



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

New commencement and consequential regulations supporting the Building Safety Act 2022 (WGC 007/2024)

This is a circular letter that notifies the implementation of certain regulations made under the Building Safety Act 2022 for Wales.

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Building regulations circular

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Issued by: Kevin Davies, Building Control Competence & Standards Manager

Addressed to:

Local Authority Chief Executives
Welsh Local Government Association
Association of Corporate Approved Inspectors

Please forward to:

Local Authority Building Control Officers
Members of the Senedd

Summary:

This is a circular letter that notifies the implementation of certain regulations made under the Building Safety Act 2022 for Wales.

For further information contact:

Building Regulations Team

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Introduction

1. I am directed by the Welsh Ministers to draw your attention to the changes introduced by the following Regulations which come into force on 25 April 2024:
 - The Building Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024
2. The purpose of this Circular is to draw attention to the new secondary legislation and explain the changes it introduces.

Scope of this Circular Letter

3. This Circular letter applies to buildings and building work in Wales, as well as building control professionals operating in Wales.

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New secondary legislation

The Building Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024

4. As part of a suite of recent legislation, the Building Act 2022 (Commencements No. 5 and Consequential Amendments) (Wales) Regulations 2024 seeks to underpin the change in building control regime from approved inspectors to registered building control approvers.
5. These Regulations amend the Building (Approved Inspectors etc.) Regulations 2010 (“the 2010 Regulations”), the Regulatory Reform (Fire Safety) Order 2005 and the Energy Performance of Buildings (England and Wales) Regulations 2012, to give effect to the transfer under the Building Act 1984 of approved inspector functions to registered building control approvers.
6. In regulation 2, these Regulations commence section 49(1) and section 49(2) of the Building Safety Act 2022 to modify section 50 of the Building Act 1984. This allows registered building control approvers to perform the function of issuing plans certificates where certain conditions are met.
7. Regulation 3 provides the locations within the 2010 Regulations where the term “approved inspector” is substituted with the term “approver” (“approver” is defined in regulation 2 as meaning a registered building control approver). This permits registered building control approvers to fulfil functions previously completed by approved inspectors and applies certain requirements of the 2010 Regulations to them. The list of locations where the term is updated is:
 - i. the heading of Part 3;

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- ii. regulation 8, including in the heading;
 - iii. regulation 9, including in the heading;
 - iv. regulation 12, including in the heading;
 - v. regulation 13, including in the heading;
 - vi. regulation 16;
 - vii. regulation 18;
 - viii. regulation 20(1);
 - ix. regulation 20(5)(a);
 - x. regulation 20(6), in substituted paragraph 4(a);
 - xi. regulation 20(6A), in substituted paragraph 3;
 - xii. Schedule 2;
 - xiii. Schedule 3, including in the heading of paragraph 5;
 - xiv. Schedule 4, including in the heading of paragraph 4.
8. Regulation 4 inserts the phrase “or registered building control approver” to article 30(5)(c) of the Regulatory Reform (Fire Safety) Order 2005 which puts a duty on an enforcing authority to consult with a registered building control approver who had issued an initial notice before serving an enforcement notice.
9. Regulation 4 also substitutes the definition of an approved inspector for the definition of a registered building control approver in article 46(3) of the Regulatory Reform (Fire Safety) Order 2005.
10. Regulation 5 substitutes the phrase “an approved inspector for the purposes of the inspector’s” with “a registered building control approver for the purposes of the approver’s” in regulation 32(1)(c) of the Energy Performance of Buildings (England and Wales) Regulations 2012 so that specific information may be disclosed to a relevant registered building control approver to enable them to carry out their required functions.
11. Regulation 6 is a transitional provision that ensures regulations 3, 4(3) and 5

do not apply to approved inspectors who continue to operate after 6 April 2024, thus preserving the ability for approved inspectors to perform certain functions during the transition period (up to 1 October) of the new regime.

Enquiries:

Any enquiries on this Circular Letter should be addressed to:

Building Regulations, 2nd Floor, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

E mail enquiries.brconstruction@gov.wales

Yours faithfully,

Mark Tambini

Head of Building Regulations Policy

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