

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

2 October 2025

Dear Jayne,

Building Safety (Wales) Bill

Thank you for appearing before Committee on 29 September 2025 to discuss the Building Safety (Wales) Bill ("the Bill").

During the session you agreed to respond to some questions that we asked during the session in writing. We would also be grateful if you could respond to some additional questions to support our scrutiny of the Bill. These questions are set out at annex A.

Please could you respond no later than 29 October?

I have copied this letter to the Chair of the Local Government and Housing Committee.

Yours sincerely,



Mike Hedges
Chair

Annex A: Questions to the Cabinet Secretary for Housing and Local Government re. the Building Safety (Wales) Bill

Legislative competence

1. We understand that certain provisions of the Bill that may affect the private interests or hereditary revenues of the King or the Duke of Cornwall and so, in our view, will require the signification of Crown consent under section 111(4) of the 2006 Act and Standing Order 26.67. Could you please tell us which provisions in the Bill you anticipate will require King's or Duke of Cornwall's consent and what is the status of those requests?

Existing legislative framework

2. At our evidence session on 29 September, your official spoke about the Regulatory Reform (Fire Safety) Order 2005, its lack of applicability with housing law, and how the Bill aims to address those inconsistencies. Do you have anything further to add about whether this legislation combined with UK legislation amended by the Senedd, recently enacted UK legislation (e.g. the *Building Safety Act 2022* ("the 2022 Act")), and associated subordinate legislation, will affect the accessibility and coherence of the law in relation to building safety in Wales? We would welcome any additional examples of how the Bill is improving the accessibility and coherence of the statute book in relation to building safety.

Development of the Bill

3. As we discussed on 29 September, there has been a very significant delay between the Grenfell tragedy in June 2017 and the development of this Bill. During the Local Government and Housing Committee's scrutiny of the Building Safety Bill LCM in November 2021 (already over four years after the Grenfell fire), the then Minister for Climate Change stated that:

"... in the light of the Grenfell tragedy and the need to respond to the subsequent independent review of building regulations—the Hackitt review that Members will be familiar with—we need to respond as quickly as possible, and this Bill is the most effective way to do that. We've made it clear as a Government that, whilst protecting the devolution settlement remains a critical area of priority for us and that our general principle is to legislate in the Senedd, we should be open to taking

*a pragmatic approach to using UK legislation to achieve the Welsh Government's objectives where that's necessary and it completely suits our policy agenda."*¹

How would you respond to concerns that, by enacting legislation in Wales via the UK Parliament in 2021, and taking an additional four years to introduce this Bill to the Senedd, the Welsh Government has failed both to respond quickly to the Grenfell tragedy and to protect the devolution settlement?

4. You have stated that this Bill was developed in response to the Grenfell tower fire of 2017 and the Hackitt review a year later. You issued a white paper on the Bill's proposals in January 2021. However, in evidence to the Local Government and Housing Committee, you explained that some issues are still unresolved, which may lead to substantive amendments to the Bill (for example, in relation to how the Welsh Government can ensure consistency of application of the regulation regime across the 22 local authorities²). Why did you not use the time since the White Paper to publish a draft bill for public consultation, which could have resolved some of these issues before the Bill was introduced?

Implementation of the Bill

5. The Bill provides the Welsh Ministers with the power to make subordinate legislation in 65 areas. How many of these regulations will need to be in place in order for the Bill to be fully implemented?
6. Local Authority Building Control (LABC) has highlighted that under regulations currently in force made under the 2022 Act, a building is considered a "higher-risk building" if it contains at least *one* residential unit. However, for the purposes of the Bill, a "regulated building" must contain at least *two* residential units. They argue that this inconsistency "may lead to confusion in the wider industry".³ How do you respond to these concerns, particularly given your general views about the importance of alignment between this Bill and the 2022 Act?

Regulation-making powers

7. There are 11 regulation-making powers to amend primary legislation (Henry VIII powers) in the Bill. Please set out a justification for why *each* Henry VIII power is necessary, reasonable and proportionate.

¹ [Local Government and Housing Committee, 17 November 2021](#), RoP [100]

² [Local Government and Housing Committee, 17 July 2025](#), RoP [133-206]

³ [Written evidence: BSWB.19 - LABC](#)

8. Can you set out why you believe that it would be appropriate for a government in the Seventh or Eighth Seneddau to change key matters in the Bill through secondary legislation, as is currently permitted by the broad relegation-making powers in the Bill, rather than by bringing forward primary legislation and allow full Senedd scrutiny, including by means of an expedited process if necessary?
9. Can you confirm whether some of the broad regulation-making powers in the Bill (such as those in section 16) would allow a future government to exclude certain buildings or structures from the regulatory regime? If so, have you considered inserting safeguards that would limit the use of those powers (for example, by limiting the power to *extending* the list of structures that fall within the regulatory framework of the Bill, rather than enabling future Welsh Government to also *remove* structures from that list)?
10. Despite agreeing in principle that the powers granted to Welsh Ministers are appropriate, some key stakeholders including the WLGA have raised concern about how future regulations will be developed, and the extent to which the sector will be consulted.⁴ Do you have anything further to add to provide reassurance to these stakeholders and others about the use these powers by future Welsh Governments?
11. Can you confirm that the current duties “to consult such other persons as Welsh Ministers consider appropriate” would in practice oblige future Welsh Governments to consult meaningfully with residents whenever residents have legitimate interests in the regulations or guidance being developed?
12. In your response to our question about why a definition of “storey” is not included on the face of the Bill, you explained that including technical detail such as the definition of a storey or a mezzanine “risks overcomplicating the Bill”. However, a definition of mezzanine is included in section 118(3) of the 2022 Act, and indeed the Act also provides some detail about the definition of a storey itself (section 118(3)). You went on to state that setting out the definition of storey in regulations, rather than on the face of the Bill, will help to ensure consistency with the 2022 Act and its subordinate legislation. Can you provide further clarity about your decision not to include a definition of “storey” and other key terms of the face of the Bill?
13. One of the powers given to the Welsh Ministers in the Bill includes a power for the Welsh Ministers to change the definition of a “building”. During scrutiny, you told us that the definition of building may need to be amended if certain types of structures are being

⁴ Written evidence: BSWB 14 - Welsh Local Government Association; Written evidence: BSWB 22 - Community Housing Cymru

interpreted as buildings in a way that was not intended by the Bill, or if new types of multi-occupied residential accommodation emerge. Please can you:

- a. clarify whether consideration was given to taking alternative drafting approaches to include safeguards against different structures being used as buildings on the face of the Bill?
 - b. set out examples of structures that you may want to exclude from the regulatory regime set out in the Bill (for example, your official cited large floating barges)?
14. Section 29(3) gives regulation-making powers for the Welsh Ministers to specify requirements relating to the competence of fire risk assessors. Given the importance of the qualifications of fire safety risk assessors, why should this be left to regulations and subject only to scrutiny through the annulment procedure?
 15. Section 33(7) gives regulation-making powers to the Welsh Ministers to make provision in relation to the making of structural risk assessments, including expertise, qualifications and experience of assessors. Why are you satisfied that this should be left to regulations and subject only to scrutiny through the annulment procedure?
 16. Section 65(3) inserts new section 49B to the *Landlord and Tenant Act 1987* requiring a landlord to give the tenant a notice containing relevant building safety information. New section 49B(5)(e) provides a power for the Welsh Ministers to make regulations that can prescribe other information as relevant building safety information. Those regulations are made under the Senedd annulment procedure (new section 49B(8)). However, the Explanatory Memorandum states that this power will be subject to the draft affirmative procedure. Can you confirm which procedure will apply to this power, and whether any changes to the Explanatory Memorandum are necessary?

Guidance

17. The only guidance that the Welsh Ministers are mandated to issue under the Bill relates to principle accountable persons and landlords of houses of multiple occupation for certain duties relating to the assessment of fire safety risks. Have you given any further consideration to whether a duty should be placed on the Welsh Ministers to produce guidance in other areas (for example, your official cited structural safety as one potential area where compulsory guidance might be worthwhile)?
18. No Senedd scrutiny procedure is in place for the guidance that the Welsh Ministers must issue under section 98(1) or may issue under section 98(2). Do you consider that this guidance should be subject to the draft annulment procedure?

19. Do you have a list of all the guidance that you plan to publish as a result of this Bill? If so, is there a timetable for the publication of the this guidance, and can this be shared with committees, along with a list of all planned guidance?