

SL(6)426 – The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023

Background and Purpose

These Regulations prescribe periods for registration of a registered building inspector and registered building control approver, set out the sanctions for registered building control approvers and deal with appeals of a decision made by the Welsh Ministers, who are the regulatory authority in relation to Wales, under Part 2A of the Building Act 1984 (“the Act”).

Regulation 2 prescribes the period for registration of a registered building inspector.

Regulation 3 prescribes the period for registration of a registered building control approver.

Regulation 4 sets out that where the Welsh Ministers make a disciplinary order they must as soon as reasonably practicable give a copy of the disciplinary order to each local authority in Wales where there has been a variation of a registered building control approver’s registration, a suspension of registration for a specified period, or a cancellation of registration from a specified date.

Regulation 5 provides that where the Welsh Ministers make or revoke an order under section 58V of the Act they must as soon as reasonably practicable give a copy of the interim suspension order to each local authority in Wales where the Welsh Ministers consider that the suspected contravention is so serious that, if the Welsh Ministers determine that the contravention has occurred, they are likely to make an order under section 58U(2)(d) of the Act cancelling the person’s registration.

Regulation 6 relates to appealing a decision made by the Welsh Ministers under Part 2A of the Act.

Procedure

Negative

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

Technical Scrutiny

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

We note that section 1 of the Building Act 1984 is cited as one of the enabling powers. Please could clarification be provided as to which subsection(s) is relied upon?

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 8 January 2024 and reports to the Senedd in line with the reporting point above.

