

## **Welsh Government Response: The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025**

### **Technical scrutiny point 1:**

The Welsh Government notes the inconsistent use of the terms “days” and “working days”. However, given that “days” is defined as “working days” in the defined terms of the Building Regulations 2010, the two expressions have the same meaning. Accordingly, although it is not best practice to use different terms to convey the same meaning, this inconsistency should not cause any issues in practice. We also note the use of both the word “five” and the numeral “5”; this does not affect the operation of the Regulations.

### **Technical scrutiny point 2:**

The Welsh Government notes the typographical error. We believe the reader should be able to deduce that this is reference to paragraphs (i) to (iii) of sub-paragraph (a). We do not consider this would be interpreted as referring to paragraph (1) of regulation 27B, given the reference to sub-paragraph (a) that immediately follows the paragraph numbers. This is a matter that can be considered when the 2010 Regulations are next amended.

### **Technical scrutiny point 3:**

The Welsh Government notes and accepts the omission. Considering sub-paragraphs (aa) to (cc) appear only within regulation 27B(3), the intended reference is apparent.

### **Technical scrutiny point 4:**

The Welsh Government accepts there is a typographical error. As the reporting point notes because there is no paragraph (iii) in sub-paragraph (a) we do not consider the error will create any issues in practice. This is a matter that can be considered when the 2010 Regulations are next amended.

### **Technical scrutiny point 5:**

The Welsh Government accepts that the defined terms should be consistent throughout and therefore the reference should be to “the Act”. However, we consider the reader would be able to interpret that the use of the phrase “the 1984 Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

**Technical scrutiny point 6:**

The Welsh Government accepts that the defined terms should be consistent throughout but we do not consider any confusion would arise from the provision saying “the Building Regulations 2010” instead of “the Principal Regulations”.

**Technical scrutiny point 7:**

The Welsh Government notes this point. While we do not consider this to have a material impact on the effect of the legislation in the immediate future, because the term is well understood by those applying the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, we acknowledge that it requires correction and can be considered when the Regulations are next amended.

**Technical scrutiny point 8:**

The Welsh Government accepts that the defined terms should be consistent throughout and therefore the reference should be to “the Act”. However, we consider the reader would be able to interpret that the use of the phrase “the 1984 Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

**Technical scrutiny point 9:**

The Welsh Government accepts this point. However, we consider that the reader would still be able to identify the text being replaced despite the slight variation in wording, and we do not anticipate this causing any significant confusion.

**Technical scrutiny point 10:**

The Welsh Government accepts this point. We consider this to be an obvious error, in particular on the basis the Welsh text is correct and therefore do not anticipate it causing any confusion in practice.

**Technical scrutiny point 11:**

The Welsh Government notes this point. However, we consider that the regulation functions as drafted and should not cause confusion for the reader as to its intention.

**Technical scrutiny point 12:**

The Welsh Government notes the inconsistent use of the terms “building control oversight” and “building control input”. It would have been more accurate to use “building control input” which is used throughout the Building Regulations 2010. We do not anticipate any confusion in practice but will keep this under review.

**Technical scrutiny point 13:**

The Welsh Government notes this point. We acknowledge the preferred wording and the rationale behind it, however we consider that the provision remains clear in its intended purpose.

**Technical scrutiny point 14:**

The Welsh Government notes the error, but the intended meaning should still be clear to the reader.

**Technical scrutiny point 15:**

The Welsh Government notes the inconsistent use of the defined terms. We do not believe that this will make any material difference to the intention of the regulations.

**Technical scrutiny point 16:**

The Welsh Government accepts this point. However, we consider the reader would be able to interpret that the use of the phrase “the Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

**Technical scrutiny point 17:**

The Welsh Government accepts this point. We do not believe this will create any issues in practice.

**Technical scrutiny point 18:**

The Welsh Government accepts this point. As above, we do not believe this will create any issues in practice.

**Technical scrutiny point 19:**

The Welsh Government notes that there is inconsistency between the English and Welsh texts. However, we don't believe it will cause any practical issues and the intended meaning should still be apparent to the reader.

**Technical scrutiny point 20:**

The Welsh Government accepts the point and agrees there is inconsistency in the phrasing. However, given that the Registered Building Control Approvers are always a company and so the name inserted in form 5(W) would be the title of a company, we do not consider that the wording would cause any difficulties.

**Technical scrutiny point 21:**

The Welsh Government notes this point and acknowledges the preferred wording however we consider that the provision remains clear in its intended purpose.

**Technical scrutiny point 22:**

The Welsh Government notes this point.

**Technical scrutiny point 23:**

The Welsh Government notes the lack of definitions in the Forms listed in the reporting points. On the basis the terms appears in building regulations and therefore must be read in the context of the Building Act 1984 we do not anticipate any issues arising in practice.