

SL(6)790 – The Building etc. (Amendment) (Wales) Regulations 2026

Background and Purpose

These Regulations modify the Building Regulations 2010 (“the 2010 Regulations”) by:

- amending the definition of “fixed building services” to include fixed lifts, escalators or moving walkways in new buildings (but not in individual dwellings);
- revoking two regulations related to nearly zero energy buildings and consideration of high efficiency systems which are now deemed redundant due to the uplift in energy efficiency standards;
- providing for a new way of measuring energy efficiency, using a new performance metric;
- amending the Part L title (conservation of fuel and power) to recognise the requirements also reduce greenhouse gas emissions;
- providing a new requirement within Part L so that when a dwelling or a building containing a dwelling is erected, a system for renewable electricity generation must be installed on-site; and
- including references to the new notification for building work that has reverted to a local authority.

These Regulations also make changes to other sets of regulations as part of the Welsh Government’s implementation of the Building Safety Act 2022.

Procedure

Senedd annulment procedure.

These 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 points are identified for reporting under Standing Order 21.2 in respect of this instrument:

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

Within regulation 4, several of the provisions incorrectly identify the provisions that they are amending within the 2010 Regulations. It appears that the references relate to the 2010



Regulations as they apply to England, rather than Wales. The erroneous references are set out below:

- (i) paragraph (3)(a) provides that it is amending regulation 44(4)(b)(i). It appears that it should be amending regulation 44(4)(a);
- (ii) paragraph (3)(b) provides that it is amending regulation 44(4)(b)(ii). It appears that it should be amending regulation 44(4)(b);
- (iii) paragraph (4)(a) provides that it is amending regulation 44ZA(3)(b)(i). It appears that it should be amending regulation 44ZA(3)(a); and
- (iv) paragraph (4)(b) provides that it is amending regulation 44ZA(3)(b)(ii). It appears that it should be amending regulation 44ZA(3)(b).

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

A 'new' regulation 17A is inserted into the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 ("the 2024 Regulations") by regulation 5(3) of these Regulations. In regulation 17A(2) the term "(or sole designer)" appears twice, in paragraph (2)(e) and (2)(e)(iii)(bb).

Regulation 5(2) inserts a provision into the 2024 Regulations clarifying that the term "sole or lead designer" (which appears in regulation 17A(2)(b)) has the same meaning as given in the 2010 Regulations.

However, the term "sole designer" is not mentioned in regulation 5(2) (nor is it defined in the 2010 Regulations). As such, it appears that the defined term "sole or lead designer" should be used in regulation 17A(2) rather than "sole designer".

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

In regulation 5(4)(b), a new paragraph (6) is inserted in the section headed "NOTES" in Form 10(W) of the English text and in the section headed "NODIADAU" in Form 10(C) of the Welsh text in Schedule 1 to the 2024 Regulations.

However, in the Welsh text of these Regulations, the new paragraph (6) is inserted in English in Form 10(C) although the existing Form 10(C) (including the Notes section) was made in Welsh in the 2024 Regulations. Therefore, it appears that the new paragraph (6) should have been inserted in Welsh in the section headed "NODIADAU" in Form 10(C) by the Welsh text of these Regulations.

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.

Legal Advisers

Legislation, Justice and Constitution Committee

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee