Title: Amendment to remove the requirement for proof of adequate Approved Inspector insurance **IA No: N/A** **RPC Reference No: N/A** **Lead department or agency:** Department for Levelling Up, Housing and Communities Other departments or agencies: N/A	Impact Assessment (IA) **Date: 01/07/2021** **Stage: Final** **Source of intervention: Domestic** **Type of measure: Secondary legislation** **Contact for enquiries:** FMI@levellingup.gov.uk

Summary: Intervention and Options

RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	**Business Net Present Value**	**Net cost to business per year**	**Business Impact Target Status**
-£0.002m	-£0.002m	£0.0002m	Non qualifying provision

What is the problem under consideration? Why is government action or intervention necessary?

This SI operationalises the provision under the Building Safety Act 2022 which removes the requirement for Approved Inspectors to hold professional indemnity insurance via a Government-approved scheme. This change to legislation could not work without this SI.

With the current requirement for schemes, the Approved Inspector sector is vulnerable to insurance market fluctuations and is not aligned with the insurance requirements for other construction professions.

What are the policy objectives of the action or intervention and the intended effects?

This SI is designed to make the Approved Inspector sector more resilient in the face of insurance market fluctuations, and to create alignment on insurance requirements between Approved Inspectors and other professions.

The policy objective is to remove the likelihood of a catastrophic market failure by making available to private building control firms the full insurance market and the ability of each firm to make business specific choices over the appropriate levels of cover for the work it undertakes.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

This SI is required to operationalise the primary legislation – if existing regulations were not changed, the new primary and existing secondary legislation would be incongruent.

Not removing the requirement for Approved Inspector insurance schemes through primary and secondary legislation – the “do nothing option” - would have exposed the sector to the high risk of insurers withdrawing from the existing schemes. This scenario would have left Approved Inspectors unable to perform their statutory functions, causing up to 44,000 new build dwellings to revert to local authority building control. This would cause major delays and economic losses to the construction sector.

Will the policy be reviewed? It **will not** be reviewed. **If applicable, set review date: N/A**

Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	**Micro** Yes	**Small** Yes	**Medium** Yes	**Large** Yes
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)		**Traded:** N/A	**Non-traded:** N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible: Stephen Greenhalgh Date: 29/06/2022

Summary: Analysis & Evidence — Policy Option 2

Description: Amendment to remove the requirement for Approved Inspector insurance schemes (Preferred)

FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2020	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	**High: Optional**	**Best Estimate: -£0.002m**

COSTS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Cost** (Present Value)
Low	Optional	1	Optional	**Optional**
High	Optional		Optional	**Optional**
Best Estimate	£0.002m		£0.0m	**£0.002m**

Description and scale of key monetised costs by 'main affected groups'

There are minimal costs associated with this statutory instrument. Within the first year of implementation, insurers and Approved Inspectors will need to familiarise themselves with the removal of the requirement for government approval, based on a 1000 word guidance note, this is expected to incur labour costs of around £2 per employee, around £2,400 in total.

Other key non-monetised costs by 'main affected groups'

None

BENEFITS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Benefit** (Present Value)
Low	Optional	N/A	Optional	**Optional**
High	Optional		Optional	**Optional**
Best Estimate	N/A		N/A	**N/A**

Description and scale of key monetised benefits by 'main affected groups'

No monetised benefits. Worst-case scenario analysis shows the potential impacts of Approved Inspector projects pausing without this amendment.

Other key non-monetised benefits by 'main affected groups'

The benefits of this policy have not been monetised, the main purpose of this SI is to avoid a scenario whereby insurers do not provide independent Approved Inspectors with insurance meeting the government approved scheme. This would lead to a delay in approximately 44,000 new build dwellings across a 12 month period, and other refurbishment projects. The benefits have not been monetised given uncertainty in the likelihood and full scale of this worst-case scenario.

The direct result of this amendment is that insurers will be able to provide more proportionate professional indemnity insurance to Approved Inspectors once the amendment takes place. This will encourage greater competition and greater resilience to the insurance market, however it is unknown whether this would result in a tangible reduction in insurance premiums for Approved Inspectors.

Key assumptions/sensitivities/risks	**Discount rate (%)**	N/A

Indicative analysis on a delay in housing development due to a lack of government-approved insurance availability for Approved Inspectors suggests c.44,000 new build dwellings would be affected. **Based on a central scenario of an 8-week delay to projects, this would cause a cost to developers alone of around £56.1m. High level top-down analysis of the overall impact to the construction sector illustrates how around 1% of the sector could be impacted, roughly a cost of over £1.4bn.**

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			**Score for Business Impact Target (qualifying provisions only) £m:**
Costs: £0.0002m	**Benefits: £0.0m**	**Net: £0.0002m**	**N/A**

Background and problem under consideration

1. This statutory instrument operationalises the provision under the Building Safety Act 2022 which removes the requirement for Approved Inspectors to hold professional indemnity insurance via a government-approved scheme. With the previous requirement for schemes under the Building Act 1984, the Approved Inspector sector is vulnerable to insurance market fluctuations and is not aligned with the insurance requirements for other construction professions.

2. DLUHC has estimated that there is a high risk, within the coming months and years, of no insurers being willing to offer cover to Approved Inspectors through a Government scheme. This is due to a hard professional indemnity insurance market, specific insurer concerns around fire safety cover and exposure to historic claims across construction classes. Before the Building Safety Act, an absence of schemes would have left Approved Inspectors unable to perform their statutory functions, causing tens of thousands of dwellings to revert to local authority building control in the first year. This would cause major delays and economic losses to the construction sector.

3. Separately, with the creation of the new Building Safety Regulator, DLUHC considers it appropriate for the standards and oversight of all construction professions to be aligned with each other and managed centrally by the regulator. The removal of the government approval requirement for Approved Inspector insurance schemes brings the profession in line with the rest of the construction sector, while separate powers in the Building Safety Act also give the Regulator powers to set Approved Inspector insurance standards, should it choose to do so.

Policy objective

4. This SI is designed to make the Approved Inspector sector more resilient in the face of insurance market fluctuations, and to create alignment on insurance requirements between Approved Inspectors and other professions.

5. The availability of off-the-shelf insurance products for Approved Inspectors on the open market, in the immediate weeks and months after this SI is commenced, would be a strong measure of success. If insurers decide to offer Approved Inspectors similar cover to that offered to other professions, this will be a good indication of alignment.

6. Given the significant risks involved by not removing the insurance requirement – the reversion of c.44,000 dwellings to local authorities caused by a lack of available mandatory insurance – the completion of those projects by independent Approved Inspectors can be considered a success.

7. The availability of good insurance cover, that will satisfy any potential regulatory oversight, will be key to the success of the Approved Inspector sector going forward. We will also work with the Building Safety Regulator to ensure Approved Inspectors appropriately cover their own liabilities going forward.

Rationale for intervention

8. Following the Grenfell Tower fire and Dame Judith Hackitt's Independent review, the scale of the problem in high rise buildings has been laid bare. The government has subsequently concluded that the existing regulatory system for high rise buildings is not fit for purpose and is seeking to correct this with a raft of new legislation. This includes the Building Safety Act which was recently awarded Royal Assent. Problems still exist, however, and the hard professional indemnity insurance market for construction professionals, primarily due to concerns about fire safety cover, is a prime example of this.

9. Approved Inspectors perform a statutory function in undertaking the building control inspection duties and signing off works as compliant with the relevant building regulation requirements and in accordance with their professional standards. The Building Act 1984 had required them to have specific government approved Professional Indemnity Insurance (PII) due to their statutory role. DLUHC estimated that there was a high risk, within the coming months and years, of no insurers being willing to offer cover to Approved Inspectors through a Government scheme. Due to the government's measure of adequate insurance, terminology found in the 1984 Building Act, diverging from market available cover, an increasing chance of existing scheme closure and absence of new schemes would have left Approved Inspectors unable to perform their statutory functions, likely causing tens of thousands of dwellings to revert to local authority building control. This would cause major delays and economic losses to the construction sector.

10. Approved Inspectors currently are only insured by three brokers under the government-approved scheme, with only one scheme covering all but two firms and openly available to new approved inspectors. Removing the government requirements and thereby opening the insurance market to more insurers and brokers will increase competition in the market. Greater competition will garner a more efficient allocation of resources moving forwards as the breadth and quality of insurance available improves. This will enable insurers to provide more pragmatic cover in line with individual Approved Inspectors responsibilities. Thus, the economic rationale for intervention is the belief that removing unnecessary regulation in the market will make it more efficient.

11. We have therefore removed the requirement for Government approved insurance schemes. In a first instance, this provides more stability to the Approved Inspector sector from insurance fluctuations, enabling them to find the best levels of insurance from the entire PII market and removing the dependency on a limited number of schemes. Furthermore, an off-the-shelf insurance product for Approved Inspectors opens the possibility for more insurers to operate in this market, as these policies are easier to set up than an approved scheme. Increased competition will likely improve the quality of products on offer. The change will also bring Approved Inspectors into line with standard insurance policies among construction professionals.

Options considered

12. **Option 1 - Do Nothing: Government does not remove the requirement for Approved Inspectors to hold insurance under the Government-approved scheme.** There are two scenarios that could occur under this option:

- **Scenario 1: Insurers continue to provide Approved Inspector insurance that qualifies under the Government-approved scheme.** Under this scenario, insurers would have continued to offer insurance to Approved Inspectors through Government-approved schemes. **However, DLUHC considers this scenario to have been practically impossible given the insurance market signals.** There was no insurance market appetite to continue offering existing levels of cover. Rather than approve new levels of cover significantly below the Department's insurance criteria - and the significant bureaucracy required to create a new scheme – the Department took the decision to allow Approved Inspectors to purchase cover on the open market.

- **Scenario 2: Insurers do not continue to provide Approved Inspector insurance that qualifies under the Government-approved scheme.** Approved Inspectors are mandated to have insurance when carrying out their statutory functions. The failure of any one of the two active schemes would result in all semi-completed dwelling projects under the scheme reverting to local authorities. Local authority building control does not have the capacity to deal with this scenario, as we have seen in a smaller scale event involving only four inspector firms in 2019, and so it is highly likely that significant delays would arise in the construction sector with demand for building control outstripping supply.

Both scenarios will be considered within the analysis set out in this impact assessment.

13. The requirements for government approval are as follows[1]:

- Approved Inspectors must hold public liability and professional indemnity insurance covering the inspector for losses arising from claims in respect of the performance of duties as an Approved Inspector.

- The minimum levels of cover include:
  - Claims against the Approved Inspector for personal injury must have a minimum limit of £5m per claim.
  - Other claims against the Approved Inspector must have a minimum limit of £1m per claim.
  - The above minimums are subject to an overall minimum cover of £15m for all claims against the Approved Inspector in respect of work carried out by the inspector in any one period of 12 months.

- The above claims must have automatic run off cover with the same minimum per claim limits and overall limits above, covering claims notified to the insurer within:
  - 10 years of the date of completion or practical termination of the Approved Inspector's work, dated prior to date of the scheme enactment [post 2019 scheme approval], or,
  - 6 years of the date of completion or practical termination of the Approved Inspector's work on a relevant dwelling project, dated on or after the scheme enactment [post 2019 scheme approval].

- Excess caps are shown in Table 1 below:

Table 1: Excess caps under the current government requirements

Turnover £s in the preceding year	Excess cap
£100,000 or less	£10,000
£100,000 to £200,000	£12,500
£200,001 or above	2.5% of the sum insured

14. **Option 2 - Preferred: Amendment to remove the requirement for proof of Government-approved insurance.** This removed the requirement for Approved Inspectors to hold insurance through a government-approved scheme. Once the requirements are removed and the market is opened up, Approved Inspectors will still be expected to hold adequate professional indemnity and public liability insurance to cover their liabilities under their current and past works. It is standard practise that construction contracts require insurance cover to be held by a supplier of services and this would remain true for an approved inspector undertaking building control work. The Building Safety Act 2022 has separately given the new Building Safety Regulator powers to conduct insurance oversight, should it choose to do so in the future.

15. On the open market, it is expected that Approved Inspectors will be offered similar levels of insurance cover to other construction professions with similar minimum standards. The Royal Institution of Chartered Surveyors (RICS) currently set the standards for professional indemnity cover for its members, shown in Table 2 and 3.

Table 2: Minimum limit of professional indemnity (RICS) [2]

Firm's turnover in the preceding year	Minimum limit of indemnity
£100,000 or less	£250,000
£100,001 to £200,000	£500,000
£200,001 and above	£1,000,000

Table 3: Maximum level of uninsured excess (RICS)

Limit of indemnity	Maximum uninsured excess
Up to and including £500,000	The greater of 2.5% of the sum insured, or £10,000
Over £500,000	2.5% of the sum insured

Analytical Approach

16. As mentioned in the options considered above, the analysis focuses on two different scenarios under the Do Nothing. Scenario 1 shows a scenario where insurers continue to provide insurance to Approved Inspectors to the government-approved requirements, while scenario 2 shows the worst-case scenario whereby insurers are unable to continue providing insurance to the government-approved requirement.

17. The main benefits of the policy are achieved by avoiding the circumstances under scenario 2. Without the legislation introduced, the likelihood of scenario 2 occurring in some form would have been high but given that the full extent of that impact cannot be fully assessed, this should only be treated as indicative analysis.

18. The analysis also qualitatively assesses what the insurance market may look like once the government approval requirements have been removed.

Option 1: Do Nothing

19. Under the Do Nothing, insurance firms must ensure that their insurance policy meets the minimum government requirements.

Option 1: Do Nothing – Scenario 1 – Best Case Scenario

20. Under the current system, there are four schemes which are approved to provide Approved Inspectors with insurance through a DLUHC Secretary of State-approved scheme. However, only one scheme provides insurance to the overwhelming majority of Approved Inspectors.

20. Under this scenario, these schemes would continue to provide Approved Inspectors with insurance, and hence there would be no change under this option. **To reiterate, based on the limited number of government-approved insurance schemes, DLUHC considers this scenario to have been practically impossible having estimated that there is a high likelihood that insurers would be unwilling to continue support such schemes in the near future.**

Option 1: Do Nothing – Scenario 2 - Worst Case Scenario

21. High level analysis has been carried out to assess the potential impact of insurers no longer being able to provide cover to Approved Inspectors within the government-approved requirement. This has been divided into two sections: the impact of delays on new dwellings and the impact of delays on the construction industry generally. **Given high uncertainty around the likelihood and potential impact of delays and construction industry, this analysis should only be treated as scenario analysis, and is not assessed as the counterfactual for the preferred option.**

New Builds – Potential impact of delays

22. Focusing on the impact of delays caused by the collapse of the government approved insurance scheme on new build homes specifically, DLUHC new build dwelling statistics estimate that there have been 174,880 dwelling starts in the year ending December 2021[3]. Internal data suggests that Approved Inspectors account for approximately 75% of the new homes market (50% National House Building Council (NHBC) Approved Inspectors, and 25% independent Approved Inspectors), with local authority building control comprising the remaining 25%[4]. Analysing new dwellings signed off by independent Approved Inspectors who are solely liable under government-approved insurance schemes, around 43,720 dwellings were covered in the year ending December 2021.

23. By assuming delays of 1 week in our low scenario, 8 weeks in our central scenario, and 16 weeks in our high scenario, alongside delay cost data of £160 per unit per week we can estimate delays costs to the new build sector of £7.0m, £55.9m, and £111.9m, respectively[5].

24. The delay analysis assumes that insurers would re-enter the insurance market and provide insurance to Approved Inspectors, with no cancellations to initial notices

for projects. In the case where initial notices from an Approved Inspector are cancelled, developers would need to recomplete the approval process from Local Authority Building Control, and the cost of delay may be greater. Delays to housing developments could also be greater if insurers have no intention to re-enter the market.

Overall construction industry – Indicative impact of delays

25. Indicative high-level construction industry delay estimates have been calculated using the ONS (Office for National Statistics) *Output in construction statistics*[6] and assume that the whole building control system could potentially be disrupted by a lack of insurance for Approved Inspectors. In the 12 months to end December 2021 the total value of all construction in England was around £140billion, excluding infrastructure.

26. The potential impact of insurers no longer being able to cover Approved Inspectors is difficult to confidently assess due to the wide-ranging ramifications it could cause in the construction industry and the lack of a similar case study to base analysis on. As a result, central, low, and high scenarios have been included to account for this uncertainty and provide an idea of the scale of the issue. The central estimate assumes that a resolution will eventually be found to ensure insurers are able to satisfactorily cover Approved Inspectors within government-approved requirements in the future. It hypothesises the cost of this delay before agreement to be worth a 1% loss in overall construction value in a 12-month period, equivalent to just over £1.4billion. The low scenario is less catastrophic, assuming minimal delays before the issue is solved and an impact of 0.2%, or £283million. While the high scenario anticipates lengthy delays and considerable disruption which could affect the continuance of marginal projects. It is estimated this could result in a 5% loss of total construction value in a 12-month period, equating to around £7billlion.

Table 4: Potential impact to construction output

Based on construction output statistics		**Scenarios**		
	Unit	Low	Medium	High
Impact Assumption (proportion of 12-month value)	%	0.2%	1%	5%
New homes	£m	84	420	2102
New commercial and industrial	£m	54	268	1344
New public	£m	19	96	479
Repair and maintenance housing	£m	63	313	1564
Repair and maintenance public and private	£m	63	316	1578
Total	£m	**283**	**1413**	**7067**

Worst Case Scenario Summary

27. This analysis, while high level, reveals the significant costs that could be incurred by the industry should the worst-case scenario ensue whereby insurers are unable to provide cover to Approved Inspectors within a Government-approved scheme and delays abound. The new build analysis provides a more concrete insight into the impact of delays, with the data underlying the assumptions stronger than that of the more hypothetical wider construction industry analysis.

<u>Option 2 (Preferred) – Amendment to remove the requirement for proof of Government-approved insurance</u>

28. Under the preferred option, there will no longer be a requirement for Approved Inspectors to hold insurance under a government-approved scheme. Approved Inspectors will therefore be expected to adequately cover their own liabilities, potentially via insurance products purchased on the open market. In due course, the new Building Safety Regulator may wish to provide oversight of insurance standards. Unlike option 1, this option is anticipated to cause none, or minimal, delays to the construction sector as Approved Inspectors will continue to receive insurance albeit now in an open market.

Levels of Cover

29. On the open market, we would expect Approved Inspectors to be offered similar levels of insurance cover to other construction professions. An example used are the RICS standards for professional indemnity insurance cover for other professions, shown in Table 2 and 3 above. These minimum standards differ largely when compared to the RICS minimum guidelines for other professions and the current government minimum requirements.

30. If we assume that the insurance market will offer Approved Inspectors levels of cover similar to those offered to other construction professionals – such as the those stipulated in the RICS guidelines – then we may see an overall reduction in Approved Inspector insurance cover. However, given insurers have informed us that historic claims against Approved Inspectors are very low in frequency, and that legal precedents make it difficult for Approved Inspectors to be successfully sued for professional negligence, we expect Approved Inspectors and their clients to be adequately protected by levels of cover similar to those within the RICS guidelines.

31. Consequently, no additional cost is expected to be borne by Approved Inspector firms or their clients.

Insurance premiums

32. Given the liabilities of Approved Inspectors are unchanged by the removal of insurance requirements, premiums are, all else equal, unlikely to be affected. Under the current Government-approved scheme, insurers assess the likely risk to Approved Inspectors and negotiate insurance premiums with Approved Inspectors based on this. Moving to a system of off-the-shelf products does not change this dynamic. Approved Inspectors looking to reduce their cover may result in reduced premiums for those firms, however, the extent of this reduction is dependent on how insurers respond to their specific firm, including the diversity of their portfolio and overall firm size.

Number of Insurance Market Participants

33. Under the previous insurance requirements, there were four schemes which were approved to provide Approved Inspectors with insurance. However, only one scheme provides insurance to the overwhelming majority of Approved Inspectors.

34. It is time-consuming and challenging to set up a Government-approved Approved Inspector insurance scheme, which has generally reduced appetite among potential brokers. Selling an off-the-shelf PII product to Approved Inspectors is,

however, significantly easier. Removing the requirement for schemes is therefore likely, longer-term, to increase the number of insurers that are willing to provide cover for Approved Inspector firms.

35. The RICS website lists 33 insurance groups as being active in the professional indemnity insurance space for construction professions, many of whom will now have more straightforward access to the Approved Inspector market. This increases competition, potentially improving outcomes in terms of premium prices and levels of cover for Approved Inspectors and their clients.

36. However, it is unclear if all insurers will provide PII to AI firms.

Familiarisation costs

37. Like other construction professions, insurers and Approved Inspectors may need to familiarise themselves with guidance on Approved Inspector professional indemnity insurance and public liability insurance. Based on a 200 words per minute reading comprehension[7], and previous guidance lengths[8], this would take around 5 minutes for a 1000 word guidance document. Based on an hourly labour cost of insurers/brokers/Approved Inspectors of approximately £20/hour[9], this is likely to be of low cost per business, around £1.70 for each employee. Assuming around 10 employees may need to familiarise and around 56 insurers and 87 Approved Inspectors[10], the total familiarisation cost is around £2400.

Risks and assumptions

Public Liability Insurance

38. Currently government requirements also mandate Approved Inspectors to hold public liability insurance. Once these government requirements have been lifted, Approved Inspectors are expected to have access to public liability insurance, as insurers have previously expressed their contentment to offer good levels of cover in this market.

Impact on small and micro businesses

39. Business sizes considered in this assessment are based on staff size, where:
- Micro businesses have 0 - 9 employees
- Small businesses have 10 - 49 employees
- Medium businesses have 50 – 249 employees
- Large businesses have 250 or more employees.

40. In 2021, the vast majority of Approved Inspector firms are estimated to be small and micro businesses[11], around 82%. 17% of Approved Inspector firms are considered medium businesses (50 or more staff, but less than 250 staff), and only one firm is considered large with over 250 staff members. As of May 2022, there were 87 Approved Inspectors registered under CICAIR across England and Wales[12].

41. Approved Inspectors that are small in size may see an increase in their insurance premium depending on the proportion of high risk works within their portfolio – compared to a larger firm, there is less scope for insurers to diversify risk across the breadth of work. However, the risks for smaller AIs have not materially changed as a

result of these regulations, and insurers have previously been able to negotiate premiums at their discretion under the current Government-approved schemes.

42. There is also a risk that small Approved Inspector businesses may see greater restrictions on levels of cover than larger firms, due to a lesser scope for insurers to diversify risk across a firm's breadth of work.

Wider impacts (consider the impacts of your proposals)

43. No wider impacts are expected from this policy. A Public Sector Equality Duty assessment has been produced by the department.

A summary of the potential trade implications of measure

44. It is unlikely for there to be international trade or investment implications from the preferred option, given this policy only impacts Approved Inspectors domestically.

Monitoring and Evaluation

45. The Department will monitor the effects of this policy as part of the broader raft of secondary legislation being introduced following the introduction of the Building Safety Act 2022.

46. Under the provisions of new Part 2A of the Building Act 1984 (inserted by clause 41 of the Building Safety Act 2022), the new Building Safety Regulator has been given powers to set up insurance oversight of Approved Inspectors, should it choose to do so. This may include monitoring of PSED arrangements.

47. Prior to the commencement of the Regulator's new powers, the Construction Industry Council Approved Inspectors Register Limited (CICAIR) is responsible for monitoring the activities of Approved Inspectors under the Building Act 1984 and the Building (Approved Inspectors etc.) Regulations 2010. Consequently, in the short term, CICAIR will monitor the effect of the amendments made by this instrument.

48. The instrument does not include a statutory review clause and, in line with the requirements of section 31 of the Small Business, Enterprise and Employment Act 2015 Lord Stephen Greenhalgh has made the following statement:

49. The regulatory measures in this instrument are within the scope of the periodic review provided for in section 162 of the Building Safety Act 2022, and it would not be appropriate in the circumstances to make provision for a separate review in this instrument.