



Llywodraeth Cymru
Welsh Government

Building Safety Act 2022 Handbook for Wales Design and Construction Phase

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We welcome correspondence and telephone calls in Welsh

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Origins of the Building Safety Act 2022

The Building Safety Act 2022 was introduced to reform the building safety system in response to the tragedy of the Grenfell Tower fire on 14th June 2017.

In the aftermath of the tragedy, Dame Judith Hackitt chaired an independent review of building regulations and fire safety on behalf of the UK Government. The final report, “Building a Safer Future”, was published in May 2018 and outlined serious issues with the building safety system. Wales responded to the report with a consultation “Safer Buildings in Wales” and the outcome of that consultation was to align with the UK Government on a bill to improve building safety during the design and construction phase. There was also a Wales Audit report which echoed the findings of the Hackitt review. The report recommended “a new framework to replace the complex system that had grown over decades, along with a need to change culture from one that prioritises structural integrity and design to one which has equal emphasis on fire safety quality controls” ('Cracks in the Foundations' - Building Safety in Wales, 2023).

In response to the report, the Building Safety Act 2022 was developed by the UK Government, with input from the Welsh Government. The Act was introduced to the UK Parliament in July 2021 and received Royal Assent on 28th April 2022. Most of the provisions of the Act that apply to Wales come into force on such day as the Welsh Ministers may by regulations appoint.

Details of the Building Safety Act 2022

Split into 6 Parts and 11 Schedules (not all of which applies in Wales), the Building Safety Act 2022 is perhaps the biggest overhaul of building control and safety measures from the past forty years. Part 3 of the Act amends and updates parts of the Building Act 1984. It requires the regulation and registration of the building control profession, this includes individuals, local authorities and private companies, and has power to introduce duty holders, and associated liabilities as a result of any failings or safety breaches that may result from their (in)actions.

A significant portion of the Act is devoted to a new class of buildings: higher-risk buildings. These are structures where the risk to occupants is deemed to be greater than usual due to the height or occupancy type.

If the Act had existed in 2017 then both in England and Wales Grenfell Tower would have been considered a higher-risk building for design and construction under the new legislation due to its height and occupancy type.

How Wales is implementing the Act

While the Building Safety Act 2022 gained Royal Assent in April 2022, many parts of the Act were not immediately commenced and required secondary legislation to bring them into force. In Wales, we have split implementation of the Act into several phases and this handbook covers the work that has already commenced as part of the first phase. As our work to transform building safety continues, the handbook will be periodically updated to describe changes that have been adopted and how it may impact you.

Much of our work focuses on Part 3 of the Act which involves changes to the Building Act 1984. Part 4 of the Building Safety Act 2022, which relates to higher-risk buildings and management of building safety risks in occupied higher-risk buildings, does not apply to Wales. The Welsh Government will be bringing forward their own Bill regarding the safety of occupied buildings in due course.

You will always be able to [find the most recent edition of this handbook on gov.wales](#).

In the first phase, we have made several pieces of secondary legislation which bring into force provisions of the Act, as well as defining certain requirements.

In brief, the first phase has covered:

- Defining what higher-risk buildings for the design and construction phase will be in Wales
- Establishing a regulated profession for building inspectors and building control approvers
- Reforming the building control private sector
- Restricting certain activities and functions such that they are only undertaken by suitably competent individuals.

Legislation you may wish to refer to

In order to implement the Building Safety Act 2022 and the policies it was designed to deliver we have made the following statutory instruments:

Title	Reference
The Building Safety Act 2022 (Consequential Amendments) (Approved Inspectors) (Wales) Regulations 2022	2022/767
The Building Safety Act 2022 (Commencement No. 1) (Wales) Regulations 2022	2022/774
The Building Safety Act 2022 (Commencement No. 2) (Wales) Regulations 2022	2022/1287
The Building Safety Act 2022 (Commencement No. 3, Transitional and Savings Provisions) (Wales) Regulations 2023	2023/914
The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023	2023/1210
Building Control Profession (Charges) (Wales) Regulations 2023	2023/1303
Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023	2023/1304
The Building (Restricted Activities and Functions) (Wales) Regulations 2024	2024/238
The Building Safety Act 2022 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Regulations 2024	2024/207
The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024	2024/244
The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024	2024/447

The Building Safety Act 2022 and the related statutory instruments listed above introduce new regulations and requirements and amend existing pieces of legislation. Those relevant for the new design and construction phase in Wales include:

Title	Reference
Building Act 1984	1984 c. 50
Architects Act 1997	1997 c. 22
The Sustainable and Secure Buildings Act 2004	2004 c. 22
The Regulatory Reform (Fire Safety) Order 2005	2005/1541
The Building (Approved Inspectors etc.) Regulations 2010	2010/2215
Energy Performance of Buildings (England and Wales) Regulations 2012	2012/3118
Professional Qualifications Act 2022	2022 c. 20

Other guidance you may wish to consider

While this handbook covers the broader impacts and changes brought about by the Building Safety Act 2022 for Wales in relation to the design and construction phase, the policies introduced to support it, and the related secondary legislation, you may find it useful to consider information in the following sources for technical overviews of some of the supporting legislation:

Title	Document type
Removal of criteria for Approved Inspector insurance (WGC 004/2022)	Welsh Government circular
New regulations implementing the Building Safety Act 2022: Description of higher-risk buildings; charges; registration, sanctions and appeals (WGC 005/2023)	Welsh Government circular
New requirements for the Building Control profession in Wales (WGC 003/2023)	Welsh Government circular
Designation of Building Control profession registration and oversight functions to the Building Safety Regulator and related Charging Scheme (WGC 001/2024)	Welsh Government circular
Building Regulations Circular - New commencement and transitional regulations supporting the Building Safety Act 2022	Welsh Government circular
New regulations supporting the Building Safety Act 2022: restricted activities and functions, and amendments to the Building (Approved Inspectors etc.) Regulations 2010	Welsh Government circular
New commencement and transitional regulations supporting the Building Safety Act 2022 (WGC 007/2024)	Welsh Government circular

Approved Inspectors becoming Registered Building Control Approvers

Before April 2024

Prior to commencement of the amendments made to the Building Act 1984 by the Building Safety Act 2022, there were two types of building control bodies: local authorities and Approved Inspectors (working in the private sector). Both would employ building inspectors among other roles and could act to oversee building work and assess for competence.

As each body was able to provide building control services, this gave choice to consumers and industry over who might undertake the building control function. There was no difference in the types of work that either body could undertake, so long as the body had appropriately trained and available building inspectors working on their behalf.

Approved Inspectors (AIs) were, as organisations, monitored by the Construction Industry Council Approved Inspectors Register (CICAIR). CICAIR were designated by Welsh Ministers to maintain a register of businesses working in the sector and which oversaw approval, re-approval of businesses and any investigations into misconduct.

CICAIR closing, and introduction of the Building Safety Regulator

From April 2024 CICAIR has closed and the functions they managed on behalf of the Welsh Ministers have been designated to a new organisation: the Building Safety Regulator (BSR). The BSR is a public body which will now maintain a register of building control approvers and regulated professionals.

Due to the amendments to the Building Act 1984 and since CICAIR has ceased to operate as the only body designated to register AIs, Approved Inspector 's will no longer be able to offer building control services at the expiry of the transitional provisions. As part of this change, the term Approved Inspector has been retired. The segment in private sector building control that AIs filled will now be taken by Registered Building Control Approvers (RBCAs).

The register for RBCAs in England was opened by the BSR in October 2023 and expanded to include applications for RBCAs in Wales from January 2024. Existing AIs were encouraged to apply before a deadline of 6 April 2024.

Registration is valid for 5 years, unless varied or cancelled.

AIs that do not become RBCAs

While most AIs have registered as RBCAs operating under the new scheme, we are aware that not all AIs want to continue to offer their services into the future. In Wales, secondary legislation has provided a transitional period which will end on 1 October 2024. During the transitional period, AIs who have not applied for registration as an RBCA can continue to work on existing projects that are not higher-risk buildings, but they are unable to undertake new work after 6 April 2024. During the transitional period, AIs may still apply for registration as an RBCA which would allow them to undertake new work again or continue their existing work past the end of the transitional period. They also have the option to transfer their work to a different RBCA or local authority. At the end of this transitional period, any outstanding work will automatically transfer to the relevant local authority's building control team. This will allow for an orderly wind down of businesses choosing not to register as an RBCA with our new regulations and registration requirements.

From 6 April 2024, you must not undertake any new building control work if you are still operating as an AI. Local authorities are aware that they must reject any new initial notices that you may submit at this time. Initial notices that were submitted before 6 April 2024 may still be approved, but you will be bound by transitional requirements to either complete the work, or transfer the work to an RBCA or local authority before 1 October 2024. After this date, you will be unable to conduct any building control activities.

Requirements and responsibilities of RBCAs

In order to offer building control functions, RBCAs must be registered with the BSR and their registration will detail the types of building control work and services they are authorised to perform. To register, they must provide evidence that they have a suitable number of appropriately skilled and competent building inspectors under their employment. These building inspectors will also need to be registered with the BSR in order to qualify as suitably skilled and competent for the work they will conduct.

Like AIs before them, RBCAs will be able to offer private building control services to individuals and organisations, and oversee building work with the capacity to sign off work as compliant with the law. A major change compared to AIs is that RBCAs will be unable to perform building control tasks in relation to higher-risk building work. In line with the recommendations from the Hackitt Report which proposes a model that "ensures a clear, single regulatory route for oversight of HRRBs [higher

risk residential buildings] through Local Authority Building Control.” (Hackitt, 2018), the Welsh Ministers have restricted this kind of building control work to local authorities.

As long as RBCAs maintain their registration with the BSR, and have appropriate staffing levels to complete the work they agree to, RBCAs will continue to be able to work on all other building projects that are within the remit of their registration.

The processes that RBCAs follow are essentially the same that AIs used to operate under – although there are now some additional forms that may be used in specific circumstances that did not exist before. RBCAs will also be required to sign up for and abide by the [Professional Conduct Rules](#) and [Operational Standards Rules \(OSR\)](#) that govern the industry.

There are also requirements for RBCAs to monitor and report on certain information. The details for these requirements are laid out in the [OSR Monitoring Arrangements](#).

[How to apply for registration as an RBCA](#)

If you have not yet registered your business to be an RBCA then [you can find application details on gov.wales](#). The same website provides information on renewing registrations (required every five years), as well as amending or cancelling your entry on the BSR’s register.

RBCAs will need to have an appropriate number of Registered Building Inspectors, with competence and registration relevant to their workload, to register and operate.

[Forms for RBCAs to use](#)

As part of our reform of the building control profession, we have reviewed the forms that are contained in Schedule 1 to [the Building \(Approved Inspectors etc.\) Regulations 2010 which cover a variety of situations](#).

There is a complete breakdown on forms later in this document, but the core point to be aware of is that forms for Wales now have “(W)” appended at the end of their titles so you can easily identify whether you are using forms for Wales or for England. Where England and Wales are implementing parts of the Building Safety Act 2022 in slightly different ways, our forms are only diverging in content where building regulations may differ between countries.

Many forms were renumbered, and new forms were introduced that relate to transfer certificates, cancelling initial notices (including different sections relating to higher-risk building work) and new prescribed forms that local authorities must use to contact RBCAs and contractors conducting work in certain circumstances.

We have introduced transitional provisions to ensure that forms submitted before the new regime began in April 2024 can still be processed after that time.

[Restricted activities and functions for RBCAs](#)

There is a section later in this document fully outlining details on functions and activities applicable to RBCAs that are restricted to only be delivered by, or with the advice of, a registered building inspector

Building Inspectors becoming Registered Building Inspectors

Before April 2024

Building inspectors have been a core part of building safety in recent decades. The role requires knowledge and expertise around building regulations, as well as administrative processes to ensure that workflows are completed accurately.

It's a career that rewards diligence and an eye for detail but also offers the opportunity to problem solve. Working for local authorities or AIs, building inspectors formed the backbone of building control, performing the functions and activities like assessing for compliance with the building regulations.

From April 2024 onwards

As part of the Welsh Government's efforts to improve safety across the building industry, building inspectors will now need to be registered and accredited with the Building Safety Regulator in order to continue their role. Registration for building inspectors working in Wales commenced in January 2024.

The fundamentals of the role have not changed between the old 'building inspector' and new 'Registered Building Inspector' roles (RBI). RBIs will still need to where necessary check plans submitted for buildings and projects, undertake site inspections and work with contractors, designers and clients to assess for compliance .

What has changed is that RBIs will now be categorised based on demonstrable and assessable competence for certain tasks. There are details on these levels below. This will ensure RBIs work at a level appropriate to their experience and foster the potential for career development through supervised work on more complex projects while allowing those with proven skills to work independently within the scope of their registration.

As part of the regulation of the profession, RBIs will also sign up for a [Code of Conduct](#) which lays out the standards and principles of professional conduct expected of them.

How to register as a Registered Building Inspector

The process to become registered involves undertaking a competency assessment at the level you wish to be registered at with an approved training scheme. Details of the approved schemes can be found using the link below. Depending on the scheme, this competency assessment may take the form of an interview, an exam, or portfolio review where you will have the opportunity to demonstrate your understanding of building regulations, safety measures and good judgment.

Once a person has been assessed as competent to a particular level, they can apply to the BSR for registration at that level. There are more details on [how to apply on gov.wales](#).

Registration is valid for 4 years.

Tiers of RBI accreditation

Under the Building Inspector Competence Framework (BICoF) there are four tiers of potential RBI registration. You can [read the BICoF at gov.wales](#) for full details of what the framework expects RBIs to be able to evidence and achieve.

A building inspector may apply to have their competency assessed at any of the four levels, and if they fail to demonstrate appropriate competency at the tier they apply for they may still be able to achieve certification at a lower tier. Once their competency has been certified at a particular level

they can apply to register their competency level with the BSR, and may still opt to register at or below their certified competency level.

The four tiers are:

Class 1 Trainee Building Inspector

This class is suitable for those new to the profession, or undergoing training. Class 1 RBIs can complete many building control functions and tasks so long as their work is supervised by a person with the appropriately assessed and registered competency who could have completed the task on their own. This enables organisations to develop experience within their team.

People who want to work as a Class 1 RBI will not require a competency assessment to support their registration. As a consequence, Class 1 RBIs can only work under supervision.

Class 2 Building Inspector

Most RBIs will operate at Class 2 competency level. This denotes a specific level of competency as assessed by an approved scheme. RBIs accredited at this level may work unsupervised on building categories they are registered to work on, which may include:

- Category A, a residential dwelling house for a single household, less than 7.5m in height
- Category B, residential flats and dwelling houses, less than 11m in height
- Category C, residential flats and dwelling houses, 11m or more but less than 18m in height
- Category D, all building types and uses, less than 7.5m in height
- Category E, all building types, 7.5m or more but less than 11m in height
- Category F, all building types, 11m or more but less than 18m in height

Class 3 Building Inspector

Class 3 competency denotes advanced capability. RBIs who have evidenced capability at this level may work unsupervised on building categories they are registered to work on which may include:

- Category A to F buildings
- Category G, all building types, including standard and non-standard but excluding high-risk, with no height limit
- Category H, all building types, including high-risk

Class 4 Building Inspector (Technical Manager)

This class of competency is intended for those in technical management or supervisory positions. It is an addition to Class 2 or Class 3 competency. A person operating with this classification must not carry out unsupervised activities rated above their primary class – for example, a Class 4 technical manager who has been assessed as competent to deal with Class 2 activities must not carry out any Class 3 activities unless supervised.

You may administratively manage a building control team without being registered as a building inspector, but you cannot manage building control professionals on technical matters unless you are registered.

RBIs and Restricted functions and activities

RBCAs and local authorities are able to perform a number of restricted functions and activities relating to building control work. To perform these functions, they must utilise an RBI. RBIs of any class are generally permitted to complete relevant restricted functions or activities, though they may

only complete these activities if they are supervised by somebody with the relevant registration and assessed competence, or possess the relevant registration and assessed competence themselves.

There is an explanation of what these restricted activities and functions are towards the end of this document, and the legislation relating to them can be found [here](#).

Higher-Risk Buildings

The introduction of the term “higher-risk building” and corresponding “higher-risk building work” is one of the major changes that the Building Safety Act 2022 makes to the landscape of building control.

What the Hackitt report found is that many types of large residential buildings were non-standard in scope and thus should have been built and maintained as such with enhanced building inspector oversight.

To ensure that this happens in future the designation “higher-risk building” was created. In Wales, a higher-risk building means a building that is:

- 1) at least 18 metres in height, or has at least 7 storeys, and contains
 - a. at least one residential unit,
 - b. a hospital that has at least one bed intended for use by a person admitted to the premises for an overnight stay,
 - c. a care home, or
 - d. a children's home, and
- 2) is not an excluded building

The full description is laid out in [the Building Safety \(Description of Higher-Risk Building\) \(Design and Construction Phase\) \(Wales\) Regulations 2023 which can be read on legislation.gov.uk](#)

This description covers all structures that exist or might exist which meet the requirements, so a twenty-two storey office block with a penthouse suite where an executive lives would fall under the regulations just as a seven storey block of thirty flats would. The legislation includes hospitals where at least one patient would stay overnight (so long as any portion of the building comprises seven storeys, or meets the height requirement of 18m tall), care homes and children’s homes.

Excluded buildings

The legislation detailing higher-risk buildings also makes several exceptions.

Examples of excluded buildings include hotels and managed accommodation where our evidence suggests the staffed nature of such buildings reduces the risk to occupants. We are aware of a trend across the hospitality industry towards lower-staffed or unstaffed hotels though, and will continue to monitor in the coming years with a view to amending the definition if our evidence base suggests this trend increases the risk in these types of buildings.

Also excluded are secure residential institutions as these buildings have specific security considerations, and the Ministry of Justice have their own building and fire safety arrangements. We believe it is right that these are maintained.

The final category of excluded buildings is those for military use, including barracks, accommodation provided by the Ministry of Defence, or used by His Majesty’s forces or similar visiting forces. These structures are excluded, even if they would have met the height, storey or accommodation

requirements, because of other legislation, security concerns, and building regulations that are applicable to such structures.

Limits on higher-risk building work

Previously, building control functions could be performed by AIs or by local authorities, allowing the private sector to reduce burden on the public sector by increasing capacity available to industry and developers. This had the added benefit of increasing competition for a robust sector.

From April 2024 onwards building control functions for higher-risk buildings have been restricted in Wales. Only local authorities will be permitted to oversee higher-risk building work.

The Building Safety Regulator

After commencement of the relevant provisions of the Building Safety Act 2022 to amend the Building Act 1984, the Welsh Ministers became the regulatory authority for the regulation of the building control profession for Wales. For England, the Building Safety Act 2022 determined this body would be the [Building Safety Regulator \(BSR\)](#) to be created as part of the Health and Safety Executive.

Prior to April 2024, CICAIR was the body designated for approving and for overseeing AIs. CICAIR has now been wound down. Early on in the development of policy and secondary legislation to support and solidify the changes brought about by the Building Safety Act 2022, it was decided that, as many businesses in the private sector work across England and Wales, we could avoid duplication of work by enabling the [BSR](#) to assume the functions of the regulatory authority for the building control profession in Wales.

In early 2024 the necessary agreements were signed authorising the BSR to act on behalf of the Welsh Ministers to perform certain functions relating to regulating the building control profession (RBCAs and RBIs) in Wales in addition to their functions doing the same for England.

We have designated them to perform data collection and processing on behalf of the Welsh Ministers, and have empowered them to investigate, administrate and enforce against misconduct by RBIs or RBCAs in Wales. These functions will be performed on a cost-recovery basis.

The benefit to this arrangement is that all RBIs, and all RBCAs across England and Wales have a single point of contact and single regulatory body.

Charges

Under the [Building Control Profession \(Charges\) \(Wales\) Regulations 2023](#), which were made under sections 105B(1), (2)(b) and (3) and 120A(2)(a) and (b) of the Building Act 1984 (as inserted by the Building Safety Act 2022), the Welsh Ministers are empowered to charge for certain functions relating to building control. Regulation 3 defines these chargeable functions and they can be broadly summarised as:

- Registering a person as a building inspector
- Registering a person as a building control approver
- Conducting investigations into professional misconduct and contraventions of the Professional Conduct Rules (“PCRs”) or Operational Standards Rules (“OSRs”), and related actions
- Action taken to secure compliance with Part 2A of the Building Act 1984 or to impose a sanction in respect of a contravention of Part 2A

- Action taken in responding to an appeal against a decision where the person making the appeal either withdraws the appeal or the original decision is confirmed by a Magistrates' Court
- Inspection of a local authority or an RBCA.

As part of the agency agreement empowering the BSR to act on behalf of the Welsh Ministers, the ability to charge for these functions has been passed to them. Full details of the [charging scheme can be found on gov.wales](#).

Functions that the BSR can perform

As part of our designation of functions to the BSR we have empowered them to perform the following:

- Establishing a register of RBCAs and RBIs which includes the relevant classes and conditions for different categories of registration
- Managing the registration, inclusion, amendments and deletion of data from those registers
- Undertaking investigations, prosecuting offences, and applying sanctions up to and including deregistration for RBIs or RBCAs who fail to meet acceptable standards of conduct
- Publishing documents on behalf of the Welsh Ministers relating to building control
- Functions relating to operational standards rules, including developing and monitoring reporting requirements, as well as issuing improvement and contravention notices and ensuring they are enforced
- In a limited capacity, overseeing and responding to complaints made about Approved Inspectors that would previously have been dealt with under CICAIR

The role of Local Authorities

Regulation of local authorities will continue to be undertaken directly by the Welsh Ministers. They will continue to perform building control functions much as they had under the old regime except that their building inspectors will now also need to be registered building inspectors who are registered with, and regulated by, the BSR. They will also be required to comply with the Operational Standards Rules.

From 6 April 2024 local authorities are the only building control body that are able to take on new higher-risk building work. While RBCAs will be able to continue with any outstanding higher-risk building work started under the old regime and commenced by 1 October 2024, if they discover that new higher-risk building work rules apply, or if an initial notice lapses or is cancelled, or they need to transfer building control functions to a different body, only local authorities can then continue with these projects.

Oversight of Local Authorities

While the BSR has been designated as the regulatory body to oversee RBCAs and RBIs (including those working for local authorities), the BSR is not authorised to oversee and regulate local authorities in Wales. That power has been reserved for the Welsh Ministers.

We have plans to reform monitoring and enforcement of local authority building control from April 2025.

Restricted activities and functions for Local Authorities

There are a variety of functions that local authorities perform as part of building control work that have been restricted as a result of changes to legislation. The full details are in the section below but

are covered in brief in the Welsh Government circular [New regulations supporting the Building Safety Act 2022: restricted activities and functions, and amendments to the Building \(Approved Inspectors etc.\) Regulations 2010](#)

It will be important for local authorities to ensure they have sufficient RBIs available who are registered with the BSR and who have competency appropriate to the functions they are completing.

Forms

As noted in the RBCA update above, we have modified a number of forms used for Building Control in Wales. These were inserted by the [Building \(Approved Inspectors etc.\) \(Amendment\) \(Wales\) Regulations 2024](#) into the [Building \(Approved Inspectors etc\) Regulations 2010](#).

Forms before April 2024

Before we began implementing the Building Safety Act 2022 and its assorted updates to the Building Act 1984 and secondary legislation, there were twelve prescribed forms used as part of building control work in Wales. These were all located in Schedule 1 to the Building (Approved Inspectors etc.) Regulations 2010 and covered the following:

- Form 1: Initial Notice was for an AI to submit an initial notice to the local authority of work they intended to begin overseeing
- Form 2: Amendment Notice allowed an AI to vary details for an already submitted initial notice
- Form 3: Plans Certificate allowed for an AI to confirm that a design would meet building regulations
- Form 4: Combined Initial Notice and Plans Certificate would allow an AI to combine forms 1 and 3 and submit them at the same time
- Form 5: Final Certificate was used when a piece of work was completed, and certified that it met the appropriate standards and complied with building regulations
- Form 6: Notice of Cancellation by Approved Inspector could be used by an AI if they wished to revoke an initial notice they had previously submitted
- Form 7: Notice of Cancellation by Person Carrying out the Work could be used by industry contractors and builders to cancel an initial notice relating to the project they were working on
- Form 8: Notice of Cancellation by Local Authority allowed for local authorities to cancel initial notices but only where three years had passed since an initial notice was accepted for work, and the work has not begun
- Form 9: Public Body's Notice could be used by approved public bodies similarly to form 1 where their own agents intended to complete building control work for a project as an alternative to an AI completing the work
- Form 10: Public Body's Plans Certificate could be used similarly to form 3, but only by approved public bodies
- Form 11: Combined Public Body's Notice and Plans Certificate could be used similarly to form 4, but only by approved public bodies
- Form 12 Public Body's Final Certificate could be used similarly to form 5, but only by approved public bodies

At the time, local authorities and AIs could work on any type of project so long as they had sufficient building inspectors to complete their works.

This system sometimes encountered issues if an AI ceased trading, or through sanctions, was unable to continue their work, and limited mechanisms existed for work to pass from one AI to another.

From April 2024 onwards

The Building Safety Act 2022 amended the Building Act 1984 and introduced a number of new processes for building control, as well as limiting some functions (for example, removing the ability for the private sector to oversee higher-risk building work). At the same time, it sought to make the process smoother if a RBCA were unable to continue working, or wanted to transfer their responsibilities to another RBCA.

We have introduced a number of forms relating to these new requirements, and to differentiate forms for Wales from forms for England. This was achieved by appending “(W)” at the end of each title in Wales. [These forms can be found here](#)

There are now 20 forms in Wales. Forms 1(W) through to 17(W) achieve the same objectives as England’s forms 1-17 (with the exception of form 6 – see more below) but are tailored to meet policy differences in Wales. We have also introduced forms PB1 to PB4. These replace the old forms 9 to 12 for public bodies which England have removed.

You may note that there is no form 6(W). England’s legislation relating to RBCAs which replaced their legislation relating to AIs introduced form 6 to formalise a process of declaring a notice or certificate invalid, thereby negating the need for a local authority to process it. In Wales, this process is managed informally by local authorities writing to the person submitting the form. We have assessed the situation and process and are content that it does not need to be formalised in Wales at this time – though we will review that decision as part of future work.

Form 1(W): Initial Notice

This is used for notifying the local authority relevant to your building project of your intention to begin some kind of work.

This is materially the same as the previous form 1, except it now requires the RBCA to confirm that work the notice relates to does not include any higher-risk building work.

Form 2(W): Amendment Notice

The purpose of this form is to vary in some way an initial notice (form 1) which has already been submitted.

This is materially the same as the previous form 2, except it now requires the RBCA to confirm that work the notice relates to does not include any higher-risk building work.

Form 3(W): Plans Certificate

This form is used to certify that some part(s) or the whole of a plan for a particular piece of work have been inspected and certified as complying with building regulations if constructed as designed.

This is materially the same as the previous form 3, except it now requires the RBCA to confirm that work the notice relates to does not include any higher-risk building work.

Form 4(W): Combined Initial Notice and Plans Certificate

You might use this combined notice in a situation where:

- you wish to provide an initial notice to a local authority that you intend to begin some kind of work, and

- you are providing certification you have already inspected some part, or all, of the plans for a project, and
- you have determined that the plans are sufficient and comply with building regulations if the project were to be constructed as designed

As it is a combined form, it asks for the same information that form 1 and form 3 individually ask for.

This is materially the same as the previous form 4, except it now requires the RBCA to confirm that work the notice relates to does not include any higher-risk building work.

Form 5(W): Final Certificate

Where a project, or part of a project has been completed this form can be used to certify that the work has been completed satisfactorily.

This is materially the same as the previous form 5, except it now requires the RBCA to confirm that work the notice relates to does not include any higher-risk building work.

Form 7(W): Notice of Rejection of an Initial Notice, Amendment Notice, Plans Certificate or Final Certificate

This form is used by local authorities to reject, if necessary, an initial notice, amendment notice, plans certificate or final certificate relating to a piece of work. This notice had not previously been prescribed.

Form 8(W): Notice of Change of Person Carrying out the Work

This is another new form: the purpose of it is to notify a local authority of a change of person carrying out work relating to a specific initial notice. The form is submitted to the local authority, and also to the new person carrying out the work. If this new person is not the owner of the site, or client, then a copy of the notice should also be sent to them. This allows for all parties to understand at all times who should be performing work in relation to a particular initial notice.

Form 9(W): Notice of Cancellation by a Registered Building Control Approver

This form is materially the same as the previous form 6. It would be used if an RBCA needs to cancel an initial notice for any reason. The form is submitted to the local authority, and to the person carrying out work at the site so all parties are aware that the initial notice relating to the work has been cancelled.

There is a discretionary section where an RBCA can list any contraventions that may have caused the initial notice to be cancelled, and confirms that the RBCA gave appropriate notice for people carrying out work to take remedial actions before the initial notice was cancelled.

Form 10(W): Notice of Cancellation by Person Carrying out the Work

This form is materially the same as the previous form 7. It would be used if a contractor or person carrying out work needs to cancel an initial notice for any reason. The form is submitted to the local authority, and to the RBCA overseeing work at the site so all parties are aware that the initial notice relating to the work has been cancelled.

Form 11(W): Notice of Cancellation by Local Authority

This form is new and operates under section 52(5A) of the Building Act 1984. It allows local authorities to cancel an initial notice if the conditions in section 52(5B) are satisfied. Those conditions include:

- the RBCA is given a disciplinary order and is no longer permitted to carry out building control functions relating to the initial notice or
- the RBCA has had their registration cancelled

Form 12(W): Notice of Proposed Cancellation

This is a new form and is used to give an RBCA seven days' notice that the local authority intends to cancel an initial notice. This gives the RBCA time to make representations against the cancellation before the initial notice is revoked.

Form 13(W): Notice of Cancellation by a Registered Building Control Approver of work which has become Higher-Risk Building Work

This is a new form, similar in effect to form 9(W) except that this form only allows an RBCA to cancel an initial notice if it becomes aware that building work for the project an initial notice relates to has, or will, become higher-risk building work. Using this form, it is possible to cancel the initial notice for the whole project, or a specific part of it.

When this form is used, a copy is given to the local authority, to the person carrying out the work, and if this is not the client, then a copy is given to the client as well. This ensures all parties are aware of the change of circumstances.

Form 14(W): Notice of Cancellation by Person Intending to Carry Out the Work when work becomes Higher-Risk Building Work

This is a new form, similar in effect to form 10(W) except that this form only allows the person carrying out work to cancel an initial notice if it becomes aware that building work for the project an initial notice relates to has, or will, become higher-risk building work. Using this form, it is possible to cancel the initial notice for the whole project, or a specific part of it.

When this form is used, a copy is given to the local authority, to the RBCA overseeing the work, and if the person issuing the form is not the client, then a copy is given to the client as well. This ensures all parties are aware of the change of circumstances.

Form 15(W): Notice of Cancellation by Local Authority of Work which has become Higher-Risk Building Work

This is a new form, similar in effect to form 11(W) except that this form only allows the local authority to cancel an initial notice if it becomes aware that building work for the project an initial notice relates to has, or will, become higher-risk building work. Using this form, it is possible to cancel the initial notice for the whole project, or a specific part of it.

When this form is used, a copy is given to the RBCA overseeing the work, the person carrying out work (and if the person carrying out work is not the client, then a copy is given to the client as well). This ensures all parties are aware of the change of circumstances.

Form 16(W): Notice of Cancellation by Local Authority of Work where no Transfer Certificate and Transfer Report is Given

This is a new form and deals with the situation of a transfer of work from RBCA to RBCA not being completed. The process involved in transfer certificates is detailed elsewhere in this document. The form would be completed by a local authority and issued to the RBCA originally noted on the initial notice that the form relates to, as well as the person carrying out work at the site.

Section 53D(2) of the Building Act 1984 gives the local authority the ability to cancel initial notices rather than transfer responsibility for such notices to another RBCA. This will apply in circumstances

where the transfer certificate and transfer report are rejected, or where the RBCA has not supplied a transfer certificate and transfer report to the local authority. If this happens, a new initial notice may not be given in relation to any of the work to which the cancellation notice related. Only in prescribed circumstances can a new initial notice for such work be given.

Form 17(W): Notice of Cancellation by Person Carrying out the Work

This is a new form and allows the person carrying out work on an initial notice to cancel that initial notice. Superficially, this appears similar to form 10(W) but this form is only to be used in the circumstances set out in section 53D(3) of the Building Act 1984 which is where an initial notice is still in force, a transfer between RBCAs has been initiated and the local authority has not yet made a decision to accept or reject the transfer certificate and report. Under those circumstances, the person carrying out the work can cancel the initial notice. When this happens, a new initial notice may only be given if certain prescribed conditions are met.

Form PB1(W): Public Body's Notice

This form is materially the same as the previous form 9. It would be used in the situation where an approved public body (defined in section 54(1) of the Building Act 1984) wishes to give initial notice of work they will conduct which they will directly oversee for building control purposes. It is submitted to the local authority and, functions similarly to form 1(W) in other purposes.

Form PB2(W): Public Body's Plans Certificate

This form is materially the same as the previous form 10. It would be used in the situation where an approved public body (defined in section 54(1) of the Building Act 1984) wishes to supply a plans certificate relating to an initial notice for work they will conduct, and which they will directly oversee for building control purposes. It is submitted to the local authority and, functions similarly to form 3(W) in other purposes.

Form PB3(W): Public Body's Notice and Plans Certificate

This form is materially the same as the previous form 11. It would be used in the situation where an approved public body (defined in section 54(1) of the Building Act 1984) wishes to give a combined initial notice and plans certificate for work they will conduct, and which they will directly oversee for building control purposes. It is submitted to the local authority and, functions similarly to form 4(W) in other purposes.

Form PB4(W): Public Body's Final Certificate

This form is materially the same as the previous form 12. It would be used in the situation where an approved public body (defined in section 54(1) of the Building Act 1984) wishes to certify that work that they have conducted and directly overseen for building control purposes has been completed to the appropriate standard. It is submitted to the local authority and, functions similarly to form 5(W) in other purposes.

Transfer Certificates and moving projects between RBCAs

Prior to the commencement of the relevant sections of the Building Safety Act 2022, the process of managing the situation of building control functions passing from one approver to another involved the outgoing building control body amending the description of works to reflect the works completed, and they would then issue a final certificate in regards to that work. The incoming building control body would then submit a new initial notice to cover the remainder of the project. The Building Safety Act 2022 inserted new sections 53B, 53C, 53D, and 53E into the Building Act 1984. These sections detail the processes involved in transferring building control functions from one

RBCA to another while maintaining the existing initial notice relating to a piece of work. In addition to this, Part 3A of the Building (Approved Inspectors etc) Regulations 2010, which concerns the transfer of projects to another approver, applies.

This change covers an administrative need identified within the industry. In the past, there have been situations where an AI has ceased trading, or otherwise been unable to continue to perform its functions, which have created procedural issues regarding whether a project is safe for another building control body to oversee. This can have costly consequences and may require some work to be redone.

From 6 April 2024, an RBCA can apply to the local authority to transfer an initial notice and building control functions to a new RBCA while keeping the original initial notice active. In order to do this, the local authority must be satisfied that work completed to date is appropriate and safe, so the process for transfer certificates is as follows:

- The outgoing RBCA must provide information to the local authority as prescribed in [Regulation 19C of the Building \(Approved Inspectors etc.\) Regulations 2010](#).
- The local authority will then have 28 days to consider the information and form their response, deciding whether to approve or reject the transfer certificate and transfer report.
- During the first 21 days of consideration, the local authority may request additional information from the outgoing RBCA. We have not prescribed a form for this; local authorities are free to request additional information in the format that suits them best.
- If additional information is requested in this way, the outgoing RBCA will have seven days to respond and provide the additional information. If this would extend the timeframe of the process beyond the initial 28 days where the local authority should provide their response then the decision making period is extended as necessary to include this additional seven day period.
- Information requested this way must also be provided to the person carrying out work on the initial notice. That way, all parties are kept informed of decisions and information relating to the project.
- Once a local authority has had sufficient time to request information and consider the transfer certificate and transfer report, they must respond to the outgoing RBCA to approve or reject the documents. These may only be rejected if one or more of the reasons in [Schedule 3A of the Building \(Approved Inspectors etc.\) Regulations 2010](#) are met, or if the RBCA fails to give information to the local authority.
- In the event that an initial notice is cancelled as a result of a transfer certificate and report being rejected, a new initial notice may only be accepted if prescribed circumstances are met. These circumstances are described in [Regulation 19F of the Building \(Approved Inspectors etc.\) Regulations 2010](#).
- The outgoing RBCA cannot perform building functions relating to the new initial notice while the notice is in force

Restricted functions and activities

As part of the implementation of the Building Safety Act 2022, it has been necessary to define and prescribe certain functions and activities to mandate, prohibit or regulate them so they can only be performed by, or with the advice of, RBIs with suitable registration.

The [Building \(Restricted Activities and Functions\) \(Wales\) Regulations 2024](#) list these activities and functions.

These Regulations impact local authorities, RBCAs and RBIs. RBCAs and local authorities require RBIs with the appropriate competency to conduct the restricted activities and functions listed in the Regulations.

RBCAs

Broadly speaking, the following are RBCA activities and functions that are restricted:

- Checking plans relating to initial notices, amendment notices or plans certificates relating to building work, for the purpose of determining compliance with building regulations applicable to the work
- Scheduling and carrying out inspections of building work for the purpose of determining compliance with building regulations applicable to the work
- Undertaking other restricted activities and functions as prescribed in regulations

RBCAs are only permitted to perform building control functions and activities relevant to the scope of their registration.

Local Authorities

Like RBCAs, there are some activities and functions that are restricted so that a local authority may only perform them through, or with the advice of, an RBI. Restricted activities and functions for local authorities include:

- checking plans submitted to them for compliance with building regulations.
- inspecting building work
- determining applications for the relaxation of building control
- passing or rejecting plans
- setting or varying the period under which building work must be removed
- requiring a building to be drained in combination
- giving consent for facilities relating to refuse
- giving notice or granting certificates relating to water supplies
- exercising certain powers relating to building regulation conformity
- determining whether a contravention of building regulations has occurred
- giving a section 36 notice, or determining whether to pull down or remove work, or affecting alterations to work (as well as the ability to withdraw a section 36 notice)
- cancelling an initial notice if work would become higher-risk building work
- giving completion certificates
- issuing regularisation certificates or determining reasonable steps related to this process
- determining whether partially completed work is sufficient to show that it would not contravene building regulations, or requiring work to be uncovered in order to determine whether a contravention exists

RBIs

While RBIs are required to perform each of the functions listed above, there are six activities that they may also conduct on behalf of local authorities and RBCAs:

- Giving initial notices to local authorities, including combined initial notices and plans certificates or new initial notices
- Giving plans certificates to local authorities
- Giving final certificates to local authorities

- Giving amendment notices to local authorities
- Giving notice of cancellation of an initial notice to a local authority
- Giving a transfer certificate and transfer report to a local authority

Transitional and Savings provisions

The changes introduced to design and construction in Wales by the Building Safety Act 2022 and related secondary legislation has required careful consideration and management to ensure that new systems do not conflict with older methods.

We have made new regulations and amended existing secondary legislation and also preserved certain powers that would otherwise be erased by new legislation in order for the building control regime to function smoothly.

Many of these provisions are contained in the [Building Safety Act 2022 \(Commencement No. 4 and Transitional and Saving Provisions\) \(Wales\) Regulations 2024](#).

Transitional provisions relating to Approved Inspectors

We have established a series of transitional provisions in the Building Safety Act 2022 (Commencement No. 4 and Transitional and Saving Provisions) (Wales) Regulations 2024 covering situations that may occur with AIs.

These Regulations allow for certain sections of the Building Act 1984, which would be amended by the Building Safety Act 2022 to change terminology to RBCAs, to still be read as if it referred to AIs until 1 October 2024.

The Regulations provide that where an AI does not become an RBCA before 6 April 2024:

- Any higher-risk building work that they are overseeing must be passed to the local authority from 6 April 2024. They will not be permitted to continue to oversee this work at all.
- For work that isn't higher-risk building work, AIs will be permitted to continue to provide building control functions, including submitting relevant forms, until 1 October 2024. On that date, any outstanding initial notices, plans certificates etc will cease to be in force.
- If work they are currently overseeing becomes higher-risk building work (for example, through submission of an amendment notice) then this work passes immediately to the local authority.
- If work has not completed on a project they are overseeing by 1 October 2024 then that work will pass to the local authority unless an RBCA has already submitted an initial notice to take over the work and that notice is accepted, or deemed to be accepted.
- If an AI cancels an initial notice between 6 April and 1 October 2024 then an RBCA may submit an initial notice for that work.

We have also included a transitional provision in the [Building Safety Act 2022 \(Commencement No. 5 and Consequential Amendments\) \(Wales\) Regulations 2024](#) which ensures that AIs still operating after the start of the new building control regime are still able to complete relevant functions.

Transitional provisions relating to RBCAs

In addition to provisions affecting AIs, we have introduced several provisions relating to RBCAs in order to smoothly migrate between the old system and the new regime for building control.

While RBCAs (and AIs who became RBCAs before 6 April 2024) are prohibited from submitting initial notices relating to higher-risk building work from 6 April 2024, they are permitted to continue work on projects involving higher-risk building work if the following conditions are met:

- The initial notice for that project was accepted, or is deemed to be accepted, before 6 April 2024, and
- Work on the project is commenced before 1 October 2024

The RBCA will be able to continue to oversee the project, despite it including higher-risk building work, until the project is completed or until an initial notice relating to the work is cancelled. If work on a higher-risk project has not commenced by 1 October 2024 then any initial notice or plans certificates relating to the work will be cancelled.

If an initial notice relating to higher-risk building work is cancelled any time after 6 April 2024 then responsibility for that work will pass to the local authority and this cannot be reverted.

Transitional provisions relating to RBIs

We have implemented transitional provisions which allow building inspectors to continue to work up until 1 October 2024 without full registration in place, subject to conditions.

These conditions were designed to ensure that people making use of the transitional arrangements had registered as an RBI, and had begun the process of having their competency assessed at the level they intend to work and had not failed a demonstration of competence at that level.

It is still important, if you plan to work as a building inspector in the future, that you proceed with arranging and completing your competence assessment, and varying your registration with the BSR to match the competency level before 1 October 2024, otherwise you will be unable to perform building control work such as restricted activities and functions.

Transitional provisions relating to forms

Part 3 of the [Building \(Approved Inspectors etc.\) \(Amendment\) \(Wales\) Regulations 2024](#) includes transitional provisions relating to forms used by the industry.

The four provisions created by these Regulations ensure that:

- Where a form was submitted to a local authority before 6 April 2024 it will be processed under protocols in place at that time. For example, using form 1 instead of form 1(W) to issue an initial notice, or for an AI to submit an application for work which after 6 April would have been declined for containing higher-risk building work.
- Where work that would now be considered higher-risk building work occurs, but form 2 (amendment notice), form 3 (plans certificate) or form 5 (final certificate) were submitted before April 6 2024 there is no requirement to confirm that the work did not relate to higher-risk work as it was permitted for private sector building control bodies to perform that work before the implementation of the new regime.

Future plans

The work conducted up to 6 April 2024 represents the first phase of building control reform. There are provisions of the Building Act 2022 that apply to Wales that have yet to be implemented. We are taking a position of splitting the implementation across several phases to allow industry to adapt to change as smoothly as possible and to cause minimum disruption to the industry.

Future changes that are under consideration or consultation include the introduction of duty-holders and responsibilities upon them, reforming the monitoring and enforcement of local authority building control from 2025, as well as the introduction of the Golden Thread and building control processes for HRBs.

To be informed of changes as they are announced, you may request to join our mailing list by contacting enquiries.brconstruction@gov.wales