

Explanatory Memorandum to the Building etc. (Amendment) (No. 2) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Building Regulations team and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Building etc. (Amendment) (No. 2) (Wales) Regulations 2026. I am satisfied that the benefits justify the likely costs.

Siân Gwenllïan MS

Cabinet Minister for Local Government, Housing and Planning

16 July 2026

1. Description

1.1. The Building etc. (Amendment) (No. 2) (Wales) Regulations 2026 (“the Regulations”) address reporting points raised by the Legislation, Justice and Constitution Committee of the Sixth Senedd (“the former Committee”), to correct references, minor errors, inconsistencies and omissions relating to recently made legislation. It forms part of the implementation of the Building Safety Act 2022 (“the 2022 Act”).

1.2. The Regulations amend:

- the Building (Local Authority Charges) Regulations 2010,
- the Building Regulations 2010,
- the Building (Restricted Activities and Functions) (Wales) Regulations 2024,
- the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024,
- the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025, and
- the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025.

2. Matters of special interest to the Legislation Committee

2.1. These Regulations make corrections in response to reports made by the former Committee in the Sixth Senedd on the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025 (SL(6)707¹) and the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025 (SL(6)708²).

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 for Wales version of the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025 or the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025. A headnote is included in the Regulations to this effect.

2.3. These Regulations come into force on 20 July 2026, which is less than 21 sitting days from the date on which they were laid before the Senedd. As such a letter of explanation has been sent to the Llywydd in accordance with section 37E(6) of the Legislation Wales Act 2019.

¹ [SL\(6\)707 - The Building \(Higher-Risk Buildings Procedures\) \(Wales\) Regulations 2025](#)

² [SL\(6\)708 - The Building etc. \(Amendment\) \(No. 2\) \(Wales\) Regulations 2025](#)

- 2.4. This approach has been taken as it will minimise the length of time between the coming into force of the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025 and the Building etc. (Amendment) (No 2) (Wales) Regulations 2025 and the charging omission being corrected.

3. Legislative Background

- 3.1. Following the Grenfell Tower tragedy, the UK Government appointed Dame Judith Hackitt to lead an independent review of building regulations and fire safety in England. In her final report, Dame Judith Hackitt outlined the need for a new approach to managing fire and structural safety risks in high-rise multi-occupied residential buildings together with fundamental changes to the way building control operates and emphasised the need to raise competence levels across the profession and industry more widely.
- 3.2. The Welsh Government's Building Safety Expert Group developed a 'Road Map to Safer Buildings in Wales' which applied the Hackitt report recommendations to Wales. These proposals were built on in the White paper: Safer Buildings in Wales³, which set out how the Welsh Government planned to address the issues in the design and construction and occupation stages. The White paper explained that changes to the design and construction regime in Wales would be brought forward through the 2022 Act.
- 3.3. The 2022 Act, which received Royal Assent in April 2022, brought forward a package of legislative changes in relation to building safety. For Wales, the 2022 Act introduces a range of legislative measures, including the creation of new design and construction protocols, mechanisms to monitor the competence of professionals within the system, and broader enhancements aimed at promoting safer building practices. It also includes targeted provisions specifically addressing higher-risk buildings (HRBs).
- 3.4. The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025 and Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025 were made in December 2025 that contained the majority of changes and updates required as part of a suite of new legislation which is intended to raise standards and safety across the built environment while providing clarity to industry on its responsibilities and duties.
- 3.5. Following those regulations being made a number of technical errors, inconsistencies and omissions were identified that these Regulations will correct. These corrections include granting local authorities powers to charge

³ [Safer buildings in Wales | GOV.WALES](#)

for functions which were originally chargeable for all buildings, but which have become, through omission, non-chargeable, where work relates to higher-risk buildings.

3.6. These Regulations are being made under the Senedd annulment procedure.

3.7. The Welsh Ministers make the Regulations in exercise of the powers conferred on them by sections 1(1), 16(1), 35(2), 35D(1) to (3), 46A, 47, 50, 51A, 52(3), 53A(6), 101A(3)(a) to (c) and (4) and 105B of, and paragraphs 1A, 1B, 1D, 1F, 1I, 5A to 5C, 7 and 10 of Schedule 1 to, the Building Act 1984.

4. Purpose and Intended Effect of the legislation

4.1. The aim of the Regulations is to correct reporting points identified by the former Committee and other technical matters, inconsistencies and omissions.

4.2. These Regulations are in line with the original policy intent of the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025 and Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025. With the exception of regulation 2, these Regulations are not intended to have a substantive effect on the regulations they amend. These regulations are listed in paragraph 1.2 above.

5. Summary of Key Provisions

Regulation 2 – Amendments to the Building (Local Authority Charges) Regulations 2010

5.1. This regulation amends the Building (Local Authority Charges) Regulations 2010. It updates provisions relating to plan charges and inspection charges so that they apply not only to applications under the Building Regulations 2010 but also to applications made under the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025.

5.2. The regulation also makes amendments to ensure that the timing and validity of applications appropriately reflect the requirement for payment of charges.

5.3. In addition, minor amendments are made to remove outdated terminology and ensure consistency with other recent changes to the building control framework in Wales.

Regulation 3 – Amendments to the Building Regulations 2010

- 5.4. This regulation makes a series of amendments to the Building Regulations 2010. These include corrections to terminology, removal of references to “working” days that were not required, and minor drafting adjustments to improve clarity and consistency.
- 5.5. The amendments also correct cross-references within the Building Regulations 2010 and update certain provisions to ensure alignment with recent legislative changes to the building control regime.
- 5.6. Additional changes include minor substitutions of wording to ensure consistency of language across the Building Regulations 2010 and to clarify the intended operation of particular provisions.
- 5.7. Overall, the amendments are technical in nature and are intended to ensure that the Building Regulations 2010 operate as intended within the updated legislative framework.

Regulation 4 – Amendment to the Building (Restricted Activities and Functions) (Wales) Regulations 2024

- 5.8. This regulation amends regulation 3 of the Building (Restricted Activities and Functions) (Wales) Regulations 2024. It corrects a reference in the restricted function related to the determination of completion certificate applications under the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025.
- 5.9. This amendment ensures that the Building (Restricted Activities and Functions) (Wales) Regulations 2024 accurately reflects the scope of functions intended to be restricted within the building control regime.

Regulation 5 – Amendments to the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024

- 5.10. This regulation makes a number of amendments to the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. It inserts additional definitions into regulation 2 to ensure that key terms used across the building control framework are defined consistently, including terms derived from the Building Act 1984.
- 5.11. Further amendments correct terminology, update references to the Building Act 1984, and make minor drafting changes to improve clarity and

consistency. This includes amendments to forms and schedules to ensure that wording is consistent with recent amendments to related legislation and reflects updated terminology.

- 5.12. Overall, these amendments are technical in nature to ensure consistency of drafting across building regulations.

Regulation 6 – Amendments to the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

- 5.13. This regulation amends the Building etc. (Amendment) (No. 2) (Wales) Regulations 2025. It corrects references to the Building Act 1984 and moves interpretative provisions for Part 4 of those Regulations, including definitions of key terms such as “building notice”, “plans”, and “initial notice”, to their own regulation to improve legibility.

- 5.14. The amendments are technical in nature and are intended to improve clarity and consistency with other legislation.

Regulation 7 – Amendments to the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025

- 5.15. This regulation makes a range of amendments to the Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025.

- 5.16. It adds and amends definitions in regulation 2, including amending the definition of “applicant” and moving the definition of “fire safety information”, to clarify their scope and application within the Regulations, without changing their intended meaning.

- 5.17. Minor amendments are made throughout the Regulations to correct drafting errors, including the insertion or removal of wording, correction of cross-references, and amendments to Welsh language text where necessary. Overall, the amendments are technical in nature and are intended improve clarity and consistency with other legislation.

6. Consultation

- 6.1. A full public consultation was conducted between 26 March 2025 and 25 May 2025 on proposals that have informed these Regulations.

- 6.2. The consultation document detailed the Welsh Government’s proposed continued implementation of the Building Safety Act 2022 and focused on

procedural reform for building control, introducing new duties and requirements for the key decision makers in building projects and giving local authorities new enforcement powers.

- 6.3. The public consultation was drawn to the attention of a wide audience of key stakeholders such as Registered Building Control Approvers, Local Authority Building Control Bodies and professional bodies such as Chartered Association of Building Engineers (CABE), Royal Institute of Chartered Surveyors (RICS), and the Chartered Institute of Building (CIOB).
- 6.4. In addition, to improve the consultation process key stakeholders from a variety of backgrounds in the sector were invited to pre-consultation workshop sessions to inform policy development.
- 6.5. The consultation responses informed the development of the Regulations and ensured alignment with the broader building safety framework. Some significant changes were made to consultation proposals as a result of the consultation exercise such as provisions for Domestic Clients detailed above.
- 6.6. The consultation documents and a summary of the responses are available at: [New building control regime for higher-risk buildings and wider changes to the building regulations in Wales | GOV.WALES](#)
- 6.7. In addition, and in accordance with section 14(7) of the Building Act 1984, the Building Regulations Advisory Committee for Wales (BRACW) were consulted during the consultation stage and subsequently in the consultation response stage regarding the proposed changes to the Building Regulations. They were also consulted on these amendments. They raised no objections to the changes.

7. Regulatory Impact Assessment

- 7.1. The new building safety regime is intended to improve the safety of building work in Wales, including new high rise residential buildings in Wales, building work in existing high rise residential buildings in Wales and improved oversight of other building work.
- 7.2. The design and construction phase regime focuses on the construction of new buildings and building works undertaken in existing buildings. Improvements to building safety during the occupation of buildings not undergoing building works is subject to the occupation phase new building safety regime. This analysis is only of the costs and benefits attributed to the Welsh design and construction phase regime (i.e. benefits attributed to the design and construction phase (not the occupation phase)).
- 7.3. The analysis draws in large part on the methodology, data sources and assumptions used in the analysis for the UK Government's Building Safety Act 2022 (hereinafter referred to as the England analysis). However, this analysis also reflects the different policy in Wales and draws on data reflecting the specific conditions and circumstances in Wales. The analysis builds on the [Economic Impact Assessment](#) published alongside the White Paper [Safer Buildings in Wales](#).
- 7.4. These Regulations rely on the original impact assessment, as they do not introduce any policy changes but instead make corrections to improve clarity and ensure consistency with other legislation.

Executive Summary

- 7.5. The analysis estimates the cost to the Welsh Government, the local authorities in their role as building control bodies, to the Fire and Rescue authorities in their role as fire safety authorities, and to industry (to clients, principal designers, principal contractors, other designers and contractors) of complying with the range of additional requirements (for buildings in scope), over and above the current situation (the counterfactual), proposed under the policy option assessed in the analysis.

Buildings in scope

- 7.6. The proposals are about buildings that are being constructed or are undergoing building works.
- 7.7. Buildings in scope are divided into the following categories:

- Higher Risk Buildings (HRBs) – these are defined as residential buildings of height over 18m (or 7 storeys or more) containing 1 or more residential units; and including hospitals with overnight care, care homes or children's homes;
- Non-High Risk Buildings - other domestic and non-domestic buildings.

Policies considered

7.8. The analysis assesses the costs of one policy option, over and above the counterfactual:

- Option 1: Business as usual (the counterfactual);
- Option 2: New building control regime for higher-risk buildings and dutyholder requirements for other building works.

Types of additional requirements considered

7.9. The additional requirements proposed under the policy options for higher risk buildings include:

- Gateways;
- Dutyholder requirements;
- Residents engagement
- Creation of the golden thread;
- Mandatory reporting;
- Sanctions and enforcement;
- Familiarisation costs.

7.10. The additional requirements proposed under the policy options for non-higher risk buildings include:

- Dutyholder requirements;
- Familiarisation costs.

Types of cost taken into account

7.11. The principal costs of compliance with the proposed policy that are assessed are:

- Additional time (costs) required to undertake tasks, and;
- Any costs of purchasing goods or services.

7.12. Costs are divided into those that fall on:

- Industry and on;
- The Welsh Government, the local authorities in their role as building control bodies, to the Fire and Rescue authorities in their role as fire safety authorities.

Appraisal period etc

- 7.13. The following appraisal periods are used in the analysis:
- Costs – a 10 year policy appraisal period is modelled;
 - Benefits – a 70 year appraisal period is used, reflecting the life of a building.

Start year and price year

- 7.14. The analysis uses a start year of 2027 and a price year of 2023⁴.

Phase in and transition

- 7.15. Assume all buildings are in scope from Year 1.

Three scenarios are calculated

- 7.16. Three scenarios are calculated, a central estimate, a high and a low, to reflect the level of uncertainty regarding some of the assumptions used in the analysis.

Results

- 7.17. Table 1 shows the total costs of the policy option over 10 years.

Table 1: Total 10 Year Costs PV (£million)				
		Low	Mid	high
Higher Risk Buildings - Policy Costs				
Industry	Transition	£0.14m	£0.28m	£0.41m
Regulator	Transition	£0.01m	£0.03m	£0.05m
Industry	Annual	£4.75m	£7.27m	£9.84m
Regulator	Annual	£0.90m	£1.36m	£1.84m
Non-Higher Risk Building - Policy Costs				
Industry	Transition	£5.50m	£6.87m	£8.25m
Industry	Annual	£73.13m	£91.41m	£109.70m
Total Costs		£84.42m	£107.22m	£130.08m

Cost Results – further detail

- 7.18. The tables below provide future breakdowns of the costs results,

Estimated 10yr PV costs for Proposed Options (£m)

- 7.19. Table 2 and 3 show the estimated 10yr PV costs for proposed options for each policy area for Higher Risk Buildings and Non-Higher Risk buildings.

⁴ Economic Appraisals do not take account of inflation, hence a price year is selected, on which all prices used in the analysis are based

Table 2: Estimated 10yr PV costs for Higher Risk Buildings (£m)			
	Low	Mid	High
Gateways	£3.33m	£5.57m	£7.81m
Mandatory Reporting	£0.03m	£0.04m	£0.05m
Dutyholder Requirements	£0.91m	£1.17m	£1.43m
Golden Thread	£0.20m	£0.44m	£0.65m
Sanctions	£0.67m	£0.83m	£1.00m
Residents Engagement	£0.32m	£0.45m	£0.68m
Appeals	£0.02m	£0.04m	£0.08m
Refurbishment	£0.31m	£0.38m	£0.44m
Total	£5.79m	£8.93m	£12.14m

Table 3: Estimated 10yr PV costs for Non-Higher Risk Buildings (£m)			
	Low	Mid	High
Dutyholder Requirements and Familiarisation Costs	£78.63m	£98.29m	£117.94m
Total	£78.63m	£98.29m	£117.94m

Table 4: Regulator 10 Year Costs PV (£million)			
	Low	Mid	high
Higher Risk Buildings - Regulator			
Building Control Bodies (BCB)	£0.65m	£1.01m	£1.37m
Fire and Rescue Authority (FRA)	£0.19m	£0.30m	£0.40m
Local Planning Authority (EHO)	£0.02m	£0.03m	£0.04m
Environmental Health Officers (EHO)	£0.04m	£0.06m	£0.08m
Welsh Government (WG)	£0.01m	£0.01m	£0.03m
Total	£0.90m	£1.40m	£1.92m

Benefits

7.20. The policy proposals will introduce changes to the design and construction for HRBs and other building works that will result in:

- Stronger oversight of building work;
- Increased duties and clearer accountability for those designing and constructing buildings, and
- Stronger enforcement against non-compliant works

7.21. The benefits of these changes are expected to include:

- Safer buildings that will reduce the risk of fire spread and structural incidents;
- Reducing the risk of another systemic issue occurring, of a similar magnitude to the defective external cladding issue, thus avoiding the cost of resolving the issue e.g. remediation;
- Encouraging greater oversight of building works will also have benefits for the construction industry and building owners in terms of improved quality of construction.

Monetised benefits - HRBs

- 7.22. The analysis estimates that 80 higher risk building will be built or refurbished in Wales under the new regime during the 10 year policy period:
- The analysis estimates the value of rework costs that could be avoided as a result of both safety changes and increased oversight during construction of these. Together the proposals are estimated to achieve savings from **avoided rework costs of £1.08m over the 10 year policy period;**
 - Also, on the assumption that the policy helps avoid the occurrence of a similar scale systemic building material issue, to that of defective ACM cladding, the cost savings will be substantial. 3% of buildings in England had defective ACM cladding installed. If it is assumed that the policy will reduce the risk of a similar scale defective building material being used in Wales in the future by, for example, 50%, then the avoided remediation costs in Wales would be in the region of **£2.89m.**

Switching Values – Non-HRBs

7.23. The proposed changes for building work on all other building types are expected to result in additional time being spent ensuring compliance with building regulations and the adoption of improved working practices that could help reduce rework, latent defects, intrusive surveys. The research has not found sufficient evidence available to say what proportion of this is attributable to these proposals. Therefore a 'switching value' approach has been used. This approach calculates the value of avoided rework costs that would have to be achieved for the policy to be cost neutral (i.e. for the value of benefits to equal the policy costs).

7.24. Based on the estimated annual value of construction activity used in the analysis (£2.4bn) and the estimated proportion of costs that comprise errors (5% to 21%), the analysis estimates that the policy will need to reduce the total amount of waste and errors on construction projects by between 2.2% and 9.3% for the benefits of the proposals to exceed the costs over a 10 year appraisal period.

Non-monetised benefits

7.25. The proposals covering design and construction complement the proposals introduced to improve safety within occupied buildings. Reducing the risk of fire spread and structural incidents will reduce the impact of these in terms of casualties, property damage and mental health impacts. In

addition, the reduced risk will reassure residents and make them feel safer in their homes.

8. Competition assessment

8.1. We have carried out the filter test for the Competition assessment, the results of which suggested the Regulations are unlikely to have a significant detrimental effect on competition. Therefore, we are not required to carry out a full competition assessment and have not done so.

8.2. There are no changes being made through these regulations that are likely to have any detrimental effects on competition.

9. Monitoring and Review

9.1. The 2022 Act included a statutory requirement on the Secretary of State to appoint an independent person to carry out a review of the regulatory system every 5 years, the first reviewer is to be appointed within five years of Royal Assent, although the same statutory requirement was not applied to Wales it is recommended that the Welsh Ministers adopt a similar approach.

9.2. As such, we intend to commission an Impact Assessment of the changes to the building control profession in 2027 unless circumstances highlight a need for review earlier.