

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.

Government Response:

Technical Scrutiny point 1:

The Welsh Government do not consider the drafting to be defective, for the following reasons:

1. Regulations 44 and 44ZA of the Building Regulations 2010 are amended by regulation 6 of the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025/1320 (S.I. 2025/1320). These amendments will come into force at the beginning of the day on 1 July 2026 (regulation 1 of S.I. 2025/1320 and section 29 of Legislation (Wales) Act 2019).
2. Regulation 4 of the Building etc. (Amendment) (Wales) Regulations 2026 (“the Regulations”) further amends regulations 44 and 44ZA of the Building Regulations 2010. As set out in regulation 1(2)(b) of the Regulations, these further amendments come into force after the amendments made by S.I. 2025/1320 i.e. at 12.01 a.m. on 1 July 2026.
3. As such we do not consider that there are any erroneous references, the amendments correctly amend regulations 44 and 44ZA of the Building Regulations 2010.

The Welsh Government appreciate amending provisions that are not yet in force creates complexity. Attempts were made to explain this to the reader in the Explanatory Memorandum and in footnote (3).

Technical Scrutiny point 2:

The Welsh Government accepts this point, both of the references to the “sole designer” should be to “sole or lead designer”. We acknowledge the need for a correction and this will be considered for amendment at the next available opportunity.

Technical Scrutiny point 3:

The Welsh Government accept this point, new paragraph (6) of Form 10(C) should have been inserted in Welsh into the Welsh text. The Welsh Government will explore the possibility of an amendment by correction slip with the SI Registrar.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 23 March 2026 and reports to the Senedd in line with the reporting points above.

