
WELSH STATUTORY INSTRUMENTS

2023 No. 914 (W. 141) (C. 50)

BUILDING AND BUILDINGS, WALES

**The Building Safety Act 2022 (Commencement No. 3,
Transitional and Saving Provisions) (Wales) Regulations 2023**

Made - - - - 18th August 2023

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 170(4)(a)(ii), (4)(a)(iii), (4)(b)(ii), (4)(b)(iii), (4)(b)(iv), (4)(b)(vi), (4)(b)(viii), (4)(b)(ix), (4)(b)(x), (4)(b)(xi), (7) and (8) of the Building Safety Act 2022⁽¹⁾.

Title and Interpretation

1.—(1) The title of these Regulations is the Building Safety Act 2022 (Commencement No. 3, Transitional and Saving Provisions) (Wales) Regulations 2023.

(2) In these Regulations—

“the 1984 Act” (“*Deddf 1984*”) means the Building Act 1984⁽²⁾;

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

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

Provisions coming into force on 5 September 2023

2. The following provisions of the 2022 Act come into force on 5 September 2023—

(a) section 32(1) and (4) (building control authorities) in relation to Wales, and section 32(3) for the purpose of making regulations under section 91ZD of the 1984 Act;

(b) in relation to Wales—

(i) section 33 (building regulations), for all remaining purposes;

(ii) sections 34 and 35 (duty holders and general duties, and industry competence);

(iii) section 36 (lapse of building control approval etc), for the purpose of making regulations under sections 32 and 53A of, and paragraph 4A(6) of Schedule 4 to, the 1984 Act;

(1) 2022 c. 30.

(2) 1984 c. 55.

- (iv) section 37 (determination of certain applications by appropriate national authority), for the purpose of making regulations under section 30A of the 1984 Act;
- (v) section 38 (compliance and stop notices), for the purpose of making regulations under sections 35B, 35C and 35D of the 1984 Act;
- (vi) section 39 (breach of building regulations), for the purpose of making regulations under section 35 of the 1984 Act;
- (vii) section 41 (revocation etc of certain provision made under section 2(2) of the European Communities Act 1972);
- (viii) section 42 (regulation of building control profession)—
 - (aa) for the purpose of making regulations under sections 58C, 58O, 58U, 58V, 58Z4 and 58Z5 of the 1984 Act;
 - (bb) for the purpose of preparing and publishing documents under sections 58F, 58H, 58R, 58T, 58Z and 58Z3 of the 1984 Act;
 - (cc) so far as it relates to inserting section 58Y into the 1984 Act;
- (ix) section 44 (functions exercisable only through, or with advice of, registered building inspectors), for the purpose of making regulations under sections 46A and 54B of the 1984 Act;
- (x) section 46 (higher-risk building work: registered building control approvers), for the purpose of making regulations under sections 52A and 55 of the 1984 Act;
- (xi) section 47 (higher-risk building work: public bodies);
- (xii) sections 49 to 52 (plans certificates, cancellation of initial notice, new initial notices and information gathering), for the purpose of making regulations under sections 50, 52, 53, 53B, 53C and 53D of, and paragraph 2 of Schedule 4 to, the 1984 Act;
- (xiii) the paragraphs of Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act) specified in the Schedule to these Regulations;
- (xiv) section 56 (appeals) (subject to the exceptions in section 170(4)(b)(ix) of the 2022 Act);
- (xv) paragraph 30 of Schedule 6 (appeals and other determinations), for the purpose of making regulations under section 101A of the 1984 Act;
- (xvi) section 57 (fees and charges).

Provision coming into force on 1 October 2023

3. In relation to Wales, section 156 (amendment of the Regulatory Reform (Fire Safety) Order 2005) except subsection (4) (and subsection (8) so far as relating to article 22B of the Regulatory Reform (Fire Safety) Order 2005)(3) comes into force on 1 October 2023.

Provisions coming into force on 1 January 2024

4. The following provisions of the 2022 Act come into force on 1 January 2024—
- (a) in relation to Wales, section 42 (regulation of building control profession), so far as it relates to inserting Part 2A into the 1984 Act excluding sections 58H to 58L, 58T to 58W, 58Y, 58Z1 to 58Z6 and 58Z8(4);

(3) [S.I. 2005/1541](#).

(4) The Welsh Ministers' power to appoint a day for the coming into force of section 42 of the 2022 Act does not include section 42 so far as it relates to new section 58Z7. So far as section 42 relates to new section 58Z10 (and new section 58Z2) the Welsh Ministers' power to appoint a day for coming into force is not limited to being only in relation to Wales.

(b) section 42, so far as it relates to inserting section 58Z10 into the 1984 Act.

Transitional provisions

5. Consultations started before 5 September 2023 under either section 14(7) or (8) of the 1984 Act satisfy the consultation requirements in those subsections, as amended by paragraph 17 of Schedule 5 to the 2022 Act.

6. The amendments to article 32 of the Regulatory Reform (Fire Safety) Order made by section 156(10)(b) and (c) of the 2022 Act do not apply to an offence committed before 1 October 2023.

7. From 5 September 2023 to 31 December 2023 references to “regulatory authority” in section 58Y of the 1984 Act are to be read as if section 58A of the 1984 Act is in force.

Savings

8. Despite the omission of section 106(3) of the 1984 Act by paragraph 67 of Schedule 5 to the 2022 Act, section 106(3) continues to apply in any case where an application under that provision has been made to a magistrates’ court before the coming into force of the repeal.

9. Despite the omission of paragraphs 5 and 9 of Schedule 1 to the 1984 Act (by paragraph 83(3) and (7) of Schedule 5 to the 2022 Act), any provisions of the following regulations (in force immediately before 5 September 2023) and made under paragraph 5 or 9 of Schedule 1 to the 1984 Act continue in force and apply as if made under section 105B of the 1984 Act and may be varied or revoked accordingly—

- (a) the Building (Local Authority Charges) Regulations 2010⁽⁵⁾,
- (b) the Building Regulations 2010⁽⁶⁾, and
- (c) the Building (Approved Inspectors etc.) Regulations 2010⁽⁷⁾.

10. Despite the substitution of paragraph 10 of Schedule 1 to the 1984 Act (by paragraph 83(8) of Schedule 5 to the 2022 Act), any provisions of the following regulations (in force immediately before 5 September 2023) and made under paragraph 10 of Schedule 1 to the 1984 Act continue in force and apply as if made under paragraph 10 of Schedule 1 to the 1984 Act as substituted and may be varied or revoked accordingly—

- (a) the Building (Local Authority Charges) Regulations 2010,
- (b) the Building Regulations 2010, and
- (c) the Building (Approved Inspectors etc.) Regulations 2010.

18 August 2023

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

(5) [S.I. 2010/404](#).
(6) [S.I. 2010/2214](#).
(7) [S.I. 2010/2215](#).

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SCHEDULE

Regulation 2(b)(xiii)

The following provisions of Schedule 5 to the 2022 Act come into force in accordance with regulation 2(b)(xiii)—

1. Paragraph 2.
2. Paragraph 3.
3. Paragraph 4(1) and 4(2).
4. Paragraph 5(1) and 5(2).
5. Paragraph 6.
6. Paragraph 9.
7. Paragraph 10.
8. Paragraph 11(1), 11(2) and 11(3).
9. Paragraph 12(1) and 12(2).
10. Paragraph 13(1), 13(2), 13(5) and 13(6).
11. Paragraph 14(1), 14(2), 14(3)(b) and 14(4)(b).
12. Paragraph 15(1) to 15(5) and 15(9).
13. Paragraph 16.
14. Paragraph 17.
15. Paragraph 22(1) and 22(8).
16. Paragraph 40(1) and 40(3).
17. Paragraph 42(1) and 42(3).
18. Paragraph 46(1) and 46(2).
19. Paragraph 50.
20. Paragraph 51.
21. Paragraph 53.
22. Paragraph 55(1), 55(4)(a) and 55(6).
23. Paragraph 57(1) and 57(3).
24. Paragraph 67.
25. Paragraph 71.
26. Paragraph 74(1) and 74(2).
27. Paragraph 75.
28. Paragraph 76(1) and 76(3).
29. Paragraph 80, for the purposes of making regulations under section 125A of the Building Act 1984.
30. The definitions of “appropriate court or tribunal”, “building control approval”, “building control authority” and “higher-risk building work” in paragraph 81(2).
31. Paragraph 82.

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32. Paragraph 83(1), 83(2), 83(3) (so far as it relates to paragraph 5 of Schedule 1 to the 1984 Act), 83(7), 83(8) and 83(9).

33. Paragraph 84(1) and 84(3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Commencement Regulations are made by the Welsh Ministers under the Building Safety Act 2022 (c. 30) (“the 2022 Act”).

Regulation 2 brings into force on 5 September 2023 the provisions specified in that regulation and in the Schedule to these Regulations. Some of those provisions come into force in full, others come into force for the limited purposes of making regulations or preparing and publishing documents.

Regulation 3 brings into force provisions that make amendments to the Regulatory Reform (Fire Safety) Order 2005 on 1 October 2023.

Regulation 4 brings into force provisions relating to the register of building inspectors and building control approvers on 1 January 2024 (although the provisions that enable registered building inspectors and registered building control approvers to undertake activities do not come into force at this time).

Regulations 5 and 6 make transitional provisions as a consequence of amendments made to the consultation requirements in section 14 (consultation on building regulations) of the Building Act 1984 (c. 55) (“the 1984 Act”) and amendments made to the Regulatory Reform (Fire Safety) Order 2005. Regulation 7 makes transitional provisions in relation to the coming into force of section 58Y of the Building Act 1984.

Regulations 8, 9 and 10 make savings provisions arising from the omission of section 106(3) of, and paragraphs 5 and 9 of Schedule 1 to, the 1984 Act, and the substitution of paragraph 10 of Schedule 1 to the 1984 Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the 2022 Act have been brought into force in relation to Wales by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2(2) and Schedule 1	28 June 2022	2022/561 (C. 28)
Section 31 (partially)	9 December 2022	2022/1287 (W. 261) (C. 104)
Section 33 (partially)	6 April 2023	2023/362 (C. 15)
Section 48	28 July 2022	2022/774 (W. 169) (C. 47)
Section 55	9 December 2022	2022/1287 (W. 261) (C. 104)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 130 and 131	28 June 2022	2022/561 (C. 28)
Section 132 (for the purposes of making regulations)	28 May 2022	2022/561 (C. 28)
Section 132 (for all remaining purposes)	28 June 2022	2022/561 (C. 28)
Schedule 5, paragraphs 1, 77 (partially), 78 and 81 (partially)	9 December 2022	2022/1287 (W. 261) (C. 104)