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WELSH STATUTORY INSTRUMENTS

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**2014 No. 58 (W. 5)**

**BUILDING AND BUILDINGS, WALES**

**The Building (Approved Inspectors etc.)  
(Amendment) (Wales) Regulations 2014**

<i>Made</i>	- - - -	<i>14 January 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 January 2014</i>
<i>Coming into force</i>	- -	<i>10 February 2014</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1, 16(9), 17(1) and (6), 47(1), (2) and (5), 49(5), 50(1), (4) and (6), 51(1) and (2), 51A(2), (3) and (6) of and paragraphs 2, 4, 4A and 10 of Schedule 1 to the Building Act 1984<sup>(1)</sup>, now exercisable by them<sup>(2)</sup>, make the following Regulations:

**Title, application and commencement**

1.—(1) The title of these Regulations is the Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2014.

(2) These Regulations apply in relation to Wales but do not apply in relation to excepted energy buildings in Wales.

(3) In this regulation “excepted energy building” (“*adeilad ynni a eithrir*”) has the meaning given in the Schedule to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009<sup>(3)</sup>.

(4) These Regulations come into force on 10 February 2014.

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- (1) [1984 c.55](#); section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 ([c.22](#)) and section 47(1) was amended by section 8 of that Act and by [S.I. 1996/1905](#); sections 50(1) and 51(1) were amended by [S.I. 1996/1905](#) and section 51A was inserted by that instrument; paragraph 4A of Schedule 1 was inserted by section 8 of that Act.
- (2) The functions conferred on the Secretary of State by sections 1, 16(9), 17(1) and (6), 47(1), (2) and (5), 49(5), 50(1), (4) and (6), 51(1) and (2), 51A(2), (3) and (6) of and paragraphs 2, 4, 4A and 10 of Schedule 1 to the Building Act 1984 were, so far as exercisable in relation to Wales, transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 ([S.I. 2009/3019](#)).
- (3) [S.I. 2009/3019](#). The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 transferred certain functions conferred on the Secretary of State by the Building Act 1984, so far as exercisable in relation to Wales, to the Welsh Ministers. Article 3(a) of the Order provided that functions were not transferred so far as they were exercisable in relation to an excepted energy building as defined in the Schedule to the Order.

## **Amendment of the Building (Approved Inspectors etc.) Regulations 2010**

2. The Building (Approved Inspectors etc.) Regulations 2010(4) (“the 2010 Regulations”) are amended as set out in regulations 3 to 9.

### **Approved inspector’s insurance (new regulation 5A)**

3. After regulation 5, insert—

#### **“Approved inspector’s insurance**

**5A.**—(1) Subject to paragraph (2), an approved inspector who gives a notice or certificate specified in paragraph (2) to a local authority must ensure that, before or on the date of the notice or certificate, the person who approved that inspector (the Welsh Ministers or a body designated under regulation 3 as the case may be) is in possession of a declaration of insurance in respect of the work to which the notice or certificate relates.

(2) Paragraph (1) applies to a notice or certificate given on or after 10 February 2014 which is—

- (a) an initial notice;
- (b) an amendment notice;
- (c) a plans certificate;
- (d) a combined initial notice and plans certificate; or
- (e) a final certificate.

(3) In this regulation a “declaration of insurance” means a declaration of insurance signed by the insurer that a named scheme of insurance approved by the Welsh Ministers applies to the approved inspector in relation to the building work to which the notice or certificate relates.”

### **Lists of approvals and designations**

4. For regulation 7 substitute—

“7.—(1) The Welsh Ministers shall—

- (a) maintain a list of bodies which are for the time being designated in accordance with regulation 3 for the purpose of approving inspectors;
- (b) maintain a list of inspectors for the time being approved by the Welsh Ministers; and
- (c) in respect of each approved inspector listed, keep a copy of—
  - (i) the approval certificate, and
  - (ii) the declaration of insurance referred to in regulation 5A.

(2) The Welsh Ministers shall—

- (a) supply to every local authority in whose area these Regulations apply a copy of the first lists of approved inspectors and designated bodies prepared under paragraph (1); and
- (b) notify every such local authority as soon as practicable of the withdrawal of any approval or designation and of any addition to the lists.

(3) A designated body shall—

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(4) [S.I. 2010/2215](#) as amended by [S.I. 2012/3119](#), [S.I. 2013/747](#) and [S.I. 2013/1959](#).

- (a) maintain a list of inspectors for the time being approved by it;
  - (b) in respect of each approved inspector listed, keep a copy of—
    - (i) the approval certificate, and
    - (ii) the declaration of insurance referred to in regulation 5A; and
  - (c) notify every local authority in whose area these Regulations apply as soon as practicable after withdrawing approval from any inspector.
- (4) Lists maintained under this regulation shall set out any limitation placed on the approval or designation of the persons or bodies listed and shall indicate the date on which each approval will expire.”

#### **Register of notices and certificates**

5. In regulation 30, omit paragraph (2)(c).

#### **Schedule 1 to the 2010 Regulations — Forms**

- 6.—(1) The numbered forms specified in Schedule 1 are amended as set out in paragraphs (2) to (6).

- (2) In Form 1 (initial notice)—

- (a) omit sub-paragraphs (a) and (b) of paragraph 4;
- (b) after paragraph 11 insert—

“12. I (7) am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

13. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

- (3) In Form 2 (amendment notice)—

- (a) omit sub-paragraphs (b) and (d) of paragraph 3;
- (b) after paragraph 11 insert—

“12. I (6) am an approved inspector for the purposes of Part 2 of the Act and the above work is [the whole]/[part] of the work described in an initial notice given by me and dated: (11)

13. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”; and

- (c) after Note (10) insert—

“(11) Insert date.”

- (4) In Form 3 (plans certificate), for paragraph 3 substitute—

“3. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this certificate are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

- (5) In Form 4 (combined initial notice and plans certificate)—

- (a) omit sub-paragraphs (a) and (b) of paragraph 4;
- (b) after paragraph 15 insert—

“16. I (7) am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

17. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

(6) In Form 5 (final certificate) for paragraph 6 substitute—

“6. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this certificate are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

**Schedule 2 to the 2010 Regulations — Grounds for Rejecting an Initial Notice, an Amendment Notice, or a Plans Certificate Combined with an Initial Notice**

7. In Schedule 2—

- (a) omit paragraph 5; and
- (b) for paragraph 6 substitute—

“6. In the case of a notice dated on or after 10 February 2014, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Welsh Ministers in relation to the work described in the notice, the local authority believe that this is not the case.”

**Schedule 3 to the 2010 Regulations — Grounds for Rejecting a Plans Certificate, or a Plans Certificate Combined with an Initial Notice**

8. In Schedule 3, for paragraph 6 substitute—

“6. In the case of a certificate dated on or after 10 February 2014, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Welsh Ministers in relation to the work to which the certificate relates, the local authority believe that this is not the case.”

**Schedule 4 to the 2010 Regulations — Grounds for Rejecting a Final Certificate**

9. In Schedule 4, for paragraph 5 substitute—

“5. In the case of a certificate dated on or after 10 February 2014, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Welsh Ministers in relation to the work to which the certificate relates, the local authority believe that this is not the case.”

14 January 2014

*Carl Sargeant*  
Minister for Housing and Regeneration, one of  
the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building (Approved Inspectors etc.) Regulations 2010 (“the 2010 Regulations”). The 2010 Regulations required inspectors approved by a body designated by the Welsh Ministers to submit a copy of the approval notice with certain notices and certificates specified in Schedule 1 to the 2010 Regulations. The inspectors were also required to include with certain notices and certificates a declaration signed by the insurer that a named scheme of insurance approved by the Welsh Ministers applied to the work to which a notice or certificate relates. These Regulations remove those requirements and replace them with a requirement that the relevant notices and certificates state that copies of the approval notice and insurance declaration are on the register kept by the designated body.

The body designated under regulation 3 of the 2010 Regulations is currently the Construction Industry Council.

Regulation 3 adds a new regulation 5A to the 2010 Regulations, requiring an approved inspector who gives certain notices and certificates to a local authority to ensure that the designated body (or the Welsh Ministers if approval was by the Welsh Ministers) has a copy of the insurance declaration in respect of the work to which the notice or certificate relates.

The designated body (or the Welsh Ministers) is required by regulation 7 of the 2010 Regulations to maintain a list of inspectors approved by that body. Regulation 4 of these Regulations adds a requirement that the designated body (or the Welsh Ministers) must keep the approval certificate and the insurance declaration referred to in new regulation 5A.

Regulation 5 removes from regulation 30 of the 2010 Regulations the requirement for a local authority to keep on its register of notices and certificates the name and address of the insurer who signed the insurance declaration in respect of the work to which a notice or certificate relates.

Regulation 6 makes consequential amendments to the relevant forms specified in Schedule 1 to the 2010 Regulations. These are Form 1 (initial notice), Form 2 (amendment notice), Form 3 (plans certificate), Form 4 (combined initial notice and plans certificate) and Form 5 (final certificate).

Regulations 7 to 9 make corresponding amendments to the grounds for rejection of a notice or certificate by the local authority in Schedules 2, 3 and 4 of the 2010 Regulations.

A regulatory impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government’s website at [www.wales.gov.uk](http://www.wales.gov.uk).