



Llywodraeth Cymru
Welsh Government

Our Ref: JB/PO/53/26

Stuart Ropke
Chief Executive
CHC

28 January 2026

Dear Stuart,

As we head towards Stage 2 Committee of the Building Safety (Wales) Bill, I wanted to write to update you on some matters I'm aware that CHC has raised concerns about. I know we have a shared interest in ensuring a building safety regime that is fit for the future and effectively implemented, and so I wanted to put on record my thanks for the ongoing engagement of your team with my officials.

You'll be aware I'm sure from the engagement with my officials that as part of our work to prepare for implementation we are considering the cost implications of duties provided for in the Bill and how these might be funded. Decisions on long term funding will be for a future Government, but the necessary development and engagement work is well underway.

Data consistently show a higher rate of fire casualties in HMOs and buildings converted into flats (almost all of which are in Category 3) than in purpose-built blocks. The Bill does not impose wholly new safety duties on these premises; it contains duties that are similar to those that already exist in the FSO, but which are tailored to the risks in residential buildings. I am aware that this point, in particular, has been subject the subject of discussion between my officials and your team.

Let me deal with some other matters that I'm aware you have raised:

Trigger points

I appreciate your concerns on the "trigger points" that would require a new fire risk assessment to be completed, especially the trigger point for disability adaptations. A non-Government amendment which provides that the requirement for a new fire risk assessment is only triggered where a building is *first* adapted to meet the needs of disabled residents has been tabled, which I support. It is important that an assessment takes place following the first time the building is adapted, on the basis that such individuals are often both more likely to experience a fire and less likely to be able to escape unaided.

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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.

So, when a building is first adapted (and, in consequence, it is reasonable to assume that one or more residents are disabled), the risks in it are very likely to change significantly and should be reassessed. If that is done, then I accept it is not always necessary to conduct a further assessment after any further adaptations are made, as the fire risk assessment should already cover the risks arising from there being disabled residents. The Bill provides that a further fire risk assessment is required if the Principal Accountable Person for the building has any other reason to suspect the current assessment is no longer suitable or sufficient. Significant further adaptations to a building, even if these are not the first adaptations, could trigger this requirement.

'Cliff edge'

I believe it is important that Principal Accountable Persons conduct fire risk assessments under the Bill promptly, so that the safety benefits to residents begin to accrue. But again, I have some sympathy with the views of CHC, especially as regards blocks of "walk-up" flats that have no shared escape route, where every flat has its own separate external exit. Unlike many other smaller buildings, these are generally low risk because they have no shared escape route that can be obstructed or threatened by fire. As a result, they tend not to be subject to a fire risk assessment as often, so requiring all of them to be assessed within 6 months of the Bill coming into force (or 12 months after the last assessment under the Fire Safety Order, if later) could create undue costs and a spike in demand for competent assessors that the market may not be able to meet. I will consider amending the Bill at Stage 3 to address this matter as regards "walk-up" blocks in particular.

Broad definition of common parts

Regulations under the Bill will make clear the extent to which assessments must cover particular parts of residential units. In practice the walls and floors separating residential units from each other and from the common parts are key elements in preventing the spread of fire to and from residential units. Accountable persons are generally not able to control the risks within a flat (such as the contents of the flats or the behaviour of residents in their own homes) and so the fire risk assessment would not be required to cover these parts.

Fragmented safety structure

Sections 33 and 34 of the Bill place responsibility for assessing and managing structural safety risks on the Accountable Person. This is to ensure it is the person who owns or who has the "relevant repairing obligations" who is responsible for the assessment and management of the structural safety risks relating to that part of the building. This approach does not seek to prevent a Principal Accountable Person and Accountable Person (or persons) from working in a coordinated way on the assessment of structural safety risks. However, I am keen to avoid a scenario in which the Principal Accountable Person, in having to undertake an assessment for the whole building, is more likely to consider that a full structural survey is required because they are not familiar with those parts for which they do not have repairing obligations.

The current intention is not to require structural surveys as part of the structural risk assessment, as this would not be appropriate for all buildings. Stakeholders have advised they would be very concerned about an environment in which structural surveys become a 'default' requirement since in practice, for many buildings, they may not be necessary.

This approach is different to the one taken in the Bill in relation to the assessment of fire safety risks, where the Principal Accountable Person is responsible for the fire risk assessment. This is an important distinction, as it is important that there is only one fire risk

assessment for the building under the Bill. Fire is also a dynamic hazard which can spread throughout a building, regardless of who might own or have repairing obligations for parts of it. The challenge is not the same when it comes to structural safety risks.

The Bill places a duty on Accountable Persons and Principal Accountable Persons to co-operate and co-ordinate in relation to carrying out their duties under the Bill and its associated regulations. Where the risks in one part of a building can only be remedied by action in another this duty to co-operate and co-ordinate will help to ensure a coherent approach is taken to managing building safety risks across the whole building.

Other concerns

Renting Homes

I am aware of the issues you raised around the implied terms in leases and fundamental terms in occupation contracts and the need for clarity for landlords and contract holders alike. I am grateful to you for highlighting the issues. My officials are currently considering the best way to ensure clarity for all parties.

Access

The provision in section 53 is not intended to replace existing rights of access. There are often terms in leases allowing landlords to gain access if it is needed. Section 61 of the Bill inserts new section 301A into the Landlord and Tenant Act 1985 which implies terms in relation to access, requiring a tenant to allow certain persons to enter the premises for relevant building safety purposes. A “relevant building safety purpose” includes inspecting the premises and carrying out works to the premises where this is required to enable an Accountable Person to comply with their building safety duties.

There may also be some instances where action needs to be taken urgently. There are alternative options available should more urgent access be required, such as urgent action notices under section 83(3) of the Bill, or access by enforcing authorities.

In many scenarios, the landlord will also be an Accountable Person or Principal Accountable Person, but that will not always be the case. Section 53(4) enables the Accountable Person to apply to the Residential Property Tribunal for an access order if the resident has refused their request for access, providing the Accountable Person has given notice to enforcing authorities, setting out the intention to apply for an access order. Section 53(7) provides that the Residential Property Tribunal may make an access order if satisfied that it is necessary to do so for the purposes set out in the request. This approach balances the need for safety with respect for residents’ homes, ensuring that access is only required to be given when necessary, and subject to clear safeguards and oversight. Residents’ rights are paramount, and we must ensure that the correct processes are being followed when requiring a resident to do something, or not to do something. Applications to the Residential Property Tribunal are also generally more straightforward, and less costly than applications to the courts.

The power in section 112(3) of the Bill can be used to make consequential amendments to *the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016*, so that a decision of the residential property tribunal, with the permission of the County Court, is enforceable in the same way as County Court orders.

I am grateful to you for raising these issues and hope this letter addresses your concerns.

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

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government