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WELSH STATUTORY INSTRUMENTS

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**2023 No. 914**

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

**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(1);

“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;

(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)(2) 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(3);
  - (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.

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

(3) 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.

## 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**(4)**,
- (b) the Building Regulations 2010**(5)**, and
- (c) the Building (Approved Inspectors etc.) Regulations 2010**(6)**.

**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

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