

SL(6)707 – The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025

Background and Purpose

These Regulations are made under powers conferred by the Building Act 1984, as amended by the Building Safety Act 2022. They apply specifically to Wales and are part of a suite of reforms aimed at improving building safety following the Grenfell Tower tragedy.

The primary aim of the Regulations is to establish a building control approval process specifically for higher-risk buildings.

The Regulations introduce a structured change control mechanism which aims to ensure that any design or construction changes are properly assessed, documented, and approved, maintaining the integrity of the original design and its safety features. The Regulations also mandate the creation and ongoing maintenance of the “golden thread” of building information - a digital record that supports informed decision-making and transparency throughout the building’s life.

The Regulations require the reporting of any safety occurrences and establish processes for applying for, and issuing, both full and partial completion certificates. Mechanisms are also provided for the regularisation of unauthorised work in order to help bring non-compliant developments into alignment with legal requirements.

The Regulations also empower the Welsh Ministers to make determinations and hear appeals under section 30A of the Building Act 1984.

Procedure

Negative

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

Technical Scrutiny

The following 16 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 regulation 2(1), in the definition of “applicant”, it notes that the definition applies “except where the context otherwise requires”. It would be clearer and more helpful to the reader if it noted where in these Regulations a different meaning of “applicant” applies.

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

In regulation 2(1), the term “fire safety information” is defined with the meaning given by regulation 38(9) of these Regulations. However, regulation 2(1) gives the term that meaning for the whole of the Regulations but the definition in regulation 38(9) notes that the term only has that meaning “In this regulation”. In addition, the term is also used in regulation 37(5) of these Regulations. Therefore, it is unclear where the definition of the term “fire safety information” applies in these Regulations.

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

In regulation 7(13), in the Welsh text, the different grammatical forms “a bennir” a “penodedig” are both noted for the definition of “specified”. However, in regulation 24(11), only the term “penodedig” is noted for the definition of “specified” although both “a bennir” and “penodedig” are also used in the Welsh text of regulation 24. Therefore, the Welsh text is inconsistent in its approach as to whether all of the grammatical forms that have been used to express a defined term are noted or only a single grammatical form of the term.

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

In regulation 9(2) and (3), there is a varying between the use of “days” and the defined term “working days” when describing a period of time. In regulation 9(2) it refers to “At least 5 working days” but in regulation 9(3), it refers to “Within 5 days”. These different descriptions also occur when describing the same period of time in regulation 17(2) and (3). Is the varying between the use of “days” and “working days” intentional in these descriptions?

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

In regulation 12(1)(e)(i), there is a difference between the English and Welsh text. In the English text, it notes “details of the intended use of each storey” but the meaning given by the Welsh text is “details of the proposed use of each storey”. In this regard, the Welsh text is also inconsistent with the other provisions in these Regulations where “bwriadedig” has been used to express “intended” in the same context, but “arfaethedig” has been used to express “proposed”.

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



In regulation 15(1)(a), it refers to the client's assessment in regulation 12(1)(d)(viii)(bb). However, there is no paragraph (viii)(bb) in sub-paragraph 12(1)(d). Should regulation 15(1)(a) refer to a different provision, for example, regulation 12(1)(e)(viii)(bb)?

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

In regulation 18(2), at the beginning it notes that "Before any controlled change can be carried out, the client must ensure...". However, the word "can" appears to be referring to legal permission rather than only referring to a possibility. In which case, it should use "may" rather than "can".

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

In regulation 27(4)(i), the reference is described as "(as except paragraph (bb))". Should this refer to "(paragraph (ii)(bb))"?

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

In regulation 31(1)(b)(ii), there is a difference between the English and Welsh text. In the English text, it notes "have access to the facility" but the meaning given by the Welsh text is "have access to the electronic facility". In this regard, the Welsh text is correct because "electronic facility" is a defined term that is noted in regulation 31(13).

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

In regulation 31(13), it notes that both of the terms "electronic facility" and "golden thread information" are defined with a meaning "In these Regulations". However, the term "electronic facility" is only used in regulation 31, so it should be introduced as having a meaning "In this regulation". But the term "golden thread information" is also used in other regulations such as regulations 27 and 37, and Schedule 1. Therefore, the definition of "golden thread information" should be included in regulation 2(1) which is the general interpretation provision for terms used in these Regulations.

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

In regulation 32(2), it notes that there are "incidents or situations that should be reported by the reporting person". As the word "should" appears to be referring to a legal obligation placed upon the reporting person, should the word "must" be used instead of "should"?

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



In regulation 35(1), it notes that the definitions bear a meaning “In regulations 32 to 34” of these Regulations. However, the term “construction phase” is also used in regulation 31 of these Regulations but is not used at all in regulation 34. Therefore, it is unclear where the definition of this term applies in these Regulations. In addition, the terms “HRB design work” and “reporting person” are only used in regulation 32 rather than regulations “32 to 34”. Therefore, it may be clearer for both of these definitions to appear in a separate interpretation provision for regulation 32.

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

Regulation 47(5) states that the Welsh Ministers must notify the appellant of the outcome “within 13 weeks beginning with the day after the day on which the person gives a notice under paragraph (2)”. However, paragraph (2) outlines the persons who may appeal the decision in paragraph (1). Should regulation 47(5) refer to a different paragraph, for example, paragraph (3), rather than paragraph (2)?

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

In regulation 49(3), it could be argued that it is not obvious for a reader that terms that are defined for the purposes of the whole of Part 6 would be found in regulation 49(3). It might be more helpful to the reader if those terms were defined in a separate interpretation provision for Part 6. In addition, the definitions are not listed in alphabetical order in the English text of regulation 49(3).

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

In Schedule 1, in paragraph 5(1)(d), it refers to “Schedule 1 of the Building Regulations 2010”. However, the Building Regulations 2010 were defined as “the 2010 Regulations” by regulation 2(1) of these Regulations. Therefore, the defined term “the 2010 Regulations” should have been used in this reference in Schedule 1.

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

In Schedule 2, in paragraph 3, the term “fixed building service” is defined for Schedule 2. However, the term is also used in other provisions such as regulations 37(5), 38(7), and 46(12) of these Regulations. Therefore, it is unclear whether the intention is for the term “fixed building service” to bear the same meaning in these other provisions of the Regulations as well.

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 26 January 2026 and reports to the Senedd in line with the reporting points above.

