4 onwards		% of incidents	annual		0.8%	0.8%	0.8%	0.8%	estimate of the proportion of incidents that are found to have an issue that require a legal proceedings to be started against the PAP	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_16	proportion of medium incidents where the regulator starts legal proceedings - yr 4 onwards		% of incidents	annual		0.1%	0.1%	0.1%	0.1%	estimate of the proportion of incidents that are found to have an issue that require a legal proceedings to be started against the PAP	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_17	proportion of minor incidents where the regulator starts legal proceedings - yr 4 onwards		% of incidents	annual		-	-	-	-	estimate of the proportion of incidents that are found to have an issue that require a legal proceedings to be started against the PAP	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_18	proportion of major incidents that result in a prosecution - yr 4 onwards		% of incidents	annual		0.1%	0.1%	0.1%	0.1%	estimate of the proportion of incidents that are found to have an issue that is prosecuted through the courts	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_19	proportion of medium incidents that result in a prosecution - yr 4 onwards		% of incidents	annual		-	-	-	-	estimate of the proportion of incidents that are found to have an issue that is prosecuted through the courts	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_20	proportion of minor incidents that result in a prosecution - yr 4 onwards		% of incidents	annual		-	-	-	-	estimate of the proportion of incidents that are found to have an issue that is prosecuted through the courts	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_21	time for initial investigation of a major incident -	Regulator	hrs per incident	annual	7.5	7.5	7.5	7.5	7.5	consultants estimate - most incidents will require a site visit	consultants estimate - Cat 1 estimates informed by	2

	regulator time (hr) per incident										information provided by MHCLG / HSE/FRS on other enforcement regimes	
9_22	time for initial investigation of a medium incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	2	2	2	2	2	consultants estimate - some incidents will require a site visit	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_23	time for initial investigation of a minor incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	0.5	0.5	0.5	0.5	0.5	consultants estimate - few incidents will require a site visit	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_24	time to issue an informal notice major incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	3.75	3.75	3.75	3.75	3.75	time to complete a letter to send to PAP to request the issue is addressed	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2

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9_25	time to issue an informal notice medium incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	3.75	3.75	3.75	3.75	3.75	time to complete a letter to send to PAP to request the issue is addressed	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_26	time to issue an informal notice minor incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	1	1	1	1	1	time to complete a letter to send to PAP to request the issue is addressed	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_27	time to issue a formal notice major incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	33.75	33.75	33.75	33.75	33.75	time based on HSE / FRS estimates of time to handle investigation and issuing of notice	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_28	time to issue a formal notice medium incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	18.75	18.75	18.75	18.75	18.75	time based on HSE / FRS estimates of time to handle investigation and issuing of notice	consultants estimate - Cat 1 estimates informed by information provided by MHCLG /	2

											HSE/FRS on other enforcement regimes	
9_29	time to start legal proceedings major incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	7.5	7.5	7.5	7.5	7.5	time based on HSE / FRS estimates of time to handle investigation and issuing of notice	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_30	time to issue a formal notice medium incident - regulator time (hr) per incident	Regulator	hrs per incident	annual	7.5	7.5	7.5	7.5	7.5	time based on HSE / FRS estimates of time to handle investigation and issuing of notice	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_31	time to investigate a major incident and prosecute - regulator time (hr) per incident	Regulator	hrs per incident	annual	97.5	97.5	97.5	97.5	97.5	time based on HSE / FRS estimates of time to handle investigation and issuing of notice	consultants estimate - Cat 1 estimates informed by information provided by MHCLG / HSE/FRS on other enforcement regimes	2
9_32	time for initial investigation of a major incident -	Industry	hrs per	annual	5	5	5	5	5	assume some time required to engage with regulator	consultants estimates - Cat 1 estimates	3

	PAP time (hr) per incident		incident								tested with MHCLG/HSE	
9_33	time for initial investigation of a medium incident - PAP time (hr) per incident	Industry	hrs per incident	annual	1	1	1	1	1	assume some time required to engage with regulator	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_34	time for initial investigation of a minor incident - PAP time (hr) per incident	Industry	hrs per incident	annual	0	0	0	0	0	assume PAP is not involved in the investigation of minor incidents	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_35	time to issue an informal notice major incident - PAP time (hr) per incident	Industry	hrs per incident	annual	8	8	8	8	8	estimate of time to review notice and respond	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_36	time to issue an informal notice medium incident - PAP time (hr) per incident	Industry	hrs per incident	annual	4	4	4	4	4	estimate of time to review notice and respond	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_37	time to issue an informal notice minor incident - PAP time (hr) per incident	Industry	hrs per incident	annual	2	2	2	2	2	estimate of time to review notice and respond	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_38	time to issue a formal notice major incident - PAP time (hr) per incident	Industry	hrs per incident	annual		14	14	14	14	estimate of time to review notice and get legal advice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_39	time to issue a formal notice medium incident - PAP time (hr) per incident	Industry	hrs per incident	annual		7	7	7	7	estimate of time to review notice and get legal advice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3

9_40	time to start legal proceedings major incident - PAP time (hr) per incident	Industry	hrs per incident	annual		13	13	13	13	estimate of time to review notice and get legal advice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_41	time to issue a formal notice medium incident - PAP time (hr) per incident	Industry	hrs per incident	annual		1	1	1	1	estimate of time to review notice	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_42	time to investigate a major incident and prosecute - PAP time (hr) per incident	Industry	hrs per incident	annual	305	305	305	305	305	assumption based on PRP experience of expert inquiry work for building owners	consultants estimates - Cat 1 estimates tested with MHCLG/HSE	3
9_43	% of Cat 1 buildings issued with a compliance notice		% of buildings	annual	30%					Estimate of the % of Cat 1 building being issued with a compliance notice each year	WG Assumptions	
9_44	% of Cat 1 buildings issued with an urgent action notice		% of buildings	annual	5%					Estimate of the % of Cat 1 building being issued with an urgent action notice each year	WG Assumptions	
9_45	% of Cat 1 buildings issued with an information notice		% of buildings	annual	10%					Estimate of the % of Cat 1 building being issued with an information notice each year	WG Assumptions	
9_46	% of Cat 1 buildings issued with a fixed penalty notice		% of buildings	annual	10%					Estimate of the % of Cat 1 building being issued with a fixed penalty notice each year	WG Assumptions	
9_47	% of Cat 1 buildings – offence triable either way		% of buildings	annual	2.93%					Estimate of the % of Cat 1 building that have an offence triable either way	WG Assumptions	

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9_48	% of Cat 1 buildings – offence triable either way – legal support	Regulator	% of buildings	annual	1.46%					Assumption that 50% of offences triable either way will require legal support	WG Assumptions	
9_49	Cost of Cat 1 buildings issued with a compliance notice	Regulator	Cost per incident	annual	£267					Cost estimated based assuming 3-8 hrs of time required per incident	WG Assumptions	
9_50	Cost of Cat 1 buildings issued with an urgent action notice	Regulator	Cost per incident	annual	£267					Cost estimated based assuming 3-8 hrs of time required per incident	WG Assumptions	
9_51	Cost of Cat 1 buildings issued with an information notice	Regulator	Cost per incident	annual	£105					Cost estimated based assuming 1-5 hrs of time required per incident	WG Assumptions	
9_52	Cost of Cat 1 buildings issued with a fixed penalty notice	Regulator	Cost per incident	annual	£142					Cost estimated based assuming 2-3 hrs of time required per incident	WG Assumptions	
9_53	Cost of Cat 1 buildings – offence triable either way	Regulator	Cost per incident	annual	£2,854					Cost estimated based assuming 30-50 hrs of time required per incident	WG Assumptions	
9_54	Cost of Cat 1 buildings – offence triable either way – legal support	Regulator	Cost per incident	annual	£23,737					Cost estimated based assuming £18k to £30k of cost per incident	WG Assumptions	

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## 16. Annex J: Building Registration

### The requirement

16.1 The requirement is for buildings in scope to submit building registration information.

### Buildings in scope

16.2 Applies to both category 1 and category 2 buildings.

### Assumed activities

- It is assumed that BSAs spend an average of £10,000 each in Year 1 to establish a database for storing building registration information and spend 0.5 days per month maintaining the database;
  - BSAs then request registration information from all PAPs phased over 5 years;
  - All APs spend time assembling and submitting the registration information in Years 1-5;
  - BSAs then review the registration information for all buildings and inform the AP that the building is registered;
  - All APs submit re-registration information after 5 years (in Year 6).
- 16.3 Table 16.1 sets out details of the common assumptions used to cost activities required to comply with the Building Registration requirements:

**Table 16.1: Common assumptions used to cost activities required to comply with the Building Registration requirements**

ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
10_1	Buildings in scope				yes	yes	no	no	no	Cat 1 and 2	Policy	1
10_2	Activities									PAPs to submit registration form and BSA to review the information and check for completeness	Policy	1
10_3	proportion of buildings registering per annum - % of stock p.a.		% of all buildings	Transition	100%	20%				assume that all Cat 1 buildings are registered in Year 1 and Cat 2 buildings are registered over a 5 year period	consultants judgement	3
10_4	re-registration timing and costs									assume all buildings are required to re-register after 5 years - costs to PAP and BSA are assumed to be the same as initial registration	consultants judgement	3
10_5	time for PAP to submit registration information (hrs per building)	Industry	hrs per building	one off	0.25	0.25				note - this is just assumed to be the cost of submitting the information, inputting the data about buildings is costed separately	consultants judgement	3
10_6	time for BSA to receive and review information (hrs per building)	Regulator	hrs per building	one off	8	3				time includes logging registration and reviewing information	consultants judgement	3

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10_7	Cat 1 only - time for BSA to contact PAPs that have not submitted information	Regulator	hrs per building	one off	0.08	0.08				assume 10% of Cat 1 PAPs will need the BSA to contact them to ensure the information is submitted	consultants judgement	3
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## 17. Annex K: Building Certificate

### The requirement

17.1 The requirement for buildings in scope to apply for a building certificate and for BSAs to provide a certificate when they are satisfied that the information submitted confirms that the PAP/AP are complying with their duties under the regime.

### Buildings in scope

17.2 Only Cat 1 buildings are required to apply for a Building Certificate.

### Assumed activities

- It is assumed that 20% of building per annum are requested to submit information for a Building Certificate
- PAPs submit safety case report, RES, details of the complaints system and MOR
- BSA reviews the information submitted by the PAP
- BSA coordinates with FSA regarding higher risk/complex Cat 1 buildings and inspects as part of Building Certificate.
- BSA issues a Building Certificate, which must be displayed in the building

17.3 Table 17.1 sets out details of the common assumptions used to cost activities required to comply with the Building Certificate requirement.

**Table 17.1: Common assumptions used to cost activities required to comply with the Building Certificate requirements**

ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Cat 1 (18m+) assumption	Cat 2 (11-18m) assumption	Cat 3 (large block of flats) assumption	Cat 3 (small block of flats) assumption	Cat 3 (converted house) assumption	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
11_1	Buildings in scope				yes	no	no	no	no	Cat 1 only	policy	1
11_2	Activities									BSA to review safety case including complaints system, residents' engagement strategy and occurrence recording and reporting. Assume the review will also involve building inspections	policy	1
11_3	phasing - % of buildings reviewed per annum		% of all buildings	transition	20%					assume the reviews are undertaken over a 5 year period - 20% per annum	consultants judgement	3
11_4	proportion of buildings that are low activity buildings to review		% of all buildings	transition	40%					estimate of proportion of buildings that are low risk that should be more straightforward to review	WG estimate	2
11_5	proportion of buildings that are mid activity/medium complex buildings to review		% of all buildings	transition	40%					estimate of proportion of buildings that are mid risk and should take an average time to review	WG estimate	2

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11_6	proportion of buildings that are high activity/complex buildings to review		% of all buildings	transition	15%					estimate of proportion of buildings that are high risk and have some complex issues that will take longer to review	WG estimate	2
11_6a	proportion of buildings that are very high activity/very complex buildings to review		% of all buildings	transition	5%					estimate of proportion of buildings that are high risk and have very complex issues that will take longer to review	WG estimate	2
11_7	time for PAP to submit documents for BC (hrs)	Industry	hrs per building	one-off cost	2					time for PAP to check and submit document for Building Certificate (cost of preparing documents included under specific heading - safety cases, residents engagement, MOR)	industry experience of preparing documents to submit for building control approval	2
11_8	time for BSA to review safety case - low activity (hrs per building)	Regulator	hrs per building	one-off cost	18					based on estimated time required for administrator, technical officer and structural engineer	WG estimates	2
11_9	time for BSA to review safety case – medium activity (hrs per building)	Regulator	hrs per building	one-off cost	37					based on estimated time required for administrator, technical officer and structural engineer	WG estimates	2

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11_10	time for BSA to review safety case - high activity (hrs per building)	Regulator	hrs per building	one-off cost	56				based on estimated time required for administrator, technical officer and structural engineer	WG estimates	2
11_10a	time for BSA to review safety case – very high activity (hrs per building)	Regulator	hrs per building	one-off cost	93				based on estimated time required for administrator, technical officer and structural engineer	WG estimates	
11_11	administrative time to log application and issue certificate (hrs per building)	Regulator	hrs per building	one-off cost	5				time to complete certificate and issue - all buildings	consultants judgement	3
11_12	time for PAP to accompany inspections - mid activity (hrs per building)	Industry	hrs per building	one-off cost	2				assume short site visit require with PAP in attendance	consultants judgement	3
11_13	time for PAP to accompany inspections - high and very high activity (hrs	Industry	hrs per building	one-off cost	6				assume long site visit require with PAP in attendance	consultants judgement	3

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	per building)										
11_14	cost to display BC certificate (£ per building)	Industry	£ per building	one-off cost	£30				estimated on-off cost to install a sign to display certificate	consultants judgement	3

## 18. Annex L: Tribunals

### The requirement

18.1 The requirement is to establish a tribunal panel to enable PAPs and APs to appeal against decision made by the regulator.

### Buildings in scope

18.2 Assumptions are not building specific but based on estimate number of tribunal cases per annum

### Assumed activities

- Costs include training and recruitment of panel members;
- Administration costs for the coordinating the panel;
- Costs of Tribunal cases – including appeals against fixed penalty notices and other sanctions’

18.3 Table 18.1 sets out details of the common assumptions used to cost activities required to comply with the Tribunals requirement.

Table 18.1: Common assumptions used to cost activities required to comply with the Tribunals requirement								
ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Assumptions	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
12_1	buildings in scope					Assumptions are not building specific	policy	1
12_2	activities					training and recruitment of tribunal panel, administration of panel, tribunal cases	policy	1

12_3	training and recruitment costs (£)	Regulator	£ per annum	one-off cost	£ 40,500	costs of training and recruitment provided by WG - not related to building types	information provided by WG	2
12_4	administration costs	Regulator	£ per annum	annual ongoing	£ 44,633	based on 1 FTE Executive Officer salary	information provided by WG	2
12_5	number of tribunal cases - excluding fixed penalty notices		number of cases	annual ongoing	17.5		information provided by WG	2
12_6	number of tribunal cases - including fixed penalty notices		number of cases	annual ongoing	2000		information provided by WG	2
12_7	cost to regulator per case	Regulator	£ per building	annual ongoing	£ 2,373	daily fee for 1 legal member, 1 professional member and 1 lay member, with travel and subsistence costs and venue hire for the hearing.	information provided by WG	2
12_8	PAP time to prepare evidence for appeal to tribunal (time per case)	Industry	hrs per case	annual ongoing	12	estimates by PRP to prepare evidence and submit appeal	consultants judgement	3
12_9	PAP - legal time to support appeal (non FPN only) - time per case	Industry	hrs per case	annual ongoing	7	estimates by PRP for legal support and time to review appeal - assume not required for fixed penalty notices	consultants judgement	3

**19. Annex M: Other Costs**

**The requirement**

19.1 The requirement for Welsh Government to provide guidance to residents, PAPs/APs and BSA / FSA.

**Buildings in scope**

19.2 Assumptions are not building specific but based on estimate number of BSA / FSA

19.3 To prepare guidance for the new regime, Option 2 is assumed to cost 60% of Option 3

**Assumed activities**

- Welsh Government to prepare handbook for residents;
- Welsh Government to prepare guidance for handling complaints;
- Welsh Government to prepare guidance for building registrations;
- BSA to develop and maintain an IT system for receiving and storing building registration and building certificate information (for Option 2 a database is only required for Building Safety Authorities that have an 18m+ building in their area, all Building Safety Authorities will require a database for Option 3).

19.4 Table 19.1 sets out details of the common assumptions used to cost activities required to meet the other regulatory requirements:

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**Table 19.1: Common assumptions used to cost activities required to meet the other regulator requirements**

ID	Assumption	Industry / Regulator Costs	Type of metrics - hrs, £, %	Type of assumption - e.g. one-off transition cost/annual ongoing costs	Assumptions below are not building specific	Plain English description with key details	Methodology behind assumption / input	Quality Rating (RAG)
14_1	WG to prepare guidance across the new Building Safety Regime	Welsh Government		one-off	£485,203	Estimate of time required to prepare guidance and translate the documents.	WG assumption	
14_2	WG to prepare an annual report	Welsh Government		annual	£4,015		WG assumption	
14_3	BSA to develop or purchase IT system to receive and store building safety documents and registration information	Regulator	cost per regulator	one-off	£20,000	assume £20,000 to establish a database for storing registration information based on products available on market	consultants estimate based on cost of simple database and data provided by RentSmart Wales	2
14_4	BSA time to maintain registration database - each BSA	Regulator	days	annual ongoing	6	assume 0.5 days per month to maintain the register	consultants estimate	3
14_5	Annual cost to maintain IT system to receive and store building safety documents and registration information	Regulator	cost per BSA	annual ongoing	£10,000	assume annual cost of £10000 to maintain the database	consultants estimate based on cost of simple database and data provided by RentSmart Wales	2
14_6	Criminal legal aid and courts	Welsh Government	cost	Annual ongoing	£11,632	Estimated cost	Welsh Government estimate	
14_7	Project Management	BSA	FTE	Implementation costs	3	Assume 3 FTE for 6 months to manage implementation of the new regime	Welsh Government estimate	
14_8	Cat 1 Registrations, key building information, fee	BSA	FTE	Implementation costs	9	Assume staff recruited 3 months in advance to prepare	Welsh Government estimate	

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	collection, residents complaints							
14_9	Cat 1 Registrations	BSA	cost	Implementation costs	£7000	Assumed training costs	Welsh Government estimate	
14_10	Cat 1 Registrations	BSA	cost	Implementation costs	£50000	Assumed communication strategy	Welsh Government estimate	
14_11	Key building information	BSA	FTE	Implementation costs	1.5	Assume expert advice required for 3 months in advance to prepare	Welsh Government estimate	
14_12	Key building information	BSA	cost	Implementation costs	£7000	Assumed training costs	Welsh Government estimate	
14_13	Determinations and reviewable decisions	BSA	FTE	Implementation costs	3	Assume staff recruited 1 months in advance to prepare	Welsh Government estimate	
14_14	Preparing guidance	BSA	Hrs	Implementation costs	30hrs	Assumed input per local authority	Welsh Government estimate	
14_15	Cat 2 training requirement	BSA	Cost	Implementation costs	£200k	Total estimated cost of preparing for Cat 2 building requirements	Welsh Government estimate	

## 20. Annex N: Aggregating the Cost per Building

20.1 The costs are aggregated to the level of local authorities and then to the national level using the estimated number of buildings that best match the reference buildings that the costs have been assessed for.

### Number of buildings

20.2 Table 20.1 shows the estimated number of buildings in scope in 2024, broken down by reference building type.

Table 20.1: Estimated number of buildings in scope in 2024, broken down by reference building type.	
Reference buildings	Estimated number buildings (2024)
Residential building at least 18m	180
Residential buildings 11-18m	449
Other Purpose Built Flats - large	62
Other Purpose Built Flats - small	6,094
Converted Houses / Flats over Shops	44,657
Sheltered accommodation	375
Purpose Built Student Accommodation	17

20.3 Table 21.2 shows the projected building numbers in scope, from 2027 to 2036 (the appraisal period), broken down by reference building type.

Table 21.2 Projected building numbers in scope, from 2027 to 2036, broken down by reference building type										
	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Residential building - 18m+ (category 1 buildings)										
Building Numbers - Existing	180	-	-	-	-	-	-	-	-	-
Building Numbers - New Completions	4	4	4	4	4	4	4	4	4	4
Building Numbers - Cumulative Occupied Buildings	180	184	188	192	196	200	204	208	212	216
Purpose built large flats (11-18m)										
Building Numbers - Existing	449									
Building Numbers - New Completions	9	9	9	9	9	9	9	9	9	9
Building Numbers - Cumulative Occupied Buildings	449	458	467	476	485	494	503	512	521	530
Purpose built large flats (<11m)										
Building Numbers - Existing	62									
Building Numbers - New Completions	3	3	3	3	3	3	3	3	3	3
Building Numbers - Cumulative Occupied Buildings	62	65	68	71	74	77	80	83	86	89
Purpose built small flats										
Building Numbers - Existing	6,094									
Building Numbers - New Completions	43	43	43	43	43	43	43	43	43	43
Building Numbers - Cumulative Occupied Buildings	6,094	6,137	6,180	6,223	6,266	6,309	6,352	6,395	6,438	6,481
Converted houses/flats over shops										
Building Numbers - Existing	44,657									
Building Numbers - New Completions	50	50	50	50	50	50	50	50	50	50
Building Numbers - Cumulative Occupied Buildings	44,657	44,707	44,757	44,807	44,857	44,907	44,957	45,007	45,057	45,107
Sheltered accommodation										

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Building Numbers - Existing	375									
Building Numbers - New Completions	11	11	11	11	11	11	11	11	11	11
Building Numbers - Cumulative Occupied Buildings	375	386	398	409	420	431	443	454	465	476
Student accommodation										
Building Numbers - Existing	17									
Building Numbers - New Completions	1	1	1	1	1	1	1	1	1	1
Building Numbers - Cumulative Occupied Buildings	17	18	18	19	20	20	21	22	22	23

**21. Annex O: Options appraisal process - full list of policy options considered**

- **Other options considered include**
  - = Previous main option - category 1 duties for 18m+; category 2 duties for all other multi occupied buildings under 18m and Fire Safety Provision for HMO
  - = Current Option 2: All multi-occupied residential buildings at least 18m subject to category 1 duties. Multi-occupied residential buildings below 18m (and HMO) subject to fire safety provisions only;
  - = Current Option 3: All multi-occupied residential buildings at least 18m subject to category 1 duties; multi-occupied residential buildings between 11-18m subject to category 2 duties; multi-occupied residential building below 11m subject to category 3 duties; relevant HMO subject to the fire safety provisions only.
- **Option A – All multi-occupied residential buildings at least 11m (or 5 or more storeys) with at least 2 residential units (retaining category 1 and category 2 duties split at 18m). (multi-occupied residential building below 11m subject to fire safety provisions only)**
  - = Remove buildings below 11m from wider category 2 duties (but making them subject to the fire safety duties in the FSO in line with fire safety policy requirement). Buildings below 11m would have fire safety duties undertaken by RPs and would not have APs and PAs. Current best estimate is 350-500 buildings of 11-18m in Wales. (310 buildings are currently within the WBSF programme. However, it is recognised some buildings are not in the programme, so the figure is likely to be higher). This approach would significantly reduce the number of buildings in scope of the wider category 2 building safety duties from an estimated 60,000. category 1 duties will continue to apply to 180 buildings of 18m or more.
- **Option B – All multi-occupied residential buildings at least 11m (or 5 or more storeys) with at least 2 residential units subject to all category 1 duties in wider Building Safety regime (multi-occupied residential building below 11m subject to fire safety provisions only)**
  - = Remove buildings below 11m from scope of the regime (but making them subject to the fire safety duties in the FSO in line with fire safety policy requirement) as in option 1. Buildings above 11m would be subject to all category 1 duties. There are an

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estimated 350-500 buildings between 11 and 18 metres in Wales. This would significantly reduce the number of buildings in scope of the wider building safety regime from 60,000 to estimated 530-680 buildings, but all would be subject to category 1 duties.

- **Option C – All multi-occupied residential buildings at least 18m (or 7 or more storeys) with at least 2 residential units (category 1 buildings).** (multi-occupied residential building below 18m subject to fire safety provisions only)
  - = Remove buildings below 18m from scope of the regime (but making them subject to the fire safety duties in the FSO in line with fire safety policy requirement). There are 180 buildings at least 18 metres in Wales. This would significantly reduce the number of buildings in scope of the wider building safety regime from 60,000 to estimated 180 buildings all of which would be subject to category 1 duties.
- **Option D – All multi-occupied residential buildings with two or more residential units where there is a shared entrance (building with flats that do not have a shared entrance subject to fire safety provisions only)**
  - = Removing flats without shared entrances from the wider regime provisions (but making them subject to the fire safety duties in the FSO in line with fire safety policy requirement). Current estimates suggest there are approx. 52,000 converted houses and small buildings containing only two flats. Some of these flats will have their own independent entrances, and therefore residents will not share access with another resident. We do not currently have data on how many of these buildings there are. But as an example, if a quarter of these buildings did not share an entrance, this approach could remove 13,000 buildings from the wider regime duties. Based on that estimate, it would reduce the number of buildings in the regime to approx 47,000 and go some way to reducing the identified costs and impacts on the regulator and industry. As an alternative we could also test if they formed half of the total to see how the costs might change if 26,000 buildings were removed from the wider duties leaving 34,000 category 2 buildings in the regime. Category 1 duties will continue to apply to 180 buildings of 18m or more
- **Option E – remove small Cat 2 buildings (converted houses with 2 flats)**
  - = Remove houses converted into 2 flats from the wider regime provisions (but making them subject to the fire safety duties in the FSO in line with fire safety policy requirement). Current estimates suggest there are approx. 52,000 converted houses and small buildings containing only two flats. This would reduce the number of buildings in category 2 to approximately 8,000. Category 1 duties will continue to apply to 180 buildings of 18m or more

Jeremy Miles AS/MS  
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol  
Cabinet Secretary for Health and Social Care

Agenda Item 7.4



Llywodraeth Cymru  
Welsh Government

Peter Fox MS  
Chair  
Health and Social Care Committee  
[seneddhealth@senedd.wales](mailto:seneddhealth@senedd.wales)

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
[SeneddLJC@senedd.cymru](mailto:SeneddLJC@senedd.cymru)

24 February 2026

Dear Peter and Mike

Thank you for the Health and Social Care Committee's report about the Supplementary Legislative Consent Memorandum (Memorandum No.3) on the Terminally Ill Adults (End of Life) Bill. I enclose my response to the recommendations set out in the report.

You will note in the response to recommendation one, I refer to the Legislation, Justice and Constitution Committee's report about the same memorandum and my response to that report. I have sought to clarify my response to that committee, which is why I am also addressing this letter to the chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

**Jeremy Miles AS/MS**  
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol  
Cabinet Secretary for Health and Social Care

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Jeremy.Miles@llyw.cymru](mailto:Gohebiaeth.Jeremy.Miles@llyw.cymru)  
[Correspondence.Jeremy.Miles@gov.wales](mailto:Correspondence.Jeremy.Miles@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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## **The Welsh Government's Legislative Consent Memorandum (Memorandum No.3) on the Terminally Ill Adults (End of Life) Bill**

### **Welsh Government response to the Health and Social Care Committee Report**

**February 2026**

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In February 2026, the Health and Social Care Committee submitted its report on the Welsh Government's Legislative Consent Memorandum (No.3) for the Terminally Ill Adults (End of Life) Bill. The report includes two recommendations. This is the Welsh Government's response to those recommendations.

The Terminally Ill Adults (End of Life) Bill, introduced as a Private Member's Bill in the House of Commons, seeks to provide adults who are terminally ill with the choice to request assistance to end their own life, subject to safeguards and protections contained in the Bill.

The Welsh Government welcomes the Health and Social Care Committee's report about the legislative consent memorandum (memorandum No.3) for the Terminally Ill Adults (End of Life) Bill. The committee's scrutiny plays an important role in ensuring that policy and legislation are subject to thorough examination, particularly in relation to matters as sensitive and significant as voluntary assisted dying.

I note the committee's neutrality about the principle of voluntary assisted dying, and its focus on the provisions in the Bill, which are the subject of the legislative consent memoranda laid before the Senedd. I also recognise the committee's view that the forthcoming consent debate on 24 February 2026 is not a debate about the principle of assisted dying itself, but about whether the Senedd consents to those provisions. I agree this is an important distinction.

The Welsh Government remains committed to working constructively with the UK Government and the Bill's sponsors to ensure the devolution settlement is respected and the interests of Wales are considered as the Bill progresses.

The Welsh Government will continue to engage constructively with the Senedd and all relevant partners to support effective scrutiny and understanding of the implications for Wales.

I thank members of the committee for their consideration of memorandum No.3. I set out below my responses to the committee's recommendations.

## Response to recommendations

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### Recommendation 1

The committee recommends that

In advance of the consent debate, the Cabinet Secretary should set out:

- why he has chosen to include only the five amendments tabled by the Bill sponsor to the four clauses named in Memorandum No.3; and
- given the likelihood that at least some of the other amendments to those clauses will have regard to devolved matters, what assessment he has made of those amendments in that regard and why they have been omitted from Memorandum No.3.

Response: Accept

Given the unique nature of this Private Member's Bill, its extended passage through the House of Lords Committee Stage, and the unprecedented volume of amendments tabled, the Welsh Government has taken a pragmatic approach to preparing the legislative consent memoranda for this Bill.

Under Standing Order 29, the Welsh Government is required to bring forward a memorandum in respect of (non-government) amendments that are agreed and make provision in relation to Wales, which have regard to devolved matters. There is no obligation to undertake a full analysis of all amendments that have not yet been agreed by the UK Parliament.

In this context, the Welsh Government undertook detailed assessment of the key amendments tabled in the House of Lords by the Bill Sponsor up to 18 December 2025.

In my response<sup>1</sup> to the Legislation, Justice and Constitution (LJC) Committee's report on SLCM (No.3)<sup>2</sup>, I stated this assessment was to key amendments – namely those amendments to provisions already covered by legislative consent memoranda, or which proposed entirely new clauses. That assessment led to amendments 804 and 808 to clause 49 being included in SLCM (No.3).

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<sup>1</sup> [Welsh Government response to the Legislation Justice and Constitution Committees report on Memorandum.pdf](#)

<sup>2</sup> [cr-ld17763-en.pdf](#)

I want to make it explicitly clear that SLCM (No.3) also covers amendments which insert new subsections into the Bill which were specifically requested by the Welsh Government, either by its own accord or as a response to recommendations from Senedd committees.

This applies to amendment 784 to clause 47; to amendment 824 to clause 50 and amendment 877A to clause 55. All of these amendments have regard to devolved matters.

To avoid further confusion and reflecting on this committee's and the LJC committee's comments, I have explicitly stated in SLCM (No.4), which was laid on 16 February, the rationale behind including the amendment to clause 4 in that SLCM, as well as other key amendments. Namely, that the amendment to clause 4 is also an amendment requested by the Welsh Government in response to Senedd committee scrutiny.

If any other amendments are considered and subsequently agreed by the House of Lords, and are assessed as meeting the test in Standing Order 29, the Welsh Government would bring forward further supplementary legislative consent memoranda.

Financial Implications – None

## **Recommendation 2**

The committee recommends that

In advance of the consent debate, the Cabinet Secretary should provide further information about his decision to adopt a narrow approach when deciding which provisions of the Bill have regard to devolved matters and are therefore subject to a consent request. A direct consequence of this decision is to potentially limit the involvement of the Senedd in a decision of considerable public importance in an extensively devolved policy area. Given the significance of the subject matter and the strength of the public interest arguments, we believe that the Cabinet Secretary should put more information on his decision into the public domain, and that to do so would be possible without compromising the legal advice he has been given on this matter.

Response: Accept

As I have set out previously, the Welsh Government's assessment of which provisions require Senedd consent is grounded in Standing Order 29 and an evaluation of whether the relevant provisions of the Bill have regard to devolved matters.

The Welsh Government's analysis concluded that only the clauses identified in the legislative consent memoranda meet that test and therefore require the consent of the Senedd. The Bill's primary mechanism is the modification of the criminal offence in section 2 of the Suicide Act 1961, which concerns a restriction in paragraph 4 of Schedule 7B to the Government of Wales Act 2006. I remain committed to providing the Senedd with as much information as can be shared without compromising legal professional privilege, and to supporting scrutiny of the Bill where appropriate. Should further amendments be agreed by the House of Lords and assessed as meeting the Standing Order 29 test, the Welsh Government will bring forward additional supplementary legislative consent memoranda to ensure the Senedd is kept fully informed.

Financial Implications – None



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA-MDFWL-3074-25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

24 February 2026

Dear Mike

## **Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill**

I write further to your letter of 13 February requesting a written response to the recommendations in the Committee's Stage 1 report.

You refer to "a matter of long-standing parliamentary convention and of democratic courtesy that the Welsh Government responds in full to reports of Senedd committees". However, with the exception of responses to the Finance Committee, this is not the case for reports relating to legislation, where for primary legislation, the General Principles debate allows for the Senedd to discuss the conclusions of scrutiny committees.

I wrote in detail prior to the General Principles debate on recommendations 1 and 2, and my letter to the Economy, Trade, and Rural Affairs Committee of 12 January 2026, to which you were copied, set out:

- my intentions in respect of the powers under the Bill (recommendation 4);
- significant detail in respect of sections 46 and 47 (recommendation 9);
- my intention to bring forward amendments at Stage 2 in relation to a further 6 recommendations (namely 3, 5, 6, 7, 8 and 10).

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)  
[Gohebiaeth.Mark.Drakeford@llyw.cymru](mailto:Gohebiaeth.Mark.Drakeford@llyw.cymru)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Back Page 186**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Many of these issues were also discussed in the General Principles debate and I therefore did not consider a further written response was required. However, as you have requested it, please see below confirmation of my response to each of the recommendations made in this Committee's Stage 1 report.

### **Recommendation 1**

Prior to the Stage 1 debate on the general principles of the Bill, the Cabinet Secretary should publish a written statement explaining how the Cabinet Secretary assessed the Bill as compatible with Article 1 of Protocol 1 to the European Convention on Human Rights. That statement should include the Cabinet Secretary's rationale for concluding that:

- i. the interference with property rights is justified by being in the public interest; and
- ii. provisions in the Bill have a reasonable foundation and strike a fair balance between the demands of the general interest of the community and the protection of an individual's fundamental rights.

### **Government Response – Accept**

This was addressed in my letter to Committee of 9 January.

### **Recommendation 2**

Prior to the Stage 1 debate on the general principles of the Bill, the Cabinet Secretary should also explain whether he has identified any need to revise the conclusions on human rights in the Equality Impact Assessment as a result of evidence received during Stage 1.

### **Government Response – Accept**

As I set out in my letter of 9 January, I am happy to confirm this is has not been necessary, and I remain satisfied that the Bill is compliant with Convention rights.

### **Recommendation 3**

The Welsh Government should table amendments to the Bill to place a duty on Welsh Ministers to carry out a post-implementation review of the legislation.

### **Government Response – Accept**

The amendment was tabled and agreed at Stage 2, and is now included in the Bill.

### **Recommendation 4**

The Welsh Government should review the appropriateness of the delegated powers in the Bill, and consider whether any should be removed or limited.

### **Government Response – Accept**

The powers in the Bill have been reviewed, and I consider those that remain to be necessary. However, following the recommendations by LJC and ETRA Committees, a number of amendments were tabled and agreed at Stage 2, to either enhance the procedures for, or limit the scope of, some powers in the Bill. As a result, offences created in regulations are limited to summary only, punishable by fines. Of the powers currently included within the Bill, 75% are now subject to the Senedd approval procedure, which I believe is an appropriate balance.

### **Recommendation 5**

If the Welsh Government is minded to retain the powers in the Bill that enable a future Welsh Government to extend the scope of the Bill by regulations despite recommendation 4, the Welsh Government should table amendments to subject the

regulation-making power in section 5(1)(b) to an enhanced approval procedure that includes a requirement:

- i. for a minimum period of consultation, including with Senedd committees; and
- ii. to make a statement before any such regulations are made, detailing the outcome of that consultation (including areas of agreement and disagreement with stakeholders) and accordingly how the regulations have taken account of engagement with stakeholders.

### **Government Response – Accept**

I tabled an amendment, agreed at Stage 2, to consult for a 12-week period prior to the use of the power under paragraph 5(1)(b). The power itself is already subject to the Senedd approval procedure, and, in addition, Standing Orders require an Explanatory Memorandum to be published alongside any regulations laid, which includes a section on consultation, and covers the matters in part ii of your recommendation. I believe this is sufficient for the Senedd to fulfil its role in scrutinising regulations under this section and making an informed decision.

### **Recommendation 6**

The Welsh Government should table an amendment to section 25 of the Bill to include on its face the new criminal offences that would apply in relation to visitor accommodation licences.

### **Government Response – Accept**

I tabled amendments, agreed at Stage 2, removing the power to prescribe offences for section 25, as on further reflection, the only offences that would be relevant for expiry and renewal of a licence are those already set out on the face of the Bill.

### **Recommendation 7**

The Welsh Government should table amendments to section 57(4) of the Bill to subject the regulation making powers in section 27(2) to the Senedd approval procedure.

### **Government Response – Accept**

I tabled amendments, agreed at Stage 2, to make the powers in section 27 subject to the Senedd approval procedure.

### **Recommendation 8**

The Welsh Government should table amendments to section 57(4) of the Bill to subject the regulation-making powers in section 40(4) to the Senedd approval procedure.

### **Government Response – Accept**

I tabled amendments, agreed at Stage 2, to make the powers in section 40(4) subject to the Senedd approval procedure.

### **Recommendation 9**

The Welsh Government should table amendments to section 46(1) of the Bill to provide that the advertising and marketing requirements in that section, and to which the offence in section 47(1) relates, are to be made by regulations subject to the Senedd approval procedure.

### **Government Response – Reject**

The Bill already states what is required, which is simply the premises registration number and information about how to access the directory to use that number. Specifying the manner in which the information must be displayed will need to cover a

wide range of scenarios, such as types of providers, platforms, booking agents, advertising mediums etc. This type of operational detail is better suited to guidance.

This part of the Bill is, however, still under consideration for amendment at Stage 3, with a view to clarifying the obligations and liabilities of those captured by these requirements, especially third parties who advertise and/or market visitor accommodation.

### **Recommendation 10**

The Welsh Government should table amendments to sections 52 and 53 of the Bill to include on its face the new criminal offences that would apply in relation to cases where a Visitor Accommodation Provider dies, becomes incapacitated or becomes subject to an insolvency procedure, or otherwise ceases to exist.

### **Government Response – Accept**

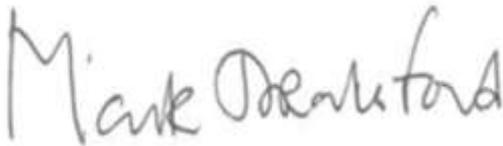
I tabled amendments, agreed at Stage 2, which amended the Bill in light of this recommendation.

I adopted a different approach, as I would not wish to pre-empt what may be necessary when making such provision, whilst ensuring the ongoing interaction between registration and licensing operates as intended in all circumstances. Instead, I have limited those powers such that they may create summary only offences punishable by a fine. This ensures all offences are consistent throughout the Bill, and that no such offences may carry a custodial sentence.

I hope this response is useful, and I would like to thank you and the Committee, for your considered scrutiny of the Bill.

I am copying this letter to the Chairs of the Economy, Trade and Rural Affairs Committee, and the Finance Committee, for information.

Yours sincerely,

A handwritten signature in blue ink that reads "Mark Drakeford". The signature is written in a cursive style and is contained within a light blue rectangular border.

### **Mark Drakeford AS/MS**

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg  
Cabinet Secretary for Finance and Welsh Language

Rt Hon Mark Drakeford MS  
Cabinet Secretary for Finance and Welsh Language

13 February 2026

Annwyl Mark,

Response to the Committee's report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

The Committee laid its report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill ("the Bill") on 19 December 2025. On 9 January 2026, you provided an interim response to our report, in which you responded to two recommendations that explicitly requested a response from you before the Senedd's debate on the general principles of the Bill. The Committee felt that your response before the debate would be useful to Members to inform their decision on whether to support the general principles of the Bill. We are grateful for your timely response to those recommendations.

However, your response did not address the eight other recommendations in the report that did not request your response before the debate on the general principles of the Bill. Nor did it address any of the eight conclusions in our report.

We note that while you also provided an interim response to the report of the Economy, Trade and Rural Affairs Committee on 12 January 2026, that letter was supplemented by a follow-up response dated 27 January, which addressed the remaining recommendations from that Committee's report.

It is, of course, a matter of long-standing parliamentary convention and of democratic courtesy that the Welsh Government responds in full to reports of Senedd committees.

We look forward to your full response to the Committee's report as soon as possible.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Mike Hedges MS  
Chair - Legislation, Justice and Constitution Committee

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

25 February 2026

Dear Mike,

Thank you for your letter of 6 February regarding Wales' Deposit Return Scheme (DRS) and the request for an exclusion under the UK Internal Market Act 2020 (UKIMA). I welcome the Committee's continued interest in this important matter and am pleased to provide the clarification you have requested.

The Welsh Government is following the agreed UKIMA exclusion process for Common Framework areas, as established between the UK Government and the devolved governments. DRS falls within the scope of the Resources and Waste Common Framework, and it is through this framework that our request for an exclusion has been made.

The UKIMA exclusion process was initiated in accordance with the revised procedure developed through the UK Government's review of the Act, this included setting out the scheme's relevance to environmental protection and public health grounds. The exclusion proposal was discussed at the Resources and Waste Common Framework, and I wrote to the UK Government and the other devolved governments in November setting out the case for adding an exclusion to Schedule 1 of UKIMA for PET plastic, glass, steel and aluminium and drinks containers.

DRS and the potential UKIMA implications have been discussed extensively at intergovernmental meetings, including at an interministerial level. This includes:

- At a four-nation ministerial meeting on 3 June 2025, Ministers collectively agreed that officials should work jointly to assess the UKIMA implications of different DRS approaches and explore mitigation options;
- Officials discussing the exclusion proposal at the Resources and Waste Common Framework Working Group meetings in October and November 2025; and,
- DRS was discussed at the EFRA Interministerial Group Meeting on the 24<sup>th</sup> November 2025.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto:Correspondence.Huw.Irranca-Davies@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Our proposal has therefore been made in full accordance with the agreed intergovernmental approach, using the established Common Framework governance structures.

The Northern Ireland and Scottish Governments confirmed that they supported the granting of the proposed exclusion via the Common Framework process, and I am pleased to inform the committee that on 2 February 2026 the UK Government confirmed that it would agree a UKIMA exclusion in relation to single-use glass drinks containers, subject to specified conditions. These being the alignment of the launch date for plastic and metal containers with the rest of the UK in October 2027, adherence to agreed interoperability principles and an extension of the transitional period for glass to October 2031.

This means that the scheme in Wales will encompass PET plastic bottles, aluminium and steel cans, and glass bottles drinks single use containers from day one. It will also commence a clear pathway towards the roll out of reuse, supported by the pilots which industry are committed to delivering and meaning that Wales' scheme will reflect international best practice and continue to lead the way within the UK.

While the UK Government did not at this stage agree to an exclusion covering reusable drink containers, it has stated its support for the Welsh Government's ambitions on reuse and its intention to continue working with the Welsh Government on an exclusion. Securing an exclusion for reuse is therefore a priority for the Welsh Government.

The UK Government's new approach of enacting exclusions agreed via Common Frameworks, provides improved clarity and will encourage a more transparent and collaborative approach to applying the Internal Market principles across the UK. We hope this will lead to more consistency, greater certainty, and a more predictable environment for businesses and regulators alike. By using the jointly agreed Common Framework processes, the new approach can reinforce opportunities for improved intergovernmental cooperation, ensuring devolved policy objectives can continue to be pursued whilst supporting the functioning of the UK Internal Market.

The Deposit Scheme for Drinks Containers (Wales) Regulations 2026 were laid before the Senedd on 12<sup>th</sup> February. If approved by the Senedd, the regulations will then be made in March. In parallel, the UK Government has committed to bringing forward affirmative regulations to amend Schedule 1 to UKIMA in order to give effect to the agreed exclusion. I would be happy to keep this Committee updated as the exclusion process progresses.

Separately, in relation to the second phase of bans under the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023, work on the timetable and policy approach is ongoing. As this develops, the Welsh Government will consider carefully whether a UKIMA exclusion is necessary - informed by the experience of the DRS process and engagement through the relevant Common Framework. The Committee will be kept informed as decisions are taken.

Thank you again for your letter and for the Committee's constructive engagement on these issues. I look forward to continuing to work closely with you as scrutiny of these matters continues.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive representation of the name 'Huw Irranca-Davies'.

**Huw Irranca-Davies AS/MS**

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd  
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

## UK Internal Market Act: The Deposit Return Scheme in Wales

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Author: Wine and Spirit Trade Association

Date: 25 February 2026

### Key Questions:

- 1. Will Welsh Government or UK Government review the terms of the UKIMA exclusion if unique identification from October 2027 becomes an effective requirement?**

[The Internal Market Act exclusion](#) to allow glass in a DRS in Wales states that in the transition period for glass (October 2027-October 2031) ‘a 0p deposit applies and **no labelling requirements or targets apply**’. Whilst labelling for glass containers in Wales is required by the regulations from October 2031 (i.e. scheme labelling barcode for Reverse Vending Machines and scheme logo), unique identification or labelling of products placed on the Welsh Market may be required from day one in October 2027. This is because glass containers subject to a DRS in Wales (reporting and registration fees, even with a 0p deposit), must be identified from those subject to EPR in the rest of the UK. There is no clarity from Welsh Government or UK Government on how this will be avoided in the transition period.

- 2. Did the Welsh Government request independent advice from the Office for the Internal Market (CMA subsidiary and UKIMA watchdog) as to their views, such as the economic impacts of an exclusion for a DRS with single-use glass containers in scope?**

The OIM provides independent advice to UK and devolved Governments on the impacts of policy on the functioning of the UK’s Internal Market. As the first exclusion agreed under the new UKIMA exclusions process (in operation since July 2025), business is seeking confirmation that the Welsh Government requested independent advice from the watchdog.

- 3. Is it the view of the Welsh Government that the exclusion agreed for glass in DRS reflects a balance of economic impacts, and environmental protection impacts?**

Alongside our members, the WSTA estimates that 97% of wine and spirits SKUs will be withdrawn from the Welsh market due to costs and operational changes associated with unique labelling. However, DRS with glass in scope risks regressing on environmental outcomes. Current kerbside collection for glass in Wales delivers world-leading collection rates (over 90%), whilst the targets for DRS are just 80% by 2030.

**4. Why did the Welsh Government wait until November 2025 to submit a UKIMA exclusion request for their DRS scheme?**

This was over a year following the announcement of Wales's intention to include glass and exit from the UK-wide approach. A UKIMA exclusion was sought when draft regulations had already been notified to the WTO and has required both the UKIMA exclusions process and Senedd scrutiny of draft regulations to be considered at pace.

**5. Why does the Explanatory Memorandum and Regulatory Impact Assessment laid alongside the regulations include arrangements for the implementation of reuse for glass, when this was explicitly not permitted under the UKIMA exclusion decision?**

The terms of the UKIMA exclusion decision by UK Government state *Any future exclusion request for reuse will be considered by the UK government and devolved governments in the relevant Common Framework*

**Background:**

The WSTA was clear since the Welsh Government exited the UK-wide approach for implementing DRS in November 2024, that a UK Internal Market Act exclusion would be required to implement a DRS in a devolved nation that not include the same containers in-scope as other UK nations. This clearly undermined the UKIMA's Market Access principles of Mutual Recognition and Non-Discrimination, and the equivalent intention of the Scottish Government to introduce a DRS with glass in-scope was subject to [a UKIMA exclusion request in 2023](#). Whilst appearing at the Environment, Food and Rural Affairs Committee [in March 2024](#), former DEFRA Secretary of State Steve Barclay stated that UK Government would apply the UKIMA in the same way to any exclusion request for glass from Wales, as the exclusion process was applied to Scotland – i.e. to require all UK schemes to have common containers in-scope to ensure interoperability. The Welsh Government did not propose an exclusion under UKIMA for Welsh DRS until 27<sup>th</sup> November 2025 – almost 10 weeks after draft regulations were notified to the World Trade Organisation. The WTO notification was also made during the public consultation period on the scheme, undermining stakeholder confidence that the scheme's design, and draft regulations, were subject to meaningful input from the consultation process. The Welsh Government's decision to delay seeking an exclusion request required the request to be considered at pace and has also left a short timetable for Senedd scrutiny of draft regulations (just 6 weeks). Given that this is the first UKIMA exclusion to be agreed under the new exclusions process active since July 2025, and that this requires unique labelling for the Welsh market, this is a relatively short period for adequate scrutiny.

## **Unique Identification and Terms of the UKIMA:**

[The UK Internal Market act exclusion](#) for the Deposit Return Scheme in Wales included a requirement to extend the *'proposed transitional period for single use glass (where a 0p deposit applies and no labelling requirements or targets apply) to October 2031 – this will provide industry with additional lead-in time to prepare for the introduction of glass in the Welsh DRS'*. Unique labelling for Wales will be required from October 2031 as per the regulations (DRS scheme labelling for glass, such as scheme logo and barcode). In the Welsh Government's Regulatory Impact Assessment, it is claimed that *'There will be a one-off cost to producers to re-design labels to incorporate a DRS logo and a barcode capable of being read by an RVM'*. This is not a one-off cost, but recurrent. Re-labelling will require year-on-year separation of stock (or whenever new products are placed on the Welsh market). The Welsh Government appear to give no calculation for the separation of stock and cost of additional warehousing (across the supply chain, i.e. by producers, wholesalers, and retailers and in shipments), or the likely market withdrawal as a consequence. **However, the WSTA and our members also see a requirement for unique identification from day one in October 2027.**

Despite the zero-rating of the deposit for glass between 2027 and 2031, **it is the WSTA's view that unique identification of products placed on the Welsh market will still be required from day one in October 2027. This will be to ensure differentiation between the requirement for glass containers to pay DRS registration fees in Wales, and EPR fees in the rest of the UK.** Neither UK Government or the Welsh Government has provided no solution to this, and the [Regulatory Impact Assessment](#) laid alongside the regulations states: *'Many products will undergo relabelling before 2031'* (p.27). Furthermore, where an exemption for dual-use packaging has been sought, to exclude hospitality packaging from EPR, after 2 years, no solution has been found.

In March 2024, during an appearance at the Environment, Food and Rural Affairs Committee, then Secretary of State Steve Barclay confirmed the Government would not have permitted a UK Internal Market exclusion for glass in Wales ([p.26](#)). In 2023, an [exclusion request for DRS in Scotland was approved conditional on interoperable schemes \(alignment of in-scope containers across the UK\)](#). Following discussions with industry businesses on the costs (and operational challenges) of supplying the Welsh market with a glass-in DRS, **initial estimates suggest that a significant number (up to 97%) of all SKUs (stock-keeping units) could be withdrawn from the Welsh market.** Wales is a relatively small market for many suppliers in our industry, given they currently apply one label to cover most of the EU. Therefore we are keen for more clarity as to whether market withdrawal (and the impact on consumers in Wales) was considered in reaching the UKIMA exclusion decision.

## **Role of The Office for the Internal Market:**

The WSTA and our members have engaged with the Office for the Internal Market (The independent CMA watchdog for UKIMA) since early 2025, to communicate our concerns over a DRS including glass in Wales, and our view that an UKIMA exclusion request would be required. The OIM has been actively monitoring the development of a DRS in Wales since early 2024, and the WSTA issued a notification of the draft regulations under the OIM's internal market barriers reporting function in early November 2025. The submission is attached for reference.

As the first exclusion agreed under the new UKIMA exclusions process (July 2025 onwards), we are seeking clarity as to whether UK Government or Welsh Government requested independent advice from the Office for the Internal Market on the impacts of agreeing an exclusion. Indeed, in the 2025 review of the UK Internal Market Act, UK Government stated: *'we will take steps to work with the devolved governments to ensure that the OIM's independent expertise is engaged and considered earlier and in a more structured and consistent way within policy discussions to inform better decision making'* ([p.25](#))

## **UKIMA Exclusion Factors:**

The Review of the UKIMA in July 2025 agreed a new exclusions process whereby environmental protection impacts/benefits and public health impacts/benefits were assessed alongside economic impacts when considering exclusions. In addition to the impact of unique labelling (estimated 97% market withdrawal rate), what is the Welsh Government's view of the environmental impacts of a DRS including glass? Wales has world-leading collection rates for glass existing kerbside collection (exceeding 90%). However, the regulations specify a target collection rate of 80% for glass by 2030. Introducing a glass-in DRS could jeopardise progress on glass recycling. It could additionally undermine environmental aims by increasing vehicular emissions and incentivising a shift from sustainable glass to less recyclable packaging formats. Is the Welsh Government aware that by permitting this exclusion request for single-use glass containers in Welsh DRS, businesses are required to label separately for the Welsh market, whilst risking no improvement in Environmental outcomes?

## **Explanatory Memorandum/Regulatory Impact Assessment: UKIMA Impacts:**

The WSTA and our members have concerns that the Explanatory Memorandum and integrated Regulatory Impact Assessment (RIA) do not accurately reflect how the scheme will be implemented. Within the Explanatory Memorandum and the RIA for the regulations there are multiple references to a transition glass re-use as a core feature of DRS in Wales. For example, describing the *'phase in of reuse of drinks containers'* as one of the purposes of a DRS scheme in Wales (p.2), stating that the DMO will have a 'duty' to make arrangements for reuse of drinks containers from year four of the

scheme, and even that amendments to these regulations will be required in the next Senedd for reuse elements (p.3). This is despite the UK Internal Market Act exclusion stating that *'The UK government has been unable to agree a UKIM Act exclusion for this part of the proposal. Any future exclusion request for reuse will be considered by the UK government and devolved governments in the relevant Common Framework as set out in the review of the UKIM Act in 2025'*. Why are these references included when a glass re-use scheme has not been permitted under the terms of the UKIMA exclusion?

### **WSTA Background:**

The Wine and Spirit Trade Association (WSTA) represents c.350 businesses, covering the full route to market from the point of production/import to the point of retail. WSTA members include multi-national brands, importers, bulk bottlers/packers, logistics firms, warehouseers, glass manufacturers, and retailers (including major supermarkets, BWS specialists, and DTC retailers). Over 60% of WSTA members are SMEs, and over 40% are micro-businesses. The vast majority of WSTA members are onward suppliers to both the on-and-off trade, often via indirect supply chains (such as wholesale).

In 2022, the UK wine and spirit industry contributed c.£76 billion in economic activity. The UK is a global hub for the trade – as the largest exporter of spirits and second largest importer of wine (by volume and value). In 2024, the UK exported the equivalent of 1.5 billion bottles of spirits (70cl) and imported the equivalent of 1.7 billion bottles of wine (75cl). The WSTA represents c.70% of all drinks industry glass placed on the UK market.

The WSTA and our members support the introduction of UK-wide Deposit Return Schemes for PET plastic and aluminium containers, and we have worked closely with DEFRA and the Devolved Administrations to deliver this. We believe that Wales's existing method of kerbside collection is the most effective for glass. This is highly successful (c.92% collection – [WRAP Cymru, 2023](#)), and at a relatively low cost to taxpayers. The WSTA and our members long advocated for glass to remain under the kerbside system, and to be included in EPR over DRS when delivering the 'polluter pays' principle. Including glass in DRS is unlikely to improve on this collection rate – and includes additional environmental challenges (such as vehicular emissions in transporting glass).

### **Contact:**

Samuel Honey (Head of Government Affairs): [samuel@wsta.co.uk](mailto:samuel@wsta.co.uk)

Freddie Joosten (Director of Sustainability): [freddie@wsta.co.uk](mailto:freddie@wsta.co.uk)

# Agenda Item 9

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