
WELSH STATUTORY INSTRUMENTS

2024 No. 207

The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024

Title and interpretation

1.—(1) The title of these Regulations is the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024.

(2) In these Regulations—

“the 1984 Act” (“*Deddf 1984*”) means the Building Act 1984(1);

“the 2022 Act” (“*Deddf 2022*”) means the Building Safety Act 2022;

“building work” (“*gwaith adeiladu*”) has the same meaning given in regulation 3 of the Building Regulations 2010(2).

(3) For the purposes of regulations 3 and 4 of these Regulations, a registered building control approver is suitably qualified if the work they intend to carry out is within the scope of the registration of the registered building control approver(3).

(4) Subject to paragraphs (2) and (3), expressions used in these Regulations and in the 1984 Act have the same meaning as in that Act.

Provisions coming into force on 6 April 2024

2. The following provisions of the 2022 Act come into force on 6 April 2024—

(a) section 32(3) (building control authorities) for all remaining purposes, so far as it relates to section 91ZD of the 1984 Act(4);

(b) section 42 (regulation of building control profession), so far as it relates to inserting section 58Z2 into the 1984 Act(5);

(c) paragraph 56 of Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act);

(d) in relation to Wales—

(i) section 40 (liability of officers of body corporate);

(ii) section 42 (regulation of building control profession) for all remaining purposes, except so far as it relates to sections 58Z7 and 58Z10 of the 1984 Act and inserting section 58Z2 into the 1984 Act;

(iii) section 43 (transfer of approved inspectors’ functions to registered building control approvers);

(1) 1984 c. 55.

(2) S.I. 2010/2214.

(3) See the definition of “initial notice” in section 47(1) of the Building Act 1984. Also see the definition of “registered building control approver” in section 58N of the same Act.

(4) So far as section 32(2) of the Building Safety Act 2022 relates to new section 91ZD of the Building Act 1984, the Welsh Ministers’ power to appoint a day for coming into force is not limited to being only in relation to Wales.

(5) So far as section 42 of the Building Safety Act 2022 relates to new section 58Z2 of the Building Act 1984, the Welsh Ministers’ power to appoint a day for coming into force is not limited to being only in relation to Wales.

- (iv) section 44 (functions exercisable only through, or with advice of, registered building inspectors) for all remaining purposes;
- (v) section 46 (higher-risk building work: registered building control approvers) for all remaining purposes;
- (vi) section 50 (cancellation of initial notice) for all remaining purposes;
- (vii) section 51 (new initial notices) for all remaining purposes;
- (viii) section 52 (information gathering) for all remaining purposes;
- (ix) section 53(2) and (3)(a)(ii) and (iii) and (3)(b) (information);
- (x) Schedule 4 (transfer of approved inspectors' functions to registered building control approvers);
- (xi) Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act) except for the paragraphs listed in the Schedule to these Regulations and subject to the exceptions in section 170(4)(b)(viii)(A) and (B) of the 2022 Act;
- (xii) Schedule 6 (appeals and other determinations) for all remaining purposes, subject to the exceptions in section 170(4)(b)(ix) of the 2022 Act.

Transitional provision: approved inspectors who become registered building control approvers

3.—(1) This regulation applies where an approved inspector⁽⁶⁾ has become a suitably qualified registered building control approver before 6 April 2024 and has submitted an initial notice which has been accepted, or is deemed to be accepted, before 6 April 2024.

(2) With effect from 6 April 2024, any initial notice submitted by the approved inspector before 6 April 2024 is treated as if it were given instead by that person in their capacity as a registered building control approver.

(3) This regulation applies to initial notices relating to building work and higher-risk building work⁽⁷⁾.

(4) An approved inspector may continue to oversee higher-risk building work provided that—

- (a) the higher-risk building work is commenced before 1 October 2024, and
- (b) an approved inspector will continue to be a suitably qualified registered building control approver until completion of that higher-risk building work.

(5) An approved inspector may continue to oversee building work that is not higher-risk building work.

(6) For the purposes of this regulation, the approved inspector and registered building control approver must be the same legal person.

Transitional provision: approved inspectors who do not become registered building control approvers

4.—(1) This regulation applies where an approved inspector has not become a suitably qualified registered building control approver before 6 April 2024.

(2) Where an approved inspector is overseeing higher-risk building work before 6 April 2024, then—

⁽⁶⁾ See the definition of “approved inspector” in section 49 of the Building Act 1984.

⁽⁷⁾ See the definition of “higher-risk building work” in section 120I of the Building Act 1984.

- (a) an approved inspector must not continue to oversee higher-risk building work on or after 6 April 2024;
 - (b) any initial notice submitted by the approved inspector in respect of higher-risk building work is cancelled;
 - (c) responsibility for overseeing higher-risk building work will transfer to the local authority.
- (3) Where an approved inspector is overseeing building work that is not higher-risk building work, then—
- (a) until but not including 1 October 2024, an approved inspector may continue to oversee building work;
 - (b) any initial notices submitted by the approved inspector will cease to be in force on 1 October 2024;
 - (c) any building work that is not completed before 1 October 2024 will transfer to the local authority unless a registered building control approver, who is not the same person as the approved inspector, has submitted a new initial notice for that work and the notice is accepted or is deemed to be accepted;
 - (d) until but not including 1 October 2024, an approved inspector may continue to issue a plans certificate⁽⁸⁾, a final certificate⁽⁹⁾, and an amendment notice⁽¹⁰⁾ in respect of building work.
- (4) Where an amendment notice is issued before 1 October 2024 and that notice changes the nature of the building work specified in the initial notice so that it becomes higher-risk building work, such work must be transferred to the local authority.

Transitional provisions: approved inspectors

5. Until but not including 1 October 2024, despite amendments made by section 46 of the 2022 Act, sections 52A and 55(2A) and (2E) of the 1984 Act have effect as if any reference to a registered building control approver were a reference to an approved inspector.

6. Until but not including 1 October 2024, despite amendments made by paragraphs 2 to 4 and 6 to 13 of Schedule 4 to the 2022 Act, sections 42(1), 47(1) and (5)(b), 50(7), 51(1), 51A(2)(a)(ii), 51C(2)(a), 52(1) and (2)(a), 56(5), 57(3), and 58(3) of the 1984 Act have effect as if any reference to a registered building control approver were a reference to an approved inspector.

7. Until but not including 1 October 2024, despite amendments made by paragraph 8 of Schedule 6 to the 2022 Act, section 50(2) of the 1984 Act has effect as if any reference to a registered building control approver were a reference to an approved inspector.

Transitional provision: higher-risk building work not commenced by 1 October 2024

8. Where regulation 3(1) of these Regulations applies and higher-risk building work is not commenced before 1 October 2024, then—

- (a) the initial notice related to the higher-risk building work will cease to be in force on 1 October 2024 for the purposes of section 47(4)(b)(ii) of the 1984 Act, and
- (b) any plans certificate related to that initial notice will cease to be in force on 1 October 2024.

⁽⁸⁾ See the definition of “plans certificate” in section 50 of the Building Act 1984.

⁽⁹⁾ See the definition of “final certificate” in section 51 of the Building Act 1984.

⁽¹⁰⁾ See the definition of “amendment notice” in section 51A of the Building Act 1984.

Transitional provisions: initial notices

9. Where higher-risk building work has commenced before 1 October 2024, and the initial notice for that work is cancelled by the registered building control approver before, on or after 1 October 2024, responsibility for the higher-risk building work will transfer to the local authority on the day on which the initial notice is cancelled.

10. Where an initial notice for building work that is not higher-risk building work, is cancelled by an approved inspector or a registered building control approver before 1 October 2024, a different registered building control approver may submit an initial notice for that work.

Transitional provision: new higher-risk building work

11.—(1) Any new higher-risk building work must be overseen by the local authority on or after 6 April 2024.

(2) Initial notices for higher-risk building work must not be submitted to a local authority by an approved inspector or a registered building control authority on or after 6 April 2024.

(3) For the purposes of paragraph (1), new higher-risk building work means higher-risk building work which is not already detailed in an initial notice submitted and accepted, or deemed to be accepted, before 6 April 2024.

Transitional provision: registered building inspector

12.—(1) Subject to paragraphs (2) and (3), a person may continue to work on buildings, or higher-risk buildings, until but not including 1 October 2024.

(2) A person must be a registered building inspector before 6 April 2024⁽¹¹⁾.

(3) A person—

(a) must be in the process of having their competence assessed—

(i) by an approved competence assessment scheme, and

(ii) to the required level appropriate to the work they intend to carry out, or

(b) has had their competence assessed to the required level appropriate to the work they intend to carry out and has applied to have their registration varied.

(4) Where the register provides for different classes by virtue of section 58C(2) of the 1984 Act, and paragraphs (2) and (3) apply, those classes are to be disregarded until but not including 1 October 2024.

(5) Paragraph (1) does not apply where, following the completion of a competence assessment, a person has failed their assessment at the required level appropriate to the work they intended to carry out.

Saving provision: approved inspectors

13. Until but not including 1 October 2024, despite the omission of section 49 of the 1984 Act by paragraph 5 of Schedule 4 to the 2022 Act, section 49 continues to apply where regulation 4(1) applies and for the period during which an approved inspector may continue to oversee building work in accordance with regulation 4(3)(a) of these Regulations.

(11) See the definition of “registered building inspector” in section 58B of the Building Act 1984.

Saving provision: repeal of powers to make regulations

14. Despite the omission of paragraphs 2 to 4B of Schedule 1 to the 1984 Act⁽¹²⁾ by paragraph 83(3) of Schedule 5 to the 2022 Act, any provisions of the following regulations made under paragraphs 2 to 4B of Schedule 1 to the 1984 Act continue in force and have effect as if made under paragraphs 1A, 1B, 1C, 1D, 1F and 1G of Schedule 1 to the 1984 Act and may be varied or revoked accordingly—

- (a) the Building (Local Authority Charges) Regulations 2010⁽¹³⁾;
- (b) the Building Regulations 2010;
- (c) the Building (Approved Inspectors etc.) Regulations 2010⁽¹⁴⁾.

22 February 2024

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

⁽¹²⁾ Paragraphs 4A and 4B were inserted into Schedule 1 to the Building Act 1984 by sections 8 and 9 of the Sustainable and Secure Buildings Act 2004 (c. 22).

⁽¹³⁾ S.I. 2010/404.

⁽¹⁴⁾ S.I. 2010/2215.