

SL(6)736 – The Building Safety Act 2022 **(Consequential Amendments) (Wales) Regulations** **2026**

Background and Purpose

These Regulations amend legislation as a consequence of the wider implementation of provisions of Part 3 of the Building Safety Act 2022 (“the 2022 Act”), in Wales.

The 2022 Act brought forward a package of legislative changes in relation to building safety. These Regulations are part of a suite of new legislation that forms a stage of the Welsh Government’s implementation of the 2022 Act.

New regulations have been introduced which aim to reform the procedural aspects of building control, particularly for higher-risk buildings. The new procedures come into effect on 1 July 2026, and the aim of these Regulations is to ensure that other existing legislation continues to have its current effect after this date.

Regulations 2 to 8 make consequential amendments to the County of South Glamorgan Act 1976, the Highways Act 1980, the Clwyd County Council Act 1985, the West Glamorgan Act 1987, the Dyfed Act 1987, the Mid Glamorgan County Council Act 1987 and the Clean Air Act 1993.

Regulations 9 to 12 make consequential amendments to the Regulatory Reform (Fire Safety) Order 2005, the Community Infrastructure Levy Regulations 2010, the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024 and the Building (Restricted Activities and Functions) (Wales) Regulations 2024.

Regulation 13 makes transitional provisions to ensure the amendments made by these Regulations do not affect building work for which a notice is given, or plans are deposited, before these Regulations come into force.

Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following 4 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 the italic headnotes on pages 1 to 4, 14 and 16, it notes that the draft Regulations have been laid before Senedd Cymru “under section 167(1) to (3) of the Building Safety Act 2022”. However, the requirement to lay in draft is found in section 167(5) of that Act as noted in the second paragraph of the preamble of these Regulations. Should “section 167(5)” therefore be cited in the headnote rather than “section 167(1) to (3)”, which are the enabling powers?

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

In regulation 4(3)(f)(ii)(aa), there appears to be a typographical error which results in the amendment failing to correctly identify the existing text for substitution in paragraph (c) of section 19(7) of the Clwyd County Council Act 1985. It notes “plans of the work consisting of, or including, the parking place has been deposited” but it should note “plans of the work consisting of, or including, the parking place had been deposited”, as found in the existing text of that provision.

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

In regulation 8(2)(b), there is a difference between the English and Welsh text. In the English text, it notes that the new definition should be inserted after the definition of “application for building control approval”. But in the Welsh text, it notes that the new definition should be inserted after the definition of “building control approval”.

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

In regulations 3(4), 8(2)(b) and 11(2)(b), a new definition of “building control authority” is inserted in the Highways Act 1980, the Clean Air Act 1993, and the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024. The new definition notes on each occasion that ““building control authority” means the local authority as stated in section 121A of the Building Act 1984”. However, section 121A of the Building Act 1984 states that the regulator or the local authority is the building control authority. Therefore, should it refer to “section 121A(1)(b) and (2) of the Building Act 1984” if the intention is to limit the meaning of “building control authority” to the local authority?

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 9 February 2026 and reports to the Senedd in line with the reporting points above.

