



Our Ref: JB/2722/25

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

19 December 2025

Dear Mike,

I am grateful to the Legislation, Justice and Constitution Committee for its consideration of the Building Safety (Wales) Bill.

I have set out my responses in the table below and am pleased to note that I have accepted, or accepted in principle, all of the Committee's recommendations.

I trust this response will help to inform further scrutiny of the Bill and I look forward to continuing to work with Committee Members as we proceed through the Senedd's legislative process.

I am copying this letter to the Chair of the Local Government and Housing Committee and Chair of the Finance Committee.

Yours sincerely

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

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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.

Recommendation	Government Response	Comments
Recommendation 1: The Welsh Government should clarify whether the implementation of the proposals for local authorities to work collaboratively in their role as building safety authorities in three groups to mirror the footprint of the fire and rescue authorities will require amendments to the Building Safety (Wales) Bill, namely: i. If the Welsh Government intends to table amendments to the Bill to give effect to these proposals, the Cabinet Secretary should clarify what those amendments are likely to be and the intended purpose and effect of each of those amendments. ii. If the Welsh Government does not intend to table amendments to the Bill to give effect to these proposals, the Cabinet Secretary should set out the governance arrangements under which it intends to establish the proposed collaborative structures, and the Senedd's role in considering and approving those governance arrangements.	Accept	Save for the amendment to section 100 set out below, I can confirm that amendments to achieve the preferred model are unnecessary. Under section 101(1)(b) of the Local Government Act 1972, local authorities already have the power to delegate non-executive functions to one another. This provides a ready-made mechanism for enabling the preferred model of concentrating building safety authority functions in a small group of local authorities that mirror the fire and rescue authority areas. I have tabled an amendment to section 100 of the Bill, which provides that functions of a building safety authority are not to be those of the local authority's executive, and this will ensure that the power set out in section 101(1)(b) of the 1972 Act can be used by local authorities in this context. If it not possible to achieve this through mutual consent, the Welsh Ministers have a power to direct the delegation of functions under section 102 of the Bill. To further facilitate this, I have tabled a Stage 2 amendment to section 102 that would enable the Welsh Ministers to direct multiple building safety

		authorities to arrange to delegate functions to one of their number rather than rely on multiple directions to achieve the same effect. I will, however, consider whether there is any other amendment that could be brought forward to further facilitate the implementation of a preferred delivery model, without losing the flexibility provided for in the Bill currently.
Recommendation 2: At the earliest opportunity, the Welsh Government should commission the Law Commission to scope the potential for the consolidation and codification of housing law in Wales.	Accept in principle	The Welsh Government supports the consolidation and codification of housing law in Wales, and work is underway to consider some of the practical implications of this. The Law Commission can and indeed has provided valuable insights into the process of consolidation, but their involvement is not always the most appropriate way forward for a scoping exercise. Future consolidation projects, and the precursor phase of scoping, will be a matter for the next Government as it develops its programme to improve the accessibility of Welsh law.
Recommendation 3: The Welsh Government should table amendments to the Bill to ensure that there are active duties on the government to consult with residents in relation to the development of guidance and secondary legislation, where relevant and appropriate.	Accept in principle	I accept it would be beneficial to amend the Bill to reflect the importance of consultation and engagement with residents. To that end, I have tabled a Stage 2 amendment that would require the Welsh Ministers to publish a strategy setting how and on what matters, including regulations and

		guidance, they will consult and otherwise engage with residents.
Recommendation 4: The Welsh Government should table amendments to section 5 of the Bill to place a duty on the Welsh Government to consult relevant stakeholders during the development of the regulations, including residents, before laying the regulations subject to the approval procedure.	Accept in principle	I accept the recommendation to place a duty to consult relevant stakeholders during the development of regulations under section 5. I also accept it would be beneficial to amend the Bill to reflect the importance of consultation and engagement with residents. This will be addressed by the Stage 2 amendment described in relation to recommendation 3. That amendment will require the Welsh Ministers to publish a strategy setting how and on what matters, including regulations and guidance, it will consult and otherwise engage residents.
Recommendation 5: The Welsh Government should table an amendment to section 6 of the Bill to include the definition of “storey” by which categories of regulated buildings will be defined.	Accept in principle	I accept the Committee’s points about tabling an amendment to section 6 of the Bill to include a definition of “storey”. I have asked my officials to consider what such an amendment may look like.
Recommendation 6: The Welsh Government should table amendments to section 14 of the Bill to limit the scope of the regulation-making power to the matters set out in sections 14(2)(a) and 14(2)(b).	Accept in principle	I note the Committee’s points about the potential broad application of section 14 and I plan to bring forward an amendment to limit the powers to some degree.

Recommendation 7: The Welsh Government should table amendments to section 16 of the Bill to limit the scope of the regulation-making power to the matters set out in sections 16(2)(a), 16(2)(b)(i) and 16(2)(c).	Accept in principle	I accept the Committee's points about the broad powers in section 16 and will consider where these powers can be limited, with a view to bringing forward an amendment to limit to some degree the scope of the regulation-making powers. This is in addition to the work being undertaken to consider applying additional scrutiny requirements to draft regulations under section 16.
Recommendation 8: The Welsh Government should table amendments to section 16 of the Bill to ensure that any powers given to the Welsh Ministers to amend primary legislation in respect of crucial definitions set out in the Bill (such as those relating to the description of "building") are subject to an enhanced approval procedure, such as one that requires a draft of the regulations to be consulted on before being laid for scrutiny purposes.	Accept	I will table an amendment to section 16 in response to this recommendation.
Recommendation 9: In its response to this report, and taking into account its response to recommendations 7, 8 and 9, the Welsh Government should set out: i. any occasion whereby two or more powers in the Bill could potentially be used for the same purpose; and ii. why each individual Henry VIII power in the Bill is necessary and distinct from the other regulation-making powers in the Bill (Henry VIII or otherwise).	Accept	In response to recommendations 6 and 7, I plan to table amendments to limit, to some extent, the scope of sections 14 and 16. As recommendation 9 asks for the information requested in points (i) and (ii) to take into account the responses to earlier recommendations I am not able to respond fully to this recommendation at this stage, as the detail of the limitations of scope are still being considered. I will write to you with an update when the

		amendments as a result of recommendations 6 and 7 are tabled. When I wrote to you on 30 October I set out why each of the Henry VIII powers currently in the Bill is necessary, reasonable and proportionate. When I write to you, once the amendments as a result of recommendations 6 and 7 are tabled, I will provide an updated version of this analysis.
Recommendation 10: The Welsh Government should table an amendment to section 19(3) of the Bill to place a duty on the Welsh Ministers to make regulations about the process by which building safety authorities register buildings under 19(1).	Accept	I will table an amendment to section 19(3) to reflect this recommendation, together with similar amendments to sections 23(3) and 57(2) to ensure consistency of approach across the Bill.
Recommendation 11: The Welsh Government should table an amendment to section 27 of the Bill to subject the powers in sub-section (2) to an enhanced approval procedure, which retains the Welsh Government's requirement to consult on the regulations, and also provides the Senedd with the opportunity to scrutinise draft regulations and an explanatory document before being approved by the Senedd.	Accept	I will table an amendment in respect of regulations under section 27(2) to reflect this recommendation.
Recommendation 12: The Welsh Government should confirm that a full and robust assessment has been made of the guidance that duty holders will require to discharge their duties in the Bill effectively, in consultation with relevant persons and anticipated duty holders, and that this assessment has	Accept	Assessments of what guidance might be required for duty holders to discharge their duties under the Bill effectively have been made throughout the development of the Bill. Further consideration will be given to this, working in close collaboration with all relevant persons, as part of implementation. As a

concluded that only guidance relating to fire safety risks should be mandatory as specified in section 98(2).		result of this ongoing review, I have tabled a Stage 2 amendment that would require the Welsh Ministers to issue guidance to the enforcing authorities and am considering tabling other amendments that signify a stronger expectation that guidance must be issued where it is appropriate to do.
Recommendation 13: The Welsh Government should keep under review throughout the scrutiny process whether additional guidance should be made mandatory in the Bill to reflect changes made to the Bill and/or any changes to how the Bill will be implemented (for example, how local authorities work together to discharge their duties as building safety authorities).	Accept	As above, we are continually assessing what guidance will be required or needs to be made mandatory and will continue to do so in the light of any changes made to the Bill and/or any changes to how the Bill will be implemented.

Conclusion	Government Response
Conclusion 1: We note the Cabinet Secretary's comments in respect of the Bill's impact on Convention rights but believe that, as a matter of good practice, an Explanatory Memorandum should always include a commentary on the consideration given to such implications	I am satisfied that the provisions of the Bill comply with the European Convention on Human Rights. The Welsh Government carries out a full Human Rights assessment before introduction of any bills as part of its thorough assessment of legislative competence. The full suite of impact assessments is also published on the Welsh Government website.
Conclusion 2: The Welsh Government should have created a building safety regime solely via Welsh legislation, rather than by a hybrid of UK legislation making provision for Wales alongside this Bill.	At the time the Legislative Consent Memoranda were laid in respect of what is now the Building Safety Act 2022, the reasons for taking the approach were explained to the Senedd. We remain of the view that the most effective way for amendments to be

	made, to the design and construction phase regime and the regulation of the building control profession, was through amendments to the Building Act 1984. Since the 2022 Act was passed, the Committee will be aware that various suites of regulations have been made by the Welsh Ministers to implement the design and construction phase reforms, as well as the new regulatory regime for the building control profession. This implementation work is ongoing with further regulations due to be made shortly.
Conclusion 3: The Welsh Government should have carried out a consultation on a draft of the Building Safety (Wales) Bill before its introduction to the Senedd.	We consulted on a very substantial and detailed White Paper. The Bill reflects the results of that consultation, and our subsequent engagement with stakeholders. If we had also consulted on a draft Bill, we would not have had time to legislate in the current Senedd. Eight years since the Grenfell Tower fire, taking extra time to consult on a draft Bill would be very hard to justify.
Conclusion 4: The sheer extent of the powers given to the Welsh Ministers in the Bill, combined with the extent of the practical workings of the Bill that have been left to regulations to establish, places the balance of power inappropriately in favour of the executive.	I accept that there are a significant number of delegated powers in the Bill. However, I am satisfied an appropriate and proportionate balance has been struck between what is on the face of the Bill and what will be set out in regulations. Delegated powers are included where the nature of those provisions will be too detailed or technical to be on the face of the Bill, or where they may be needed to enable the regime to adapt or take into account unforeseen scenarios and future developments e.g. in building design.

Conclusion 5: Sections 14 and 16 of the Bill represent an unacceptable delegation of regulation-making powers to the Welsh Ministers.	As noted in my responses to recommendations 6 and 7, I will consider whether there is scope to limit the regulation-making powers to some extent.
Conclusion 6: The Cabinet Secretary has not made an adequate case for the inclusion of section 16(2)(b)(ii) in the Bill.	I note the Committee's conclusion and have asked my officials to consider this matter as part of considerations of limiting section 16, as outlined in recommendation 7.