

Government Response: *The Building Control Profession (Charges) (Wales) Regulations 2023*

Technical Scrutiny point 1: “Action” has been used where specific sections are referred to, whilst “any action” has been used where the reference is broader e.g., reference to Part 2A more generally. The “any” merely reflects the broader nature of the functions in regulation 2(f) and (g).

Technical Scrutiny point 2: The Welsh Ministers must of course act reasonably, the inclusion of “reasonable” in regulation 6(1) is considered helpful from a clarity of law point of view i.e., the reader can be left in no doubt that the Welsh Ministers’ belief must be based on reasonable grounds.

Technical Scrutiny point 3: Thank you for noting the omission. The missing wording seeks to add clarity to what is meant by “a statement of the work done and costs incurred by the Welsh Ministers” but does not in itself impact on what information must be provided to the payee and as such the Welsh Government does not consider that this impacts on the operation of the provision.

We will insert the missing wording into the Welsh regulation when the Regulations are next updated, we do not have a timeframe for this currently.

Merit Scrutiny point 4: The Code of Conduct, Professional Conduct Rules and Operational Standards Rules have been published online and are available at: www.gov.wales/building-control-profession-standards-codes-and-rules

Please note that these documents are currently published as draft versions. Final versions will be published ahead of registration for building inspectors and building control approvers, to which these regulations relate, becoming mandatory in April 2024.

The charging scheme has not yet been published. It will be published online as a final version ahead of the registers for building inspectors and building control approvers opening in Wales. This is planned to take place in January 2024.