



Building Safety

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Building Safety overview

[VIEW LEGISLATION](#)

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

Following the Grenfell Tower fire in 2017, a public inquiry looking into the causes behind the fire was launched. The subsequent Independent Review of Building Regulations and Fire Safety: final report highlighted serious concerns both with fire safety procedures within high-rise buildings but also the materials used in their construction.

While the Building Safety Act 2022 has been published, which does include a number of provisions that apply to Wales, the Welsh Government is establishing its own Building Safety Regime for the occupation phase, that best reflects its plans to ensure the safety of residents in Wales. Work to consider the Wales response to the issues raised by the Hackitt Review commenced with the establishment of the Building Safety Expert Panel. The recommendations of the Panel were published in its 2019 report, 'a roadmap to safer buildings in Wales'.

In 2021, the Welsh Government published the Safer Buildings in Wales White Paper which laid out the Welsh Government's proposals for a new Building Safety Regime in response to the Grenfell Fire Inquiry. The White Paper was consulted on extensively. Since then, the Welsh Government has been taking steps to introduce new requirements for buildings at the occupation phase that go significantly further than the building safety regime introduced in England by the Building Safety Act 2022 as the proposals extend not only to multi-occupied residential buildings of 18 metres plus but also multi-occupied residential buildings of less than 18 metres (with some exceptions).

Since 2021, a number of changes relating to the design and construction phase in Wales have already been brought forward. A Building Safety (Wales) Bill will be introduced before the end of the current Senedd term that will introduce the way in which building safety is managed at the occupation phase of a building's lifecycle. This Fact Sheet provides an overview of what has passed and what has not yet been legislated. As legislation is introduced, this Fact Sheet will be updated so that it reflects the current requirements for property agents.

The changes

The following changes have been introduced in Wales since the Building Safety Act 2022 received Royal Assent.

Building Safety Regulator

The most substantial change that has taken place so far is the introduction of the new Building Safety Regulator (BSR) for the regulation of private sector building control companies and building control inspectors on behalf of the Welsh Ministers. There are also new requirements for building inspectors which are detailed from page 17.

Role of local authorities

Local authorities will be responsible for the enforcement of the new building safety regime, as they will oversee all new building work on higher-risk buildings, including the design and construction phase of new buildings.

Remediation support

The Welsh Government has also introduced separate programmes for remediation support, with the aim that no leaseholder will pay for remediation of in-built fire safety defects. The remediation programme looks at both internal and external fire safety issues in a whole-building approach that puts people's safety first.

What you need to do

The legislation directly impacts property agents who are managing entire blocks of flats and those working with management agents when managing individual tenancies. Agents will need to be aware of the new rules and how they impact freeholders, leaseholders, renters and home buyers and sellers.

Buying and selling leasehold buildings

The Consumer Protection from Unfair Trading Regulations 2008 require agents to provide all necessary information to consumers and ensure that the information they provide is not misleading.

While there are no statutory requirements affecting advertising or marketing from the Building Safety Act 2022, as part of our promotion of best industry practice, we recommend that agents use the Propertymark [Property Information Questionnaire \(PIQ\)](#) to help identify and provide the following information to clients:

- Confirmation that the building is higher-risk.
- Any current building safety risks identified.
- Confirmation that the developer or freeholder has taken responsibility for repairs or funding historic defects.
- Contact information on the Responsible Person (related to the Fire Safety Order)
- Where they can find all the relevant information relating to building safety risk.
- Any other useful information relating to the building safety risk.

What you need to be aware of

The definition of higher-risk buildings and what constitutes a building safety risk are as follows:

Higher-risk buildings

In Wales, higher-risk buildings are identified as a building that is at least 18 metres in height or has at least seven storeys. The building must also contain at least one residential unit or be a care home, children's home or hospital.

Any floors below ground level or which consist exclusively of roof-top machinery are to be ignored in the measurement of height or the number of storeys.

NB: This definition only applies to the design and construction phase of buildings. Future legislation is likely to introduce a new definition for the occupation phase of a building.

Building safety risk

The Welsh Government is yet to establish a definition of what constitutes a building safety risk.

NB: Under the Building Safety Act 2022, a building safety risk is defined as a risk to the safety of people in or about a building arising from the spread of fire or structural failure. It is anticipated that similar risks will be identified for regulation during the occupation phase in Wales, however this is yet to be confirmed.

New Homes Ombudsman

There is no change between how the New Homes Ombudsman is being introduced in England to how it is being introduced in Wales.

Timeline

The Welsh Government intends to introduce a Building Safety (Wales) Bill within the current Senedd term. Once published, the timeline for implementation will be detailed in this section of the Fact Sheet.

Further information

Building Safety Act 2022, full legislation:

<https://www.legislation.gov.uk/en/ukpga/2022/30/contents/enacted>

Independent Review of Building Regulations and Fire Safety: final report (Hackitt Review):

<https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>

Existing Building Regulations in Wales: <https://www.gov.wales/building-regulations-circulars>

Welsh Building Safety Fund: <https://www.gov.wales/welsh-building-safety-fund>

Welsh Building Safety Fund: Expression of interest form:

<https://www.smartsurvey.co.uk/s/ALXU1C/?lang=718379>

Welsh Building Safety Fund: express of interest guidance

<https://www.gov.wales/welsh-building-safety-fund-expression-interest-guidance>

Latest Material Information guidance published by National Trading Standards

<https://www.nationaltradingstandards.uk/news/full-material-information-guidance-published>



The Building Safety Regulatory Authority: Design and Construction

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

Following the public inquiry into the Grenfell Fire, the UK Government published the “A reformed building safety regulatory system: government response to the Building a Safer Future” consultation in June 2019.

One of the main outcomes of the consultation, published in April 2020 was to establish the ‘Building Safety Regulator’ in England which would be “responsible for implementing and enforcing a more stringent regulatory regime for buildings in scope, providing stronger oversight of safety and performance of all buildings and increasing the competence of those working on building safety.” In England, the Building Safety Regulator is the Health and Safety Executive.

In Wales those responsibilities sit with the Welsh Ministers, who are the regulatory authority, though some responsibilities relating to the registration and regulation of the building control profession have been designated to the Health and Safety Executive in their role as Building Safety Regulator.

The changes

Since April 2024, the Construction Industry Council Approved Inspectors Register (CICAIR) has closed, with the Building Safety Regulator taking over. The Building Safety Regulator is the Health and Safety Executive (HSE). In Wales, the HSE is tasked with the registration and regulation of the building control profession on behalf of the Welsh Ministers, with the exception of Local Authority building control. There will be a separate regulator to enforce the safety of buildings once they have been completed and occupied.

Eligibility

The regulation of the design and construction phase of buildings in Wales only applies to buildings that are at least 18 metres in height, or have at least seven storeys, and have at least one residential unit. Hospitals with at least one bed used for patients to stay overnight, care homes and children’s homes also come under the regulations.

If a building is comprised entirely of the following, they are exempt from the regulations, even if they meet every other specification:

- A secure residential institution
- A hotel
- Military barracks
- Living accommodation provided by the Ministry of Defence
- Living accommodation for His Majesty's forces
- Living accommodation for any visiting forces or international headquarters or defence organisation designated for the purpose of the International Headquarters and Defence Organisations Act 1964

A building is also exempt from the regulations if it comprises residential and non-residential uses, in which the living accommodation is provided by the Ministry of Defence.

What does this mean?

CICAIR will no longer approve and oversee approved inspectors (AIs) and AIs have been replaced by Registered Building Control Approvers (subject to transitional arrangements). The Building Safety Regulator regulates building inspectors and building control approvers in England and in Wales on behalf of the Welsh Ministers. This allows for registered building inspectors and registered building control approvers to work cross borders without the need to meet different professional requirements.

What you need to do

This section largely does not impact management companies or letting agents; however, management companies may wish to confirm that any new build has met its design and construction requirements as established by the Building Safety Regulator.

What you need to be aware of

Since 6 April 2024, local authorities have been the only building control body that is able to take on new higher-risk building work. Any registered building control approver (RBCA) is only able to continue with any outstanding higher-risk building work that started under previous legislation and commenced by 1 October 2024. Only local authorities can continue with outstanding projects if the building control functions need to be transferred to a different body.

Further information

The Health and Safety Executive: <https://www.hse.gov.uk/building-safety/regulator.htm>

The Handbook for Wales Design and Construction Phase:
<https://www.gov.wales/building-safety-act-2022-handbook-wales-design-and-construction-phase>

The Building (Restricted Activities and Functions) (Wales) Regulations 2024:
<https://www.legislation.gov.uk/wsi/2024/238/made>

The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023: <https://www.legislation.gov.uk/wsi/2023/1210/contents/made>



The Building Safety Regime: Occupation

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

The Building Safety Act 2022 set out a range of requirements designed to maintain the safety of high-risk buildings once they had been occupied. The Welsh Government is proposing to take a considerably different approach to what has been taken in England. Propertymark members selling or managing property in Wales need to take note of this.

The changes

While the necessary legislation has not yet been introduced, local authorities are planned to be the building safety regulators for qualifying residential buildings at the occupation phase. In carrying out these functions, local authorities will need to work closely with the Fire and Rescue Authorities. Under existing plans, the Fire and Rescue Authorities would remain responsible for enforcing fire safety provisions.

Eligibility

It is understood at this time that the new occupation regime will apply to all multi-occupied residential buildings that have two or more residential units regardless of height.

In-scope buildings will be categorised by height. The requirements placed on those who own or have repairing obligations for an in-scope building, or part of a building will be proportionate depending on the category of the building.

What does this mean?

Under current plans, local authorities are expected to be responsible for enforcing new building safety duties. Managing agents will need to familiarise themselves with their new duties and any reporting requirements for the new regime which will be the same across Wales. Managing agents with properties in England and Wales should note there may be differences between the two safety regimes.

What you need to do

Further details on precise requirements for agents will be detailed in future legislation and any subsequent guidance that may be provided. Residents of qualifying buildings will also have some responsibilities in relation to building safety. Letting agents should be aware that they may be required to support their tenants in carrying out their responsibilities.

What you need to be aware of

The new regime in Wales will ensure that a person, or persons are identified that are responsible for the safety of an in-scope building. This will be the Accountable Person, or Principal Accountable Person. In-scope buildings will need to be registered with the local authority in its capacity as regulator.

Letting agents in Wales must also be aware that all multi-occupied buildings in Wales will be covered by the legislation. Some HMOs will also be come under scope of the legislation, with some of the new duties applying to these properties. Therefore, agents managing HMOs will need to be aware of any new building safety requirements going forward. Letting agents should note that the Fire Safety Order requirements will still apply to HMOs.

Enforcement

The proposed enforcement measures will be laid out in the Building Safety (Wales) Bill.



Regulation of construction and cladding products

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

The Independent Review of Building Regulations and Fire Safety launched in the wake of the Grenfell Fire recommended that the industry required a more robust and transparent construction products regime. Following this recommendation, the UK Government announced a National Construction Products Regulator in January 2021 which will oversee the introduction of greater standards for construction and cladding products.

The changes

The Building Safety Act 2022 provides further powers for the Secretary of State to prohibit the marketing or supply of construction products which are not safe. This applies to all UK nations including Wales.

The Act defines a “safe product” as the following:

- The product does not present any risk to the health or safety of persons
- If it does present a risk, the risk is as low as it can be when using the product appropriately

The powers granted by the Building Safety Act 2022 also provide the Secretary of State the ability to establish new requirements for product manufacturers in the way in which products are tested and how any kind of performance certification is shown on the packaging and marketing of the product. This is designed to ensure that products that are known to cause building safety issues can be removed from the market and that any new standards for testing products can be introduced.

Eligibility

Section 11 of the Building Safety Act 2022, which covers construction products regulations, extends to the entire UK.

What does this mean?

Currently, the Secretary of State has not exercised the powers within the Act, meaning no new regulations have been introduced. When introduced, the Fact Sheet will be updated to link any new regulations and what they mean for property agents.

What you need to do

When new standards have been introduced, and agent who arranges repairs for any part of a high-risk building or individual property within it will need to ensure that the construction companies they work with meet the safety requirements set by the National Construction Products Regulator and any national Welsh standards when they are published. This ensures that residents are not put at risk, even if the responsibility for the products ultimately lies with the organisation selling the products.

What you need to be aware of

Currently, much of the regulatory regime has not come into effect and relies on the passing of secondary legislation. This includes the specific standards construction products will have to meet.

Further information

Office for Product Safety and Standards

<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

UK Government guidance: National regulation of construction products

<https://www.gov.uk/guidance/national-regulation-construction-products#full-publication-update-history>

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Remediation of historic fire safety defects in existing buildings

[VIEW GUIDANCE](#)

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

Since 2021, the Welsh Government has pursued a programme of remediation, beginning with the Welsh Building Safety Fund (WBSF), which provides financial support for Responsible Persons to identify the potential risks within the building they are responsible for. On July 2021, Minister for Climate Change Julie James announced the first phase of the Welsh Building Safety Fund (WBSF) which opened in September 2021.

In November 2023, the Welsh Government announced all residential buildings of 11 metres or over had a route to remediation of in-built fire safety defects. This applies to buildings both with and without unsafe cladding present. The whole building approach adopted by the Welsh Government means both internal and external fire safety issues are considered. Leaseholders are not expected to pay for works to address in-built fire safety issues not of their making.

The changes

The Welsh Government has introduced several programmes that provide financial support for Responsible Persons and leaseholders so that only the Welsh Government and developers are expected to pay for remediation works to address in-built fire safety defects. Phase 1 of the WBSF is designed to understand the scale of the remediation requirements across Wales, helping Responsible Owners prioritise the highest risks identified in the building they are responsible for so they can plan future remediation works. By doing this, the Welsh Government hopes to encourage more surveys of buildings so that more remediation works can be identified and funded.

To ensure developers remediated unsafe buildings, the Welsh Government introduced a legal agreement which has been signed by twelve major UK housebuilders. The agreement commits them to undertake work to rectify life critical fire safety defects in buildings of 11 metres and over, which they have developed over the last 30 years. To encourage more developers to sign up to the pact, the Welsh Government has also introduced a loan scheme, which provides interest-free loans to developers who have signed up to the Welsh Government's developer's contract.

Eligibility

All residential properties of 11 metres and over are eligible for support.

What does this mean?

Welsh Building Safety Fund

The Welsh Building Safety Fund is open to Responsible Persons of residential buildings of 11 metres or more. The Fund is the first step to accessing support from the Welsh Government and remains open for Responsible Persons to submit an Expression of Interest. The Fund allows for surveys to take place at no cost to leaseholders, offering information about fire safety issues, and providing EWS1 forms for those buildings where the risk of fire is low.

The aims of the Fund are as follows:

- Understand the scale of issues in buildings in Wales.
- Provide balanced advice on options available for remediation.
- Support the delivery of works to rectify in-built fire safety defects.
- Financial support to leaseholders where eligible.

What you need to do

There are four funding routes to remediation: developer-led, orphan buildings, smaller developers and social sector buildings. Managing Agents who are considered Responsible Persons should submit an Expression of Interest to the Welsh Building Safety Fund, which can help identify which funding route is most appropriate even if the original developer of the building is not known.

Letting agents managing individual rental properties within relevant buildings may be required to work with tenants in order to communicate any potential fire safety concerns impacting individual properties within the larger block of flats.

Sales agents should ensure any existing fire safety risks are identified and record the progress of any remediation works. This is a requirement under The Consumer Protection from Unfair Trading Regulations 2008 and ensures potential buyers are informed of any works which could be disruptive.

What you need to be aware of

Leaseholder Support Scheme

The Leaseholder Support Scheme is running between June 2022 and June 2025 across all areas of Wales. The Scheme is designed to support people facing financial hardship who have faced increased service charges and are unable to sell or value their property due to potential or recognised fire safety issues. Managing Agents should signpost leaseholders to the scheme, which provides free financial advice and, in some cases, will purchase the property from the leaseholder at a fair market value.

NB: Applicants to the scheme must be able to evidence that they are subject to additional costs related to fire safety issues and that they meet the criteria to be in significant financial hardship. Aside from this requirement, there will be no disqualified leaseholders.

Surveying buildings

The Welsh Government has appointed surveyors to undertake the necessary surveys to identify potential fire safety risks in buildings. This means that Responsible Persons will not be required to hire surveyors and there is no cost to leaseholders as this will be funded by the Welsh Government.

NB: A report will be produced for each surveyed building which provides the Responsible Person an independent assessment of the fire safety issues present in the building. There is no legal obligation for developers to rely on the findings, however, the reports should inform remediation plans.

Leasehold Advisory Service (LEASE)

A new scheme has been opened in Wales to provide leaseholders with free bespoke legal advice to help resolve potential disputes. Responsible Persons can access the scheme on behalf of leaseholders.

Further information

Leaseholder Support Scheme official guidance: <https://www.gov.wales/leaseholder-support-scheme-guidance-applicants-html#131365>

Welsh Building Safety Fund: <https://www.gov.wales/welsh-building-safety-fund>

Welsh Building Safety Fund: Expression of interest form:
<https://www.smartsurvey.co.uk/s/ALXU1C/?lang=718379>

Welsh Building Safety Fund: express of interest guidance
<https://www.gov.wales/welsh-building-safety-fund-expression-interest-guidance>

Leasehold Advisory Service (LEASE)
<https://www.lease-advice.org/wales-page/>

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Commencement of Section 156 of the UK Building Safety Act 2022

[VIEW LEGISLATION](#)

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

Also known as the Fire Safety Order or FSO, the Regulatory Reform (Fire Safety) Order 2005 is the main piece of legislation covering fire safety in buildings in England and Wales. Section 156 of the Building Safety Act 2022 makes a series of amendments to the FSO to complement other efforts within the Act to improving building safety. The Welsh Government made provisions for these amendments to be brought into force on 1 October 2023, at the same time as that happened in England.

The changes

The Building Safety Act introduces new duties for “Responsible Persons”. Responsible Persons are defined under the FSO as the employer or individual with control over a non-domestic workplace. For domestic buildings, if you are the building owner or are a managing agent with control over the premises, it is likely that you are a Responsible Person.

NB: Agents should note that the Building Safety Act has also introduced the concept of the “Accountable Person” in England. This is a distinct role to “Responsible Person” and does not currently apply to Wales.

Most of the changes came into force on 1 October 2023. However, the change which would require all contracted fire risk assessors to be competent is not yet in force. This is because there may be a shortage of qualified fire risk assessors, which might make it difficult for Responsible Persons to comply with the requirement. The Welsh Government is working with the Home Office and the main providers of training and qualifications for fire risk assessors to develop an agreed competency and qualifications framework.

Eligibility

The changes apply to **all** non-domestic premises and all non-domestic areas (communal areas, stair ways etc.) of multi-occupied domestic premises in Wales.

NB: These changes affect all Responsible Persons, including those who are not responsible for higher risk residential buildings.

What does this mean?

This means that all Responsible Persons for all buildings have new duties under the FSO. These do not replace existing requirements under the FSO. If an agent does not have any responsibilities under the FSO, as there are some circumstances where a managing agent will not be a Responsible Person, they are unaffected.

What you need to do

All agents operating within multi-storey non-domestic or residential buildings must ensure they are aware if they are a Responsible Person, as well as their duties. If an agent is not the Responsible Person, there may be situations where they nonetheless have some of the same duties. The duties for Responsible Persons are as follows.

Duties for all Responsible Persons:

- The fire safety arrangements of the premises and fire risk assessments must be recorded in all circumstances. Previously, this was only required if the Responsible Person had five or more employees covering any specific location.
- The name and organisation of any fire risk assessor employed to assist in the conducting of a fire risk assessment must be recorded. It is recommended that they are competent to conduct fire risk assessments but that is currently not a legal requirement.
- The Responsible Person must take steps to identify any other Responsible Persons in the premises, including managing agents who have overall responsibility of the safety within the building. This is so that any fire safety measures taken complement the fire safety measures taken across the entire building.
- All exiting Responsible Persons must provide all relevant fire safety information to any new Responsible Person taking over their duties.

Additional duties for Responsible Persons in properties with two or more sets of domestic premises

Responsible Persons must provide the following information to residents:

- The risks to residents of the domestic premises identified by the risk assessment.
- The preventive and protective measures that have been put in place to ensure the safety for occupants.
- The name of the Responsible Person and an address in the United Kingdom at which the Responsible Person, will accept notices and other documents.
- The identity of any person appointed by the Responsible Person to assist them with making or reviewing an assessment.
- The identity of any persons nominated by the Responsible Person to operate equipment for the purposes of firefighting and detection in the property.
- Any risks of which the Responsible Person has been informed by other Responsible Persons in the property.

It is recommended that Responsible Persons display the information for residents in an easily accessible part of the premises that residents will not miss. A copy should also be provided to new residents when they move in and to existing residents on an annual basis. It is recommended that the newly required information be provided alongside what is already provided to residents.

NB: Note that these duties relate to all buildings with two domestic units, regardless of the height of the building.

What you need to be aware of

The Welsh Government may in the future bring into force the requirement to ensure that any person appointed to make or review the fire risk assessment is competent. Currently, this is a recommendation, where “competent” is defined as having sufficient training, experience and knowledge.

When the Responsible Person has identified the (if any) other Responsible Person(s), they will need to provide the following information to each other:

- Their name
- Their UK-based address where each can receive notes or other necessary documents
- The parts of the premises for which they are responsible
- If a Responsible Person is being replaced, they will be required to let the other Responsible Persons know, so they can provide them with this information

NB: This information should be recorded in a way that would make it easily accessible.

Managing agents who have some degree of control over the premises may share some of the duties of the Responsible Person so may be asked to provide similar details.

When a new Responsible Person replaces another, the exiting Responsible Person must provide the following information:

- Records of key findings from the fire risk assessment and review records.
- All fire safety information provided by other Responsible Persons.
- The identity of any person appointed by the Responsible Person to assist them with making or reviewing a fire risk assessment.
- The name of any other person who is a Responsible Person in the premises along with a UK address at which that person will accept notices and other documents – or the name and address of someone acting on behalf of that Responsible Person.
- Any information given to person(s) carrying out works on the building under regulation 38 of the Building Regulations 2010.
- Any other matters specified in regulations made by the relevant authority.

Enforcement

Fire and Rescue Authorities will remain the enforcing authorities for the Order. The penalty imposed on the following offences has increased from £1000 to an unlimited fine:

- Intentionally falsely impersonating a fire inspector.
- Failing to comply with specific requirements imposed by a fire inspector.
- Failing to comply with requirements relating to the installation of luminous tube signs.

NB: Any offence committed before 1 October will only be subject to a £1,000 fine.

Further information

Legislation: Regulatory Reform (Fire Safety) Order 2005:

<https://www.legislation.gov.uk/ukxi/2005/1541/contents/made>

Welsh Government Guidance: definition of a 'Responsible Person' and their duties

<https://www.gov.wales/fire-safety-act-2021-html>

Welsh Government guidance on the fire safety responsibilities under Section 156 of the Building Safety Act 2022: <https://www.gov.wales/fire-safety-responsibilities-under-section-156-building-safety-act-2022-guidance>

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Regulation of building inspectors and building control approvers

APPLIES TO: WALES

PUBLISHED: 13 DECEMBER 2024

Context

In 1985, the Approved Inspector regime was created, giving people the option of using private organisations to carry out building control functions instead of their local authority. Approved Inspectors have had to be registered with CICAIR for a number of years.

The Building Safety Act 2022 created the BSR to oversee the registration and regulation of building inspectors and building control approvers in England. Welsh Ministers designated this function to BSR for building inspectors and building control approvers operating in Wales. As a result of this, CICAIR's oversight of approved inspectors ended as they were effectively replaced by building control approvers as the option for private sector building control.

Since 1 October 2024, Approved Inspectors can no longer legally operate, they either had to transition to Registered Building Control Approvers, or wind up and close their businesses.

The changes

From 6 April 2024, all building inspectors and businesses operating as building control approvers are required to register with the Health and Safety Executive (the Building Safety Regulator).

Additionally, building inspectors will be subject to the following:

- A new Building Inspector Competence Framework (BICoF)
- A new Code of Conduct
- A requirement to have their name on a public register
- A requirement to include the type of buildings each inspector has been assessed as being competent to work on

Building control approvers will be subject to the following:

- New professional conduct rules
- Operational Standard Rules (OSRs)
- A requirement to have their business on a public register, which must state the type of building control work they are able to undertake

Eligibility

This requirement applies to all buildings in Wales. Registered building inspectors must meet Class 3 Category H competency in order to inspect higher-risk buildings in Wales.

What does this mean?

All inspection work on higher-risk buildings must be delivered through registered building inspectors, on behalf of a local authority. Unless operating under transitional arrangements, registered building control approvers cannot oversee higher-risk building work.

What you need to do

Managing agents will need to confirm that any building inspector and building control approver they work with is registered, which they can do by accessing the public register for those that have passed the registration process.

What you need to be aware of

Managing agents should be aware of the new Code of Conduct for building inspectors and Professional Conduct Rules and OSRs for building control approvers. Agents can reference these if they have complaints over the conduct of building inspectors and building control approvers who they work with.

Registration is valid for five years for building control approvers and 4 years for building inspectors. Managing agents should be aware of the potential for expired registrations from April 2028 onwards.

Enforcement

Both registered building control approvers and registered building inspectors are subject to sanctions if they fail to meet professional standards and rules, which could lead to variation or the cancellation of their registration.

A registered building inspector is liable for an offence and could be prosecuted if they carry out work that they are not registered to do without supervision or if they continue to work as a building inspector without being registered. Similarly, a registered building control approver is liable for an offence and could be prosecuted if they carry out work for which the business is not registered or if they undertake building control work without being registered. They are also liable for an offence if they do not use a suitable registered building inspector for certain activities and functions.

Further information

Welsh Government guidance on building control professional standards, codes and rules:
<https://www.gov.wales/building-control-profession-standards-codes-and-rules>

Register of building inspectors in Wales:
<https://www.register-building-inspector.service.gov.uk/public-register-wales>

Register of building control approvers in Wales:
<https://www.find-a-building-control-approver.service.gov.uk/public-register-wales>

The Building Control Profession (Charges) (Wales) Regulations 2023:
<https://www.legislation.gov.uk/wsi/2023/1303/contents/made>

The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023: <https://www.legislation.gov.uk/wsi/2023/1304/contents/made>

The Building Safety Act 2022 (Consequential Amendments) (Approved Inspectors) (Wales) Regulations 2022: <https://www.legislation.gov.uk/wsi/2022/767/contents/made>

The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024:
<https://www.legislation.gov.uk/wsi/2024/244/made>

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