

Government Response: *The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025*

Technical Scrutiny point 1:

The Welsh Government notes this point but consider it is sufficiently clear where a different meaning of “applicant” applies. For example, “applicant” is used in regulation 46(2) but in that regulation “applicant” means owner and this is clearly set out in the provision. In this case the applicant is specifically the owner rather than the client because the building work has already been carried out by the point of regularisation.

Technical Scrutiny point 2:

The Welsh Government notes the point and accepts that the approach to defining “fire safety information” for the purposes of the Regulations could have been clearer. However, we consider the definition in regulation 38(9) would apply to each use of the term; in regulation 38 by virtue of the definition in paragraph (9) and in regulation 37(5) by virtue of the definition in regulation 2(1).

Technical Scrutiny point 3:

The Welsh Government acknowledges that the approach is inconsistent and that the approach taken in regulation 7(13) should have also been used in regulation 24(11). Correcting this error is a matter that can be considered when the Regulations are next amended.

Technical Scrutiny point 4:

The varying use of “days” and “working days” in regulations 9 and 17 is not intentional, and can be considered for amendment when the Regulations are next amended, however, in the interim “days” will take its ordinary meaning and “working days” the meaning given in regulation 2(1).

Technical Scrutiny point 5:

The Welsh Government accepts that “bwriadedig” should be used to convey “intended” in regulation 12(1)(e)(i). However, we do not consider this would cause any issues in practice.

Technical Scrutiny point 6:

The reference in regulation 15(1)(a) should be to regulation 12(1)(e)(viii)(bb) and not regulation 12(1)(d)(viii)(bb). Whilst the Welsh Government does not consider this error will cause any issues in practice and this is a matter that can be considered when the Regulations are next amended.

Technical Scrutiny point 7:

The point is noted but the Welsh Government considers the provision to be sufficiently clear.

Technical Scrutiny point 8:

The reference in regulation 27(4)(i) to paragraph (bb) should refer to paragraph (ii)(bb). However, the provision makes it clear that the reference to paragraph (bb) is in subparagraph (d) of paragraph (1) and there is only one paragraph (bb) in that subparagraph. The Welsh Government therefore considers the omission is unlikely to cause issues in practice.

Technical Scrutiny point 9:

The Welsh Government notes the point and the inconsistency created, however we consider the meaning in regulation 31(1)(b)(ii) remains clear.

Technical Scrutiny point 10:

The Welsh Government notes the point however we consider the meaning of both “electronic facility” and “golden thread information” are sufficiently clear.

Technical Scrutiny point 11:

The point is noted but the Welsh Government considers the provision to be sufficiently clear.

Technical Scrutiny point 12:

The Welsh Government accepts that regulation 35(1) should note that the definitions bear the meaning in regulations 31 to 34, rather than 32 to 34, because, as the point notes, the definition of “construction phase” is also used in regulation 31. We do not consider that because the defined terms in regulation 35(1) do not necessarily appear in each of regulations 32 to 34 that this would create any confusion or that it would warrant a separate interpretation provision in regulation 32.

Technical Scrutiny point 13:

Regulation 47(5) should refer to paragraph (3) and not paragraph (2). The Welsh Government considers this is an obvious error as paragraph (2) does not mention a notice and paragraph (4), which details the content required, does have the correct reference to paragraph (3). We do not anticipate this error causing confusion in practice and based on the number of determinations received under the current procedures, we anticipate very few appeals under this provision.

Technical Scrutiny point 14:

The Welsh Government notes that it could be argued that a separate interpretation provision for Part 6 might have been more helpful. We also note the definitions in the English text should have been in alphabetical order.

Technical Scrutiny point 15:

Whilst noting the Building Regulations 2010 are defined for the purposes of the Regulations as “the 2010 Regulations”, the Welsh Government does not consider that the reference in paragraph 5(1)(d) of Schedule 1 to “Schedule 1 of the Building Regulations 2010” would cause any confusion.

Technical Scrutiny point 16:

The Welsh Government accepts the point, however each reference to “fixed building service” other than those in Schedule 2, is made in the context of requirements in paragraph L1 of Schedule 1 to the 2010 Regulations, so it would be reasonable for a reader to interpret its meaning in accordance with the 2010 Regulations.