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WELSH STATUTORY INSTRUMENTS

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**2023 No. 1304 (W. 234)**

**BUILDING AND BUILDINGS, WALES**

**The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023**

*Made* - - - - 1 December 2023  
*Laid before Senedd Cymru* 5 December 2023  
*Coming into force* - - 1 January 2024

The Welsh Ministers, in exercise of the powers conferred on them by sections 1, 58C(5), 58O(4), 58U(4)(b)(ii), 58V(4)(b)(ii) of, and paragraph 11 of Schedule 1 to, the Building Act 1984<sup>(1)</sup>, make the following Regulations.

The Welsh Ministers have, in respect of the Regulations, in accordance with section 14(7)(2) of the 1984 Act, consulted the Building Regulations Advisory Committee for Wales and any other person that the Welsh Ministers consider appropriate.

**Title, application, coming into force and interpretation**

1.—(1) The title of these Regulations is the Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 January 2024.

(4) In these Regulations—

(a) “the Act” means the Building Act 1984;

(b) “the Building Regulations” means the Building Regulations 2010<sup>(3)</sup>;

(c) “relevant days” means any day excluding Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971<sup>(4)</sup>.

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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 paragraph 2 of Schedule 5 to the Building Safety Act 2022 c. 30 (“the 2022 Act”) which, amongst other things, substitutes references to the Secretary of State with “appropriate national authority” in section 1(1) of the Building Act 1984 (“the 1984 Act”). “Appropriate national authority” in relation to Wales means the Welsh Minister (see section 126 of the 1984 Act). Sections 58C(5), 58O(4), 58U(4)(b)(ii), 58V(4)(b)(ii), 58Z4(5) and 58Z5(7) were inserted by section 42 of the 2022 Act.

(2) Section 14(7) was amended by paragraph 17(3) of Schedule 5 to the 2022 Act.

(3) S.I. 2010/2214, amended by S.I. 2013/747 (W. 89), 2013/2621 (W. 258), 2014/110 (W. 10), 2015/1486 (W. 165), 2016/611 (W. 168), 2018/558 (W. 97); there are other amending instruments but none are relevant.

(4) 1971 c. 80.

(5) In these Regulations, unless otherwise indicated, the following words and expressions have the same meaning as in the Act—

- (a) “building control authority” (see section 121A of that Act);
- (b) “registered building control approver” (see section 58N of that Act);
- (c) “registered building inspector” (see section 58B of that Act).

### **Register of building inspectors**

2. For the purposes of section 58C(5) of the Act, the prescribed period for registration of a registered building inspector is four years beginning with the day on which the registration has effect.

### **Register of building control approvers**

3. For the purposes of section 58O(4) of the Act, the prescribed period for registration of a registered building control approver is five years beginning with the day on which the registration has effect.

### **Contravention of professional conduct rules**

4. For the purposes of section 58U(4)(b)(ii) of the Act, where the Welsh Ministers(5) make a disciplinary order(6) in relation to a registered building control approver, they must as soon as reasonably practicable give a copy of the disciplinary order to each local authority in Wales where there has been—

- (a) a variation of registration in a way specified in the order,
- (b) a suspension of registration for the period specified in the order, or
- (c) a cancellation of registration from the date specified in the order.

### **Interim suspension for suspected serious contravention**

5. For the purposes of section 58V(4)(b)(ii) of the Act, where the Welsh Ministers make (or revoke) an order under section 58V of the Act, they must as soon as reasonably practicable give a copy of the order (or notice of the revocation) to each local authority in Wales where the Welsh Ministers consider that the suspected contravention is so serious that, if the Welsh Ministers determine that the contravention has occurred, they are likely to make an order under section 58U(2)(d) of the Act cancelling the person’s registration.

### **Appealing a decision made by the Welsh Ministers**

6.—(1) Where the right of appeal is provided for under section 58D(4), 58I(5), 58J(5), 58P(4), 58U(5), 58V(5), 58Z4(7), 58Z5(9), 58Z6(5) or 58Z7(5) of the Act, an appeal must be made to a magistrates’ court by way of complaint.

(2) An appeal may only be made on one or more of the following grounds. The grounds are that the Welsh Ministers’ decision was—

- (a) erroneous in fact;
- (b) wrong in law;
- (c) unreasonable;
- (d) procedurally flawed.

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(5) In relation to Wales, the Welsh Ministers are the regulatory authority. See section 58A(b) of the Building Act 1984.

(6) See the definition of disciplinary order in section 58U of the Building Act 1984.

(3) An appeal must be made within 21 relevant days beginning with the day after the day on which the Welsh Ministers notify the applicant of the decision, or within such extended period as may at any time be agreed upon in writing between the applicant and the Welsh Ministers.

(4) On an appeal, a magistrates' court may confirm, vary or quash the decision made by the Welsh Ministers.

1 December 2023

*Julie James*  
The Minister for Climate Change, one of the  
Welsh Ministers

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations prescribe periods for registration of a registered building inspector and registered building control approver, set out the sanctions for registered building control approvers and deal with appeals of a decision made by the Welsh Ministers, who are the regulatory authority in relation to Wales, under Part 2A of the Building Act 1984 (“the Act”).

Regulation 2 prescribes the period for registration of a registered building inspector.

Regulation 3 prescribes the period for registration of a registered building control approver.

Regulation 4 sets out that where the Welsh Ministers make a disciplinary order they must as soon as reasonably practicable give a copy of the disciplinary order to each local authority in Wales where there has been a variation of a registered building control approver’s registration, a suspension of registration for a specified period, or a cancellation of registration from a specified date.

Regulation 5 provides that where the Welsh Ministers make or revoke an order under section 58V of the Act they must as soon as reasonably practicable give a copy of the interim suspension order to each local authority in Wales where the Welsh Ministers consider that the suspected contravention is so serious that, if the Welsh Ministers determine that the contravention has occurred, they are likely to make an order under section 58U(2)(d) of the Act cancelling the person’s registration.

Regulation 6 relates to appealing a decision made by the Welsh Ministers under Part 2A of the Act. Regulation 6(1) sets out that, if an appeal is made, it must be made by way of complaint to the magistrates’ court. Regulation 6(2) sets out the grounds of appeal. Regulation 6(3) sets out the appeal time limit. Regulation 6(4) sets out the remedies available to the magistrates’ court on appeal.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).