

Explanatory Memorandum to the Building Act 1984 (Amendment of Commencement Order No. 1) and Building Safety Act 2022 (Amendment of Commencement Regulations No. 6) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Planning Department for laying before Senedd Cymru alongside the Building Act 1984 (Amendment of Commencement Order No. 1) and Building Safety Act 2022 (Amendment of Commencement Regulations No. 6) (Wales) Regulations 2026. This is in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Building Act 1984 (Amendment of Commencement Order No. 1) and Building Safety Act 2022 (Amendment of Commencement Regulations No. 6) (Wales) Regulations 2026.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
3 February 2026

1. Purpose and overview

- 1.1. These Regulations amend the Building Act 1984 (Commencement No. 1) (Wales) Order 2025 and the Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025.
- 1.2. These Regulations correct an error in the Welsh text of both the Building Act 1984 (Commencement No. 1) (Wales) Order 2025 and the Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025 to replace placeholder text reading “XXXX” with the coming into force date of “1 Gorffennaf 2026” (1 July 2026) into article 2 and regulation 2 respectively.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1. These Regulations make corrections in response to the Committee’s reports on the Building Act 1984 (Commencement No. 1) (Wales) Order 2025 (SL(6)712¹), and the Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025 (SL(6)711²).
- 2.2. These Regulations meet the criteria for the Free Issue Procedure and so will be issued free of charge to anyone who has purchased a hard copy of the King’s Printer version of either the Building Act 1984 (Commencement No. 1) (Wales) Order 2025 or the Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025.

3. Legislative background

- 3.1. These Regulations are made under sections 120(1) and 134(1)(b) of the Building Act 1984 and section 170(4)(b)(i), (4)(b)(iii), (4)(b)(vi) and (4)(b)(viii) of the Building Safety Act 2022.
- 3.2. Although the Regulations are not subject to a Senedd procedure, they are required to be laid before Senedd Cymru under section 37F of the Legislation (Wales) Act 2019.

4. Regulatory Impact Assessment (RIA)

- 4.1. An RIA has not been completed for these Regulations. This is in line with the exemptions in section 3.2 of the Welsh Ministers’ code of practice for carrying out regulatory impact assessments for subordinate legislation.

¹ <https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46977>

² <https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46976>