

# Building Safety (Wales) Bill

## Bill Summary

July 2025



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# **Building Safety (Wales) Bill**

## Bill Summary

July 2025

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This summary provides an overview of the provisions of the Building Safety (Wales) Bill that was introduced into the Senedd on 7 July 2025.



# Contents

**1. The Bill at a glance..... 1**

How to use this Bill Summary ..... 1

**2. Background ..... 2**

Response to the Grenfell Tower fire ..... 2

The Welsh Government’s response ..... 3

Development of the Bill..... 3

Differences compared to the White Paper proposals..... 4

**3. Summary of provisions..... 6**

PART 1: SAFETY OF BUILDINGS CONTAINING TWO OR MORE  
RESIDENTIAL UNITS ..... 7

Chapter 1: Overview ..... 7

Chapter 2: Key terms..... 7

Chapter 3: Registration of category 1 buildings and category 2 buildings 9

Chapter 4: Assessment and management of building safety risks..... 11

Chapter 5: Duties applying only to occupied category 1 buildings..... 13

Chapter 6: Information and complaints ..... 15

Chapter 7: Duties of adult residents and owners of residential units ..... 17

Chapter 8: Reviews And Appeals ..... 18

Chapter 9: Supplementary ..... 19

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**PART 2: FIRE SAFETY IN CERTAIN HOUSES IN MULTIPLE OCCUPATION** 21

Key terms.....	21
Assessment and management of fire safety risks in relevant HMOs.....	21
Provision of information and documents relating to relevant HMOs ...	22
Duties of occupiers of relevant HMOs .....	22
General .....	22

**PART 3: ENFORCEMENT AND INVESTIGATORY POWERS**..... 23

Enforcing authorities .....	23
Powers of enforcing authorities to give notices.....	23
Functions of authorised officers.....	24
Offences .....	25
Special measures in relation to category 1 buildings .....	25
Crown application .....	26

**PART 4: SUPPLEMENTARY AND GENERAL**..... 26

Guidance and co-operation .....	26
Building safety authorities .....	26
Fire safety authorities.....	27
Offences .....	27
Giving notices and other documents.....	27
General .....	27

**SCHEDULE 1: BUILDINGS THAT ARE EXCLUDED FROM BEING REGULATED BUILDINGS** ..... 28

**SCHEDULE 2: SPECIAL MEASURES ORDERS** ..... 28

Part 1: Procedure before applying for special measures order .....	28
Part 2: Further provision about effect and implementation of special measures order .....	29
Part 3: Review, variation and revocation of special measures order .....	30
Part 4: Supplementary .....	31
SCHEDULE 3: MINOR AND CONSEQUENTIAL AMENDMENTS .....	32
SCHEDULE 4: FIRE SAFETY ORDER: TRANSITIONAL AND SAVING PROVISIONS .....	32
Existing fire risk assessments for regulated buildings .....	32
<b>4. Financial implications and consideration of other options</b>	<b>33</b>
<b>5. Annex: Duties placed on accountable persons</b> .....	<b>35</b>



# 1. The Bill at a glance

The Welsh Government introduced the Building Safety (Wales) Bill into the Senedd on 7 July 2025.

The Bill:

- Introduces a new building safety regime for buildings with two or more residential units whilst they are occupied (with some exceptions);
- Provides that all regulated buildings must have an accountable person with statutory duties to assess and manage building safety risks. The nature and extent of their duties depends on the height category of the building;
- Places **new fire safety duties** on adult residents and owners of residential units in all regulated buildings, and **new structural safety duties** for those in taller buildings; and
- Establishes local authorities and fire and rescue authorities as the two ‘enforcing authorities’ for the new regime, and confers new enforcement powers on both.

This Bill is accompanied by an **Explanatory Memorandum (EM)**, which includes a Regulatory Impact Assessment (RIA).

## How to use this Bill Summary

This document is not an exhaustive summary of every aspect of the Bill. It is designed to be used electronically and signpost to further detail.

Further Senedd Research publications for the Bill will be published on the Bill’s resource page, as it progresses through the Senedd.



## 2. Background

This section provides context behind the Bill's introduction, including previous consultations. It gives background information on the policy response to the Grenfell Tower fire, reforms to building safety in Wales, and the development of the Bill.

### Response to the Grenfell Tower fire

In June 2017, 72 people died as a result of a fire which broke out in Grenfell Tower, a high-rise block of flats in North Kensington, London.

In the wake of the Grenfell Tower tragedy, the UK government commissioned **a review of building regulations and fire safety** ('the Hackitt review') to make recommendations on a future regulatory system. The final report was published in May 2018.

The Hackitt review found the regulatory system covering high-rise and complex buildings was "*not fit for purpose*". It made **over 50 recommendations** for establishing a new regulatory framework, and outlined a series of key principles. It argued the new framework should:

- Establish a clear model of **risk ownership**, so that responsibilities are clear across the life cycle of a building. Those responsible for delivering and maintaining safe buildings should be overseen and held to account.
- Be **outcomes-focused** and backed by strong enforcement, so that there are incentives to do the right thing and penalties for those who choose to game the system.
- Encourage people to think of **buildings as a system**, to allow consideration of building safety on a case-by-case basis and to avoid siloed thinking.
- Employ a **risk-based approach**, so that the level of regulatory oversight is proportionate to the number of people potentially put at risk.
- Ensure **transparency of information and an audit trail**, to provide reassurance and evidence that a building has been built safe and continues to be safe.

The UK Government also launched a public inquiry to examine the circumstances leading up to and surrounding the fire at Grenfell Tower. The Grenfell Tower Inquiry **published two reports** making recommendations across a number of areas,

including measures to address deficiencies in regulation, legislation and guidance.

## The Welsh Government's response

In May 2018, **the Welsh Government committed to** making “*the radical and far-reaching reforms to the regulatory system*” that were called for in the Hackitt review. The Welsh Government’s **Programme for Government for 2021-26** committed to introduce legislation to reform the current system of building safety.

The Welsh Government **convened a Building Safety Expert Group** to consider how recommendations from the Hackitt report should be taken forward in Wales. The Expert Group **published a road map** in March 2019 which made a number of recommendations for the Welsh Government.

In January 2021, the Welsh Government **published a White Paper** setting out proposals to reform building safety.

Changes proposed in the White Paper which would apply when a building is being designed and built have largely been taken forward through the UK Government’s **Building Safety Act 2022**. The Welsh Government **had argued** that this approach allowed for reforms to be enacted as quickly as possible. This **Senedd Research article** has more information on what the Welsh Government is doing to implement wider measures proposed in the White Paper.

## Development of the Bill

The Bill takes forward many of the proposals set out in the 2021 White Paper which apply whilst a residential building is occupied (‘the occupation phase’).

The **2021 White Paper** proposed a number of changes aimed at ensuring that building safety risks are proactively assessed and managed during the occupation phase (these are primarily set out in sections 5, 7, 8 and 10). The White Paper proposed:

- A new **building safety regime for the occupation phase**. It proposed different options for ways to categorise buildings according to risk, a new model for fire risk assessments, and the creation of a system of duty holders with statutory responsibilities to ensure buildings comply with all aspects of the new regime;
- That the regime would apply to **all multi-occupied residential buildings** (i.e. buildings with two or more residential units), with some exceptions;
- New **rights and responsibilities** for residents of multi-occupied buildings,

as well as new obligations for duty holders with respect to engagement with residents; and

- Options for **regulatory models** for the new regime, and a new framework of enforcement action setting out how concerns and enforcement activity may be escalated.

The White Paper was informed by recommendations from the Hackitt review and the Building Safety Expert Group, as well as findings from **the Grenfell Tower Inquiry**. The Welsh Government also commissioned **research on the behaviour and views of residents in multi-occupied buildings** to inform their work.

The **responses to the White Paper consultation** were generally supportive, though there were a number of areas where respondents suggested changes or additional points for consideration, or wanted further clarification.

There was no formal consultation on a draft Bill. The EM states that the provisions in the Bill align for the most part with those set out in the White Paper. It says that, where there is divergence, the changes reflect “*further consultation with stakeholders or have been made to ensure that the provisions in the Bill are proportionate and reasonable*”.

## **Differences compared to the White Paper proposals**

Below are some areas where the Bill diverges from or builds on proposals set out in the White Paper. Many of these are set out in more detail in the EM.

- **Risk categories.** The Bill creates 3 risk categories for in-scope buildings, based on their height and number of stories. The White Paper had explored a number of different options and thresholds for categorising buildings.
- **Houses in Multiple Occupation (HMOs).** The Bill provides that HMOs will be subject to the new fire safety duties, but not to other aspects of the building safety regime. The White Paper had proposed that HMOs would be subject to the broader requirements of the regime.
- **Duties of accountable persons.** As the White Paper proposals were largely based on having 2 categories of building, there are some changes in the extent of the duties the Bill proposes to place on accountable persons for different category buildings. There are also new duties specified for accountable persons for category 1 buildings.
- **Registration and licensing.** The White Paper had proposed a registration and licensing system for accountable persons for all in-scope buildings. The Bill

retains a requirement for accountable persons to register an in-scope building, but this is now limited to category 1 and 2 buildings and there are no licensing requirements. The Bill does not take forward proposals in the White Paper to regulate all residential property management agents and companies.

- **Enforcing authorities.** The Bill establishes local authorities as the ‘Building Safety Authority’ for their local area in Wales. The White Paper had explored several options for the model of regulation, including establishing a Lead Regulator or creating a new national regulatory body. The Bill also proposes an amended framework of enforcement powers, compared to those set out in the White Paper.
- **Residents’ duties.** The Bill proposes creating new duties for adult residents, such as to not create a significant risk of a fire safety risk (or a structural safety risk in category 1 and 2 buildings) and not to damage or interfere with fire safety equipment or measures within the building. These duties are in addition to those set out in the White Paper, which were to co-operate with the accountable person for a building (including by providing access to the property) and not to knowingly breach the compartmentation of their property.
- **Support for people who cannot self-evacuate.** There is no provision on the face of the Bill to give new rights to disabled residents and those who may struggle to evacuate in the event of a fire. The Welsh Government **previously said** it would proceed with proposals to give residents who cannot leave the building unaided the right to provide relevant details to the accountable person. The Bill does provide Welsh Ministers with regulation-making powers to specify additional matters relating to fire risk assessments and reviews.

### 3. Summary of provisions

This section summarises what the Bill does, section by section.

The Bill, as introduced, has 114 sections and four schedules. It is split into four parts as follows:

#### **Part 1 – Safety of buildings containing two or more residential units**

Part 1 establishes the new building safety regime covering the assessment and management of building safety risks whilst a residential building is occupied.

It defines the scope of the regime and creates 3 categories of in-scope buildings. It establishes the accountable person and principal accountable person roles, and places a number of duties on them with respect to building safety, depending on the building they are responsible for. It also places new fire safety duties on all adult residents of in-scope buildings, and new structural safety duties for adult residents in category 1 and 2 buildings.

#### **Part 2 – Fire safety in certain houses in multiple occupation**

Part 2 makes provision for the assessment and management of fire safety risks in HMOs. It defines which HMOs are subject to the requirements of the Bill and creates new duties for landlords, duty holders and adult residents.

#### **Part 3 – Enforcement and investigatory powers**

Part 3 confers a range of enforcement and investigatory powers on building safety authorities and fire safety authorities, and sets out a right to appeal for affected persons. It establishes a number of offences that result from a failure to meet certain requirements under the Bill.

#### **Part 4 – Supplementary and general**

Part 4 establishes local authorities as the building safety authority for their respective areas in Wales, and makes provision for delegation of building safety functions in situations where a conflict of interest may arise. It establishes fire and rescue services as fire safety authorities under the Bill.

This Part also makes the usual general provisions, such as interpretation and

commencement.

## **PART 1: SAFETY OF BUILDINGS CONTAINING TWO OR MORE RESIDENTIAL UNITS**

### **Chapter 1: Overview**

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**Section 1** provides an overview of the Chapters in this Part.

### **Chapter 2: Key terms**

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Regulated buildings, residential units and categories of building

**Section 2** defines ‘regulated building’ as a building that contains at least two residential units and is situated wholly or mainly within Wales. Types of building listed in Schedule 1 are excluded from the definition.

**Section 3** sets out the meaning of ‘building’. In the case of a structure that is not attached to any other structure, that structure is a building. In the case of structures that are attached to each other, those structures and any constructions attaching them are a building (and called a ‘set of structures’). It sets out that if a structure or set contains any independent parts, each independent part is a ‘building’. A ‘structure’ means a roofed construction with walls.

**Section 4** sets out an ‘independent part’ test, which aims to establish that if a part of a structure meets certain criteria listed in the Section, it should be considered a ‘building’ in its own right. There are two criteria: i) there is no ‘access’ between the part in question and another part of the structure, and ii) the part in question constitutes a ‘vertical division’ of the structure, along a vertical plane. This is to recognise that fire is most likely to spread upwards.

This Section also defines ‘non-residential part’ and ‘access’ (which excludes emergency and maintenance access). It also enables Welsh Ministers to make regulations to specify further circumstances in which a part of an unattached structure or set of structures is an ‘independent part’. This is to make allowance for more unusual ownership models and building designs.

**Section 5** defines ‘residential unit’. It creates a regulation-making power for Welsh Ministers, including to prescribe that certain buildings or parts of buildings are excluded from the definition, to ensure that issues arising from new or more unusual accommodation models can be provided for if it becomes necessary.

**Section 6** defines the three categories of ‘regulated building’:

- Category 1 buildings are at least 18 metres in height or have at least 7 storeys;
- Category 2 buildings are at least 11 metres in height or have at least 5 storeys but are less than 18 metres in height and have fewer than 7 storeys; and
- Category 3 buildings are less than 11 metres in height and have fewer than 5 storeys.

This Section creates a regulation-making power to assist in categorisation, for example, to set out further definitions of terms or to set out how to measure the height of a building or count storeys. Regulations may also specify when particular buildings should fall into a different category due to being higher or lower risk than the category they would otherwise fall into.

**Section 7** provides that ‘ancillary areas’ are included in any reference to a ‘regulated building’. It defines ancillary areas as rooms, outbuildings, garages, car parks, yards, gardens or other areas, which are provided for the use of some or all residents.

### **Accountable persons, principal accountable persons and common parts**

**Section 8** defines an ‘accountable person’ as someone who either holds a legal estate (e.g. freehold or leasehold) in possession in some or all of the common parts of the building (an ‘estate owner’); or who is under a ‘relevant repairing obligation’ in relation to some or all of the common parts. It provides exemptions for estate owners in some circumstances, for example, where all the repairing obligations of the estate owner in relation to common parts are functions of a Right To Manage (RTM) company (see Section 13).

The Section clarifies that, in scenarios where a tenant holds a legal estate in possession in the common parts of the building and a landlord under the lease is under a relevant repairing obligation, it is the landlord (or superior landlord) that is treated as holding the legal estate in possession for the purposes of determining who is the accountable person.

It also provides that where a building is on commonhold land, the commonhold association is the accountable person.

**Section 9** defines ‘principal accountable person’. Where there is more than one accountable person, the principal accountable person is the one who either holds a legal estate in possession in the external structure of the building, or who is under a relevant repairing obligation in relation to the external structure. ‘External structure’

is defined as the building's foundations, external walls and roof, except any part of these that are included as part of residential leases or relate to any part of the building that is occupied by a business.

**Section 10** provides for the building safety authority to determine who is the principal accountable person in cases where there is more than one accountable person that meets the definition. The accountable persons may apply to the authority for determination, unless they have already applied to the residential property tribunal (see Section 11). The Section allows Welsh Ministers to make regulations about the application process.

**Section 11** enables applications by 'interested persons' to be made to a residential property tribunal for various matters including who is an accountable person, who is a principal accountable person, or which part of a building an accountable person is responsible for.

**Section 12** defines 'common parts' as the structure and exterior, as well as any other part of the building provided for the use, benefit and enjoyment of residents of more than one residential unit.

**Section 13** defines key terms used in this Chapter: 'the 2002 Act'; 'commonhold association'; 'commonhold land'; 'long lease'; 'relevant repairing obligation'; 'RTM company'.

**Section 14** allows Welsh Ministers to make regulations supplementing sections 8 to 13 and gives examples of the provision that such regulations may make.

**Section 15** states that where the Bill makes reference to a part of a regulated building for which an accountable person is responsible, Welsh Ministers may define in regulations what that reference means.

## **General**

**Section 16** allows Welsh Ministers to amend by regulations Sections 2 to 14 and Schedule 1.

## **Chapter 3: Registration of category 1 buildings and category 2 buildings**

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### **Registers**

**Section 17** requires a building safety authority to keep a register of category 1 and category 2 buildings for which it is the building safety authority. The Section lists the



information and documents that must be included in a register, including details about the building and the principal accountable person. It allows Welsh Ministers to make regulations about the publication of registers, or information or documents held in registers.

### **Requirement to register and registration procedure**

**Section 18** provides that the principal accountable person commits an offence if a building is occupied but not registered. The Section sets out the penalties for a conviction, which could include a fine or imprisonment, or both. It is a defence if the principal accountable person can prove a reasonable excuse.

**Section 19** sets out the procedure for registering a building. Applications must comply with any requirements set out by Welsh Ministers in regulations. Applicants must pay any fee required by regulations under Section 103. The building safety authority must give the applicant a notice stating whether or not the building has been registered.

### **Notification of changes and revision of register**

**Section 20** places a duty on the principal accountable person to notify the building safety authority of any changes to information held on the register. The principal accountable person must do this within a period of 14 days which starts when they first know, or ought reasonably to know about the change. The Section provides that failure to do so, without a reasonable excuse, is an offence punishable by a fine or imprisonment, or both.

**Section 21** sets out what the building safety authority must do after receiving notification about a change to any information held on the register. It must decide whether to revise the building's entry in the register and then inform the principal accountable person within 21 days. The Section specifies what must be included in the notice, including information about the right of review under Section 57.

**Section 22** applies when the building safety authority becomes aware that information held on the register is inaccurate, without having been notified of the change. The authority must decide whether to revise the building's entry in the register and must notify the principal accountable person within 21 days. The Section states that the register cannot be revised if a review of the decision could be made (under Section 57) or an appeal to the residential property tribunal could be made (under Section 58).

## **Declaration about accuracy of information and documents in register**

**Section 23** requires the principal accountable person to make a 'relevant declaration' about the accuracy of information and documents on the register. This must be given within the 'confirmation period', which is the last three month period leading up to the five-year anniversary of the date of registration, and the last three months of every subsequent five-year period. The Section allows Welsh Ministers to make regulations about the form and content of the declaration. The building safety authority must notify the principal accountable person in writing within 21 days of receiving the declaration. Failure to give a relevant declaration is an offence punishable by a fine or imprisonment, or both.

## **Removal of building from register**

**Section 24** provides that the principal accountable person must apply to remove a building from the safety register if that person believes, or ought reasonably to believe, that it is no longer a category 1 or 2 building, or if it will be unoccupied for at least six months. This application must be made within 14 days from the day on which the principal accountable person has, or ought reasonably to have, belief. The Section provides Welsh Ministers with a power to make regulations about how an application to remove a building from the register must be made. Failing to apply without a valid excuse is a criminal offence that can result in a fine, imprisonment, or both.

**Section 25** allows the building safety authority to remove a building from the register if it no longer meets the criteria or will be unoccupied for at least six months. It must first notify the accountable persons and give them at least 14 days to respond. It must consider any representations before making a final decision, which is then formally communicated and may be subject to review and appeal before taking effect. If the removal date has passed while awaiting the outcome, a new effective date must be set.

## **Chapter 4: Assessment and management of building safety risks**

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### **Key terms**

**Section 26** defines 'fire safety risk' as a risk to the safety of people in or about the building arising from the outbreak of fire in the building or the spread of fire in, to or from any part of the building. It also defines 'structural safety risk' as a risk to the safety of people in or about the building arising from structural failure affecting any part of the building.

**Section 27** defines ‘building safety risk’ as a fire or structural safety risk for category 1 and 2 buildings, and as a fire safety risk for category 3 buildings. It allows the Welsh Ministers to expand this definition through regulations to include other risks, such as those linked to climate change, and to set out how such risks must be assessed and managed. This flexibility ensures the legislation can adapt to future safety concerns and may introduce new responsibilities for residents and building owners.

### **Fire safety risks in regulated buildings**

**Section 28** requires the principal accountable person to ensure that fire safety risks in all relevant parts of an occupied regulated building are properly assessed. These assessments must be thorough enough to support compliance with legal duties to manage fire risks under Section 32.

**Section 29** establishes that only a ‘competent person’ – someone with sufficient expertise and experience – may carry out a fire risk assessment. This requirement addresses a key failing identified after the Grenfell Tower fire. The Welsh Ministers may set specific criteria for competence through regulations, including qualifications or accreditations. It is a criminal offence for someone who is not a competent person to conduct or offer to conduct an assessment, with penalties including unlimited fines and imprisonment of up to two years.

**Section 30** establishes the required timing for fire risk assessments, mandating that the first assessment be completed within six months of a building becoming occupied or the Section coming into force. It also requires annual reviews of the current assessment and further assessments if certain triggering circumstances arise, such as works being carried out to the building that require planning permission or building control approval.

**Section 31** requires the principal accountable person to keep written records of all fire risk assessments and reviews and share them with other accountable persons. It empowers Welsh Ministers to make regulations on the content, methodology, and timing of assessments and reviews, including for unoccupied buildings. Regulations may also allow recovery of ‘relevant costs’ between accountable persons. The Section defines ‘relevant costs’ as any costs incurred by the principal accountable person in connection with a fire risk assessment or review.

**Section 32** outlines the legal duties of an accountable person for an occupied regulated building to manage and reduce fire safety risks in the parts of the building they oversee. They must take all reasonable steps to prevent fire outbreaks, limit fire spread, ensure safe evacuation, and enable effective firefighting.

These obligations apply regardless of whether a current fire risk assessment exists, and may require physical works or other practical actions. Accountable persons must also put in place proper arrangements for monitoring and reviewing their fire safety steps, and keep a written record. Welsh Ministers may set further regulatory requirements under this Section, which may include defining 'reasonable steps', required arrangements, or record-keeping.

### **Structural safety risks in category 1 buildings and category 2 buildings**

**Section 33** requires accountable persons for occupied category 1 and 2 buildings to ensure structural safety risks in their part of the building are properly assessed by individuals with sufficient expertise or experience. Structural risk assessments must be carried out 'as soon as possible' after the building becomes occupied and the person becomes an accountable person. Assessments must be done regularly, and their findings documented and shared with the principal accountable person. Welsh Ministers may make regulations covering assessor qualifications, assessment standards, and how often assessments must be conducted.

**Section 34** places a duty on accountable persons for occupied category 1 and 2 buildings to take 'all reasonable steps' to prevent or reduce the impact of structural safety risks in the areas they oversee, including carrying out necessary works. They must plan, monitor, and review these actions, maintain written records, and follow any regulations set by Welsh Ministers on what constitutes 'reasonable steps' in this context.

### **Management of building safety risks by other persons**

**Section 35** allows certain individuals – such as contractors or others with control over building areas – to be treated as accountable persons for specific purposes of the Bill, but only within the scope of their responsibilities or control. This designation applies to common parts of a regulated building and is limited to functions relating to fire and structural safety risks. These individuals do not replace existing accountable persons but act in addition to them where relevant.

## **Chapter 5: Duties applying only to occupied category 1 buildings**

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### **Safety case reports**

**Section 36** requires the principal accountable person for an occupied category 1 building to prepare and maintain a 'safety case report' to evidence that fire and structural safety risks have been properly assessed and managed. This report

must be prepared ‘as soon as reasonably practicable’ after the building becomes occupied, the building becomes a category 1 building, and someone becomes principal accountable person. It must be submitted to the building safety authority, kept up to date, and revised if directed. Regulations may specify the required content, format, and submission process for the report and related notices.

## **Recording and reporting in relation to building safety risks**

**Section 37** requires the principal accountable person for an occupied category 1 building to establish and operate a system for recording building safety incidents related to fire or structural risks. This occurrence recording system must collect and store reports on relevant safety events, potentially from residents or others, although it will not be mandatory for them to submit reports. Principal accountable persons must share the information with accountable persons to support compliance duties. The system must meet any regulatory requirements set by Welsh Ministers.

**Section 38** places a duty on accountable persons for occupied category 1 buildings to provide prescribed ‘relevant building safety information’ about fire and structural risks to the relevant authorities, in line with regulations. Failure to comply—without a reasonable excuse—is a criminal offence, punishable by an unlimited fine, imprisonment, or both. Regulations will define the content, timing, and format of the required information, and include safeguards for how submitted information may be used in legal proceedings.

## **Residents’ engagement strategies**

**Section 39** requires the principal accountable person for an occupied category 1 building to prepare and follow a residents’ engagement strategy that promotes resident and owner participation in key building safety decisions. The strategy must outline how relevant people will be informed, consulted, and involved. It must be reviewed, revised, and consulted upon in accordance with regulations. Welsh Ministers may set further rules governing its preparation, content, and consultation processes.

**Section 40** requires the principal accountable person to share the residents’ engagement strategy with all other accountable persons as soon as possible after it is prepared or updated. Each accountable person must then promptly provide a copy to relevant adult residents, residential unit owners, and others as specified by regulation – unless, despite taking all reasonable steps, the resident cannot be identified.

## Building certificates

**Section 41** requires the principal accountable person for a registered and occupied category 1 building to apply for a building certificate, either when directed by the building safety authority or within five years of the last certificate being issued. Failure to comply, without a reasonable excuse, is a criminal offence and may result in an unlimited fine, imprisonment, or daily penalties for ongoing non-compliance. Welsh Ministers can alter the timeframe for reapplying through regulations.

**Section 42** sets out the application process for a building certificate. It requires submission of the current safety case report, details of the occurrence recording system, the residents' engagement strategy, and other specified information on what each accountable person has done to meet their duties to provide information to others. Welsh Ministers may further regulate application content, format, and procedure through regulations.

**Section 43** requires the building safety authority to assess whether the 'relevant duties' have been met when the principal accountable person for a category 1 building applies for a building certificate. This may include an inspection of the building. If not fully satisfied, the authority must refuse the application and may allow a short period for remedying specific failures before issuing the certificate. Further regulatory provisions may also be made by Welsh Ministers.

**Section 44** requires the principal accountable person for a category 1 building to prominently display key safety documents, including the most recent building certificate and information about accountable persons or any special measure arrangements. Failure to comply, without reasonable excuse, is a criminal offence punishable by fines, imprisonment, and ongoing daily penalties if the breach continues after conviction.

## Chapter 6: Information and complaints

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### Duties to keep and provide information and documents

**Section 45** gives the Welsh Ministers a power to make regulations requiring an accountable person for a regulated building to keep particular information or copies of particular documents relating to the part of the building for which they are responsible. This will include safety information forming part of the "golden thread" of information about the building. Regulations made under this section may place requirements on persons treated as accountable persons under section 35.

**Section 46** gives the Welsh Ministers a power to make regulations requiring an accountable person for a regulated building to give particular information or copies of particular documents, relating to the part of the building for which the accountable person is responsible, to certain other persons. Other persons might include the building safety authority, the fire safety authority, residents, owners of residential units in the building, or any other person specified in the regulations. Regulations made under this section may place requirements on persons treated as accountable persons under section 35.

**Section 47** gives the Welsh Ministers a power to make regulations requiring an outgoing accountable person for a regulated building to give specified information or copies of specified documents to specified persons - a “successor”, the building safety authority and the fire safety authority. A “successor” is a person who takes over as an accountable person, for all or that part of the building, immediately after an outgoing accountable person stops being responsible. Failure to comply, without reasonable excuse, is a criminal offence punishable by fines, imprisonment, and ongoing daily penalties if the breach continues after conviction.

## **Complaints**

**Section 48** requires the principal accountable person for an “occupied” category 1 building to establish and operate a system for investigating “relevant complaints” about a building safety risk relating to the building (as defined in section 27), or to the performance by an accountable person for the building of any duty under the Bill or regulations made under it. In relation to a category 1 building, “building safety risk” means a fire safety risk or a structural safety risk. In buildings for which there are multiple accountable persons, those accountable persons will be required to work with the principal accountable person as part of their co-operation and co-ordination duties under section 60, and to put right any relevant issues they are responsible for.

**Section 49** provides that the Welsh Ministers may make regulations to require accountable persons for occupied category 2 and 3 buildings to establish and implement arrangements to consider “relevant complaints”. A “relevant complaint” is a complaint that relates to a building safety risk relating to the building (as defined in section 27), or to the performance by an accountable person for the building of any duty under the Bill or regulations made under it. In relation to a category 3 building, “building safety risk” means only a fire safety risk. In relation to a category 2 building, “building safety risk” means a fire safety risk or a structural safety risk.



**Section 50** requires each building safety authority to establish and operate a complaints system for investigating “relevant complaints”. A “relevant complaint” is a complaint that relates to a building safety risk relating to a regulated building (as defined in section 27), the performance by an accountable person for the building of any duty under the Bill or regulations made under it, or the performance by a special measures manager for a category 1 building of any function conferred on the manager by a special measures order (see section 96). The section gives the Welsh Ministers a power to make regulations about the establishment and operation of complaints systems. The regulations may include provision so that a building safety authority has a role of deciding whether complaints made under section 48 or 49 arrangements are “relevant complaints”.

It is expected that complaints would be made in the first instance via arrangements made under section 48 or 49 as relevant. Section 50 establishes a route to escalate complaints if the complainant feels the issue has not been addressed adequately through section 48 or 49 arrangements.

## **Chapter 7: Duties of adult residents and owners of residential units**

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**Section 51** provides that adult residents or owners of residential units in an occupied regulated building, must not:

- do certain acts in, on or in relation to any common parts of the building (by reference to the level of risk, in respect of a fire safety risk materialising, arising from the act); and
- do certain acts in, on or in relation to a residential unit (by reference to the level of risk arising from the act in respect of the spread of fire).

Such persons, must not, without a reasonable excuse, remove, damage, or interfere with the functioning of anything that is in, or forms part of the common parts of the building and is intended to improve the safety of people in or about the building in relation to a fire safety risk.

**Section 52** provides that adult residents or owners of a residential unit in an occupied category 1 or category 2 building, must not do any act in, on or in relation to, any common parts of the building or to a residential unit, that creates a significant risk of a structural safety risk materialising in relation to the building. The adult residents or owners must comply with certain requests for information necessary for the accountable person to comply with duties related to the assessment and management of structural safety risks.



**Section 53** enables an accountable person for an occupied regulated building to apply to a residential property tribunal for an access order where certain criteria are met. The section sets out the purposes for which access can be requested. The tribunal may make an access order if satisfied it is necessary to do so for the purpose set out in the request. An access order is an order that requires a “relevant person” to allow entry to certain persons to “relevant premises” at a reasonable time, and it can also include additional matters.

**Section 54** enables the accountable person responsible for the part of the building in which a contravention occurred, or the principal accountable person for the building, to give a warning notice to a resident or owner of a residential unit if they have contravened or are contravening, one or more of their duties under sections 51 and 52. In certain circumstances a warning notice can include the payment of a sum. The section requires the accountable person serving the notice to inform any other accountable person in the building as soon as reasonably practicable, to avoid more than one notice being served for the same breach. The warning notice is intended to either avoid the repetition or continuation of contraventions by a resident/owner or remedy any contravention a resident/owner may already have made.

**Section 55** enables an accountable person to apply to the residential property tribunal for a contravention order if a resident or owner of a residential unit in a regulated building has been given a warning notice in accordance with section 54 and the accountable person considered the person has either failed to undertake a step or has done an act specified in the notice. An accountable person can only apply to the residential property tribunal for a contravention order after a notice has been given to the building safety authority and fire safety authority setting out the intention to apply for an order.

A contravention order may require the person to take specific steps (including payment of a sum) and/or prohibit the person from doing a specified act. This section provides a formal enforcement mechanism to ensure compliance with residents’ duties under sections 51 and 52.

## **Chapter 8: Reviews And Appeals**

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**Section 56** sets out the meaning of “reviewable decision” and an “affected person” for the purposes of Chapter 8. A “reviewable decision” is a decision of a building safety authority which is listed in the section. For some decisions the “affected person” will be the accountable person for the building (or a person who would be an accountable person if the building were a category 1 or 2 building), and for other

decisions it will be the principal accountable person.

**Section 57** establishes a review process to enable affected persons to challenge decisions by making provision for the review of a reviewable decision. The section provides for a number of matters relating to the review process including a requirement for requests to be made by giving notice to the building safety authority, a duty on an authority to review the decision, and the type of decision an authority can make on conclusion of a review. It also sets out what a building safety authority must do once a review has concluded and specifies the “relevant period”, before the end of which, the outcome must be notified to the affected person (this may be changed in certain circumstances).

**Section 58** provides for a number of matters relating to an appeals process to the residential property tribunal if an affected person is dissatisfied with the outcome of a review under Section 57. If the result of the review under section 57 was that the building safety authority varied the decision, it is the varied decision that can be appealed to the tribunal.

**Section 59** gives the Welsh Ministers a power to make regulations about certain matters relating to reviews and appeals, including suspending the effect of a reviewable decision during the “review period” and the effect of an appeal under section 58 during the “appeal period”.

## **Chapter 9: Supplementary**

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### **Co-operation and co-ordination**

**Section 60** requires all accountable persons for a regulated building to, so far as possible, co-operate and co-ordinate with each other when carrying out their duties under the Bill and regulations made under it. Where relevant this includes co-operation and co-ordination with a HMO duty holder, a special measures manager, a manager appointed under section 24 of the *Landlord and Tenant Act 1987* to carry out “building safety functions” and “responsible persons” under the Regulatory Reform (Fire Safety) Order 2005.

This section aims to ensure that the people with key responsibilities for the safety of regulated buildings are cooperating and coordinating with each other to help ensure the overall safety of the building.

### **Leases**

**Section 61** amends the *Landlord and Tenant Act 1985* to provide implied terms (covenants) in relation to building safety, which apply to all leases of dwellings in regulated buildings in Wales. Under these implied terms, each “relevant person” (e.g. a landlord) covenants with the tenant to comply with their building safety duties if they are an accountable person under the Bill, and to cooperate with any person in complying with their building safety duties. There is implied a covenant by the tenant to allow access to the premises to certain persons and, where they are a resident of the building, to comply with the resident’s building safety duties under sections 51 to 53.

**Section 62** amends the *Landlord and Tenant Act 1985 Act* so that for a “relevant lease” the costs of taking a “building safety measure” are recoverable under the service charge. The section defines the meaning of “building safety measure” and gives the Welsh Ministers a power to make regulations amending the meaning of “building safety measure”.

**Section 63** amends the *Landlord and Tenant Act 1985* including to make provision about covenants where a manager under section 24 of the 1985 Act is carrying out any building safety duties of an accountable person for a regulated building and where a special measures order under is in force. The section also provides that the county court is responsible for determining any question or issue under the section, and that the court may order specific performance of certain implied terms.

**Section 64** amends the *Landlord and Tenant Act 1985* to limit the costs that can be recovered as a service charge, by providing that “excluded costs” are not to be taken into account in determining the amount of any variable service charge.

**Section 65** amends the *Landlord and Tenant Act 1985* so that for certain defined premises, that are or include a dwelling in a regulated building, “relevant building safety information” must be contained in demands for rent and that the landlord must give the tenant a notice containing “relevant building safety information”. The section makes provision for where there is failure to give such information/notice.

## **Commonholds**

**Section 66** amends the *Commonhold and Leasehold Reform Act 2002* to require a commonhold community statement, where the commonhold includes all or part of a regulated building, to require the commonhold association to comply with its duties under the Bill, or regulations made under it. The section requires the community statement to include that the commonhold association directors must make an annual estimate of the income required to be raised from unit-holders

to meet the “building safety expenses of the association”, and requires each unit-holder to pay the percentage of the sum estimated which is allocated to their unit.

## **PART 2: FIRE SAFETY IN CERTAIN HOUSES IN MULTIPLE OCCUPATION**

### **Key terms**

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**Section 67** defines ‘relevant HMOs’ as houses in multiple occupation wholly or mainly in Wales, with certain types excluded such as multi-flat houses, joint tenancies, and homes with live-in landlords and no more than two lodgers. It clarifies that relevant HMOs include associated areas like gardens or shared spaces but not the common parts of regulated buildings (as these are covered by the provisions in the Bill relating to regulated buildings). Welsh Ministers may further refine or amend these definitions through regulations.

**Section 68** defines ‘landlord’ in relation to a relevant HMO. It also defines ‘duty holders’ as a) the landlord, and b) any other person who is managing the relevant HMO. It also sets out that if any other person has an obligation or degree of control of the ‘relevant parts’ of a relevant HMO, that person is also a duty holder. The ‘relevant parts’ of a relevant HMO are defined as any parts not provided for the exclusive use of a single household.

**Section 69** defines ‘fire safety risk’ in relation to ‘relevant HMOs’. It is very similar to the definition for regulated buildings but is required as there are separate provisions in relation to HMOs.

### **Assessment and management of fire safety risks in relevant HMOs**

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**Section 70** requires the landlord of a relevant HMO to ensure that a ‘HMO fire risk assessment’ is made.

**Section 71** requires an HMO fire risk assessment to be made by a competent person, in terms that are substantially the same as for regulated buildings under Section 29.

**Section 72** sets out when and how often a fire risk assessment for a relevant HMO must be made and reviewed, in terms that are substantially the same as for regulated buildings under Section 30.

**Section 73** makes provisions about how a fire risk assessment for a relevant HMO must be made and recovered, in terms that are substantially the same as for

regulated buildings under section 31.

**Section 74** sets out the responsibilities for duty holders of a relevant HMO to manage and reduce fire safety risks in the parts of the building they oversee, in terms that are substantially the same as for regulated buildings under section 32.

### **Provision of information and documents relating to relevant HMOs**

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**Section 75** empowers Welsh Ministers to make regulations requiring duty holders of relevant HMOs to provide specified fire safety information or documents to occupants, fire safety authorities, or other designated persons. The regulations may define the timing, format, and conditions under which this information is to be shared, including provisions for requests and legal admissibility. This aims to ensure that critical safety information reaches those responsible for, or affected by, fire safety risks in HMOs.

### **Duties of occupiers of relevant HMOs**

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**Section 76** places duties on adult occupiers of relevant HMOs to avoid acts that could increase the risk of fire spreading, such as tampering with fire safety features, wedging fire doors open for long periods, or improperly storing combustibles. Occupiers must also comply with valid requests for fire safety-related information from the landlord or duty holder. These duties aim to support overall fire risk management and apply regardless of whether the HMO is within a regulated building.

**Section 77** allows a duty holder of a relevant HMO to request access to specific parts of the property to carry out fire safety duties, providing the request meets clear written criteria and gives at least 48 hours' notice. If access is refused despite compliance with all requirements, the duty holder may apply for an HMO access order from the residential property tribunal which, if granted, can compel entry and authorise related actions.

### **General**

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**Section 78** requires duty holders for relevant HMOs to co-operate and co-ordinate with one another and with accountable persons in regulated buildings to fulfil their safety responsibilities. They must also work with special measures managers, appointed building safety managers, and responsible persons under fire safety legislation to ensure comprehensive management of building safety risks.

**Section 79** empowers the Welsh Ministers to make regulations that treat certain mobile homes, occupied residentially by unrelated individuals, as relevant HMOs under the Bill, while allowing for modifications or exclusions of specific provisions. However, mobile homes used solely for temporary leisure purposes cannot be classified this way.

**Section 80** provides definitions of ‘person having control’ and ‘person managing’.

## **PART 3: ENFORCEMENT AND INVESTIGATORY POWERS**

### **Enforcing authorities**

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**Section 81** sets out which authorities are responsible for enforcing specific duties under the Bill, including against residents. It designates fire safety authorities and building safety authorities as ‘enforcing authorities.’ While building safety authorities handle most duties, fire safety authorities focus on fire-related responsibilities, though either may act where risks overlap.

### **Powers of enforcing authorities to give notices**

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**Section 82** allows an enforcing authority to issue information notices to gather details needed to investigate compliance or carry out other functions under the Bill. It sets limitations on what can be requested, requires the notice to explain the consequences of non-compliance, and includes rules about how the information may be used in legal proceedings. Failure to comply may constitute a criminal offence under section 88.

**Section 83** allows an enforcing authority to issue a compliance notice to anyone they believe has breached, is breaching, or is likely to breach a duty they oversee. The notice must specify corrective actions within a set timeframe and may be marked as an ‘urgent action notice’ if the issue poses imminent danger. Recipients must also be informed of the consequences, their right to appeal, and – if they fail to comply without a valid excuse – may face criminal penalties under section 88.

**Section 84** gives a person who receives a compliance notice the right to appeal to the residential property tribunal within 21 days of receiving the notice. It sets out rules on time limits, valid grounds, and possible outcomes. Generally, the notice is paused during the appeal process unless it’s an urgent action notice, in which case it remains in effect unless the tribunal decides otherwise.

**Section 85** empowers fire safety authorities to issue prohibition notices when a

regulated building or relevant HMO poses, or is likely to pose, a serious fire safety risk, requiring all or part of its use to be restricted or stopped. The notice can take immediate effect, and recipients must inform occupants and display the notice clearly. Failure to comply with these duties is a criminal offence under section 88.

**Section 86** gives certain individuals, such as accountable persons, residents, owners, duty holders, and occupiers, the right to appeal a prohibition notice to the residential property tribunal on specific grounds. Unlike most other notices, a prohibition notice remains in effect during an appeal unless the tribunal decides to suspend it, due to the high level of risk involved. The tribunal may uphold, vary, or cancel the notice, and Welsh Ministers can amend who is eligible to appeal via regulations.

**Section 87** empowers Welsh Ministers to make regulations for further provisions on information notices, compliance notices and prohibition notices.

**Section 88** makes it a criminal offence to fail to comply with an information notice, a compliance notice, or a prohibition notice, including the duty to inform occupants under section 85(6). Penalties include unlimited fines or imprisonment – up to 12 months in a magistrates’ court or up to 2 years in the Crown Court – with further daily fines possible if non-compliance continues after conviction. A defence is available where the person has a reasonable excuse.

## **Functions of authorised officers**

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**Section 89** establishes the requirements for an ‘authorised officer’, specifying that only designated individuals can exercise certain functions of the building safety or fire safety authority. It sets out how authorisation must be granted, varied, or revoked, ensuring that only suitably qualified persons are appointed. It mandates that authorised officers must provide proof of their authorisation if asked while exercising their functions. This Section also defines ‘authorised officer’ and ‘relevant purpose’.

**Section 90** grants an authorised officer the power to enter premises that are not being used as a residential unit when certain conditions are met, including for investigating compliance with safety requirements. It outlines circumstances where entry by force may be necessary but restricts this to cases where a justice of the peace has issued a warrant.

**Section 91** grants authorised officers the power to enter residential units to investigate compliance with safety obligations. Entry requires a warrant issued by a



justice of the peace. The warrant may also authorise entry by force and may specify when or how often entry can occur.

**Section 92** provides a list of things that an authorised officer may do when exercising powers of entry to premises not being used as a residential unit. It also applies where an officer is exercising powers of entry to a residential unit, to the extent specified in the warrant. The list includes actions such as searching the premises, taking samples, taking photographs, making recordings, and seizing anything that appears to be evidence of an offence under this Act.

**Section 93** creates an offence to impersonate an authorised officer with intent to deceive. The offence is punishable by an unlimited fine.

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## **Offences**

**Section 94** establishes offences for an accountable person for a regulated building, and a duty holder for a relevant HMO, who fail to meet safety requirements placing individuals at significant risk of death or serious injury. It is a defence that the person ‘took all reasonable steps’ to avoid committing the offence.

For serious breaches, enforcement authorities can prosecute directly without issuing a prior compliance notice. Convictions in magistrates’ courts may result in fines or imprisonment for up to 12 months, while Crown court convictions can lead to unlimited fines or up to two years’ imprisonment. Continuing non-compliance after conviction constitutes a further offence, leading to daily fines.

**Section 95** establishes offences for providing false or misleading information related to building safety requirements. It is an offence for individuals with duties under the Bill to knowingly or recklessly record, keep, or provide false information. Convictions in magistrates’ courts may result in unlimited fines or imprisonment up to 12 months, while Crown court convictions can lead to unlimited fines or up to two years’ imprisonment.

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## **Special measures in relation to category 1 buildings**

**Section 96** establishes the appointment of a special measures manager in category 1 buildings to handle safety functions on behalf of accountable persons, subject to conditions set by the residential property tribunal. It outlines the eligibility criteria, funding arrangements, and the manager’s potential role as a receiver for commonhold building safety income.



## **Crown application**

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**Section 97** limits the application of Part 3 of the Bill to the Crown and to Crown premises, stating that neither a fire safety authority nor a building safety authority may give an information notice of a compliance notice, or a prohibition notice, to the Crown.

## **PART 4: SUPPLEMENTARY AND GENERAL**

### **Guidance and co-operation**

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**Section 98** grants Welsh Ministers the authority to issue or approve guidance to help principal accountable persons and landlords comply with their duties under the Bill or related regulations, particularly in assessing fire safety risks. Published guidance can be used in legal proceedings to demonstrate compliance or failure to meet obligations. Before issuing guidance, Welsh Ministers must consult building safety and fire safety authorities, as well as other appropriate stakeholders.

**Section 99** amends the Regulatory Reform (Fire Safety) Order 2005 (the ‘Fire Safety Order’), requiring ‘responsible persons’ (under the Fire Safety Order) to cooperate with ‘accountable persons’ and ‘duty holders’ (under this Bill) when they share responsibility for parts of the same building. This applies when they are responsible for parts of the same building, such as buildings that have commercial and residential parts.

It requires responsible persons to take steps that are ‘reasonably practicable’ to identify relevant individuals. Reciprocal duties are also placed on accountable persons and duty holders under the Bill.

### **Building safety authorities**

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**Section 100** defines ‘building safety authorities’ in Wales as county councils or county borough councils. It provides that a regulated building falls under the authority where it is wholly or mainly situated. Ancillary areas, such as gardens that extend beyond the boundary, are disregarded when determining jurisdiction.

**Section 101** provides for potential conflict of interest when a building safety authority is also an accountable person for a category 1 building. It provides that the council must ‘make all reasonable efforts’ for another building safety authority to take on its functions.

**Section 102** provides that Welsh Ministers may direct a building safety authority to exercise any building safety functions of another building safety authority.

**Section 103** enables Welsh Ministers to make regulations on the charging of fees by building safety authorities for exercising their functions under the Bill. Before making such regulations, Welsh Ministers must consult building safety authorities and other appropriate persons.

## Fire safety authorities

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**Section 104** defines ‘fire safety authority’ as the fire and rescue authority covering the area where a regulated building or relevant HMO is primarily located. Ancillary areas like gardens are disregarded when determining jurisdiction. In cases where a building consists entirely of Crown premises, the authority is a ‘fire inspector’ appointed under the Fire and Rescue Services Act 2004. Most Crown premises in Wales remain outside the Bill’s scope, as they are either non-residential or governed solely by the Fire Safety Order.

## Offences

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**Section 105** provides that where a corporate body, partnership or unincorporated association commits an offence under this Bill, in certain circumstances ‘senior officers’ may also be guilty of committing the offence.

## Giving notices and other documents

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**Section 106** specifies how notices and other documents should be given to a person.

**Section 107** specifies how notices and other documents should be given if the name of the recipient is unknown.

## General

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**Section 108** enables consultation requirements under the Bill to be carried out before the relevant provision in the Bill comes into force.

**Section 109** addresses confidentiality and data protection requirements in respect of what can and cannot be included in regulations under Sections 38, 46, 47 and 75.

**Section 110** makes general provision about regulations, setting out which are

subject to the Senedd approval procedure.

**Section 111** defines a list of terms used in the Bill. It also allows Welsh Ministers to make regulations to define a ‘resident’ of a residential unit.

**Section 112** introduces Schedules 3 and 4. It also allows Welsh Ministers to make regulations that supplement, amend, or repeal provisions of the Bill. This includes primary legislation, subject to the Senedd approval procedure.

**Section 113** makes provision for when the provisions in the Bill come into force.

**Section 114** gives the short title as the Building Safety (Wales) Act 2026.

## **SCHEDULE 1: BUILDINGS THAT ARE EXCLUDED FROM BEING REGULATED BUILDINGS**

This Schedule lists buildings that are not covered by this Bill despite being residential:

- Military buildings and other buildings wholly on military premises
- Prisons and other custodial premises
- Hospitals
- Care homes
- Schools.

## **SCHEDULE 2: SPECIAL MEASURES ORDERS**

### **Part 1: Procedure before applying for special measures order**

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#### **Introductory**

**Paragraph 1** provides that a building safety authority and a fire safety authority must each obtain the agreement of the other before issuing a special measures order.

#### **Notice that authority proposes to apply for special measures order**

**Paragraph 2** requires the authority to give notice to other ‘interested persons’ of its proposal to apply for a special measures order, to give interested persons an opportunity to make representations in response. ‘Interested person’ is defined in paragraph 21 of this Schedule.

## **Notice of authority's decision whether to apply for order**

**Paragraph 3** requires the authority, after a period for interested persons to make representations, to give notice to all interested persons of its decision whether to apply for an order.

## **Requirement to include financial management proposal with notice of proposal or decision**

**Paragraph 4** provides that, if the notice includes a term requiring accountable persons to make payments to the special measures manager, a financial management proposal must be included with the notice. The paragraph sets out what the proposal must include.

## **Further provision about giving notices under this Part**

**Paragraph 5** makes allowances for cases when the authority is not aware of an interested person, providing that in these cases the authority is not required to issue notices and financial management proposals to unknown interested persons, having taken 'all reasonable steps' to identify all interested persons. The paragraph allows Welsh Ministers to make regulations about the form and process for issuing notices under this Part.

## **Part 2: Further provision about effect and implementation of special measures order**

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### **Functions to be carried out by special measures manager**

**Paragraph 6** provides that the functions of a special measures manager, once appointed by an order, are the same as the functions of the accountable person and may not be exercised by that accountable person (unless it relates to an application or appeal to a residential property tribunal).

### **Effect of special measures order on compliance notices**

**Paragraph 7** states that any compliance notice given to an accountable person will cease to have effect when a special measures order is made, although the accountable person will still be liable for failure to comply with any notice before the order was made.

### **Effect of special measures order on relevant contracts**

**Paragraph 8** addresses any ‘relevant contracts’ that may be in place between an accountable person and others, providing that in these cases the special measures manager will replace the accountable person in those contracts.

### **Effect of special measures order on legal proceedings**

**Paragraph 9** provides for the special measures manager to bring, continue or defend a ‘relevant course of action’ in cases when legal proceedings are already underway against the accountable person.

### **Reimbursement of damages paid by special measures manager**

**Paragraph 10** makes an accountable person liable to reimburse the special measures manager in cases where the special measures manager has paid damages for which the accountable person is liable.

### **Payments received by special measures manager to be held on trust**

**Paragraph 11** requires the special measures manager to hold any funds on trust that are received from an accountable person to meet costs incurred through their management functions.

### **Power of tribunal to give further directions**

**Paragraph 12** allows a residential property tribunal to give directions to the special measures manager, on application by the building safety authority, the fire safety authority, an accountable person, or the special measures manager.

### **Change in accountable person**

**Paragraph 13** states that the order ceases to apply if an accountable person for a building no longer holds that role, except when they remain responsible for part of the building.

## **Part 3: Review, variation and revocation of special measures order**

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### **Duration of special measures order**

**Paragraph 14** states that the order remains in place until revoked by Paragraph 16.

### **Authority to keep certain matters under review**

**Paragraph 15** requires authorities to review measures taken by the special measures manager, and any costs, payments or receipts. These matters must be reviewed ‘from time to time’ and at least once every 12 months.

### **Variation or revocation of special measures order**

**Paragraph 16** allows a residential property tribunal to vary or revoke an order on application by a building safety authority, a fire safety authority, an accountable person or the special measures manager. The Paragraph sets out steps that must be taken before an application is made and the matters that the tribunal must have regard to.

### **Procedure before authority applies to vary special measures order**

**Paragraph 17** requires that a building safety authority or fire safety authority that proposes to apply to the tribunal to vary an order must give notice to all interested persons.

### **Directions where special measures order is varied or revoked**

**Paragraph 18** sets out that when a residential property tribunal varies or revokes an order, the tribunal may give directions to any person. When an order is revoked the tribunal must direct the special measures manager to prepare a ‘reconciliation account’ setting out how financial matters were handled.

## **Part 4: Supplementary**

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### **Notifications relating to special measures order**

**Paragraph 19** requires the authority to take ‘all reasonable steps’ to notify all interested persons that an order has been made, varied or revoked.

### **Power of tribunal to amend order under section 24 of the Landlord and Tenant Act 1987**

**Paragraph 20** enables the tribunal to amend an order made under section 24 of the Landlord and Tenant Act 1987 (which appoints a new manager in place of the landlord or the landlord’s agent, following an application by tenants of a building). The tribunal’s amendment may ensure that such an order does not include any functions to be carried out by the special measures manager.

## **Meaning of ‘interested person’**

**Paragraph 21** gives a list of persons who meet this definition.

## **SCHEDULE 3: MINOR AND CONSEQUENTIAL AMENDMENTS**

**Paragraph 1** amends the Health and Safety at Work etc. Act 1974 (the ‘1974 Act’) by introducing section 51B, which expands the exemption in article 47 of the fire safety order to ensure that the 1974 Act and its regulations do not apply to regulated buildings and relevant HMOs where fire safety requirements are imposed by the fire safety order or the Bill.

**Paragraphs 2 to 4** amend sections 24 and 24ZA of the Landlord and Tenant Act 1987 to prevent section 24 managers from exercising special measures functions, and to allow special measures managers to apply for their appointment.

**Paragraph 5** amends the Fire and Rescue Services Act 2004 to prevent a fire and rescue authority from charging anyone for exercising its functions under the Bill.

**Paragraphs 6 to 10** amend the Fire Safety Order (FSO) to ensure fire safety in regulated buildings and relevant HMOs is governed by the Bill, preventing duplication. Paragraph 7 introduces article 7A which provides that duties on responsible persons under the FSO do not apply to buildings covered by this Bill, while retaining FSO protections in cases where a regulated building is also a workplace. Paragraph 8 limits article 21A to England, as the Bill includes similar requirements on resident engagement. Paragraph 9 amends article 22A to require that fire safety information is passed to incoming responsible persons, and paragraph 10 removes article 47’s application to regulated buildings and HMOs.

## **SCHEDULE 4: FIRE SAFETY ORDER: TRANSITIONAL AND SAVING PROVISIONS**

### **Existing fire risk assessments for regulated buildings**

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**Paragraph 1** sets out transitional arrangements for regulated buildings that are currently covered by the FSO. It provides that a risk assessment under the FSO counts as a fire risk assessment under the Bill if conducted within six months before section 28 takes effect, with the principal accountable person required to complete a new assessment within 12 months, subject to section 30 criteria for further reviews.

**Paragraph 2** does the same as Paragraph 1 for relevant HMOs.

**Paragraph 3** ensures that alteration, enforcement, and prohibition notices issued under the FSO before paragraph 7 of Schedule 3 takes effect remain valid, even after the new provisions in the Bill disapply the powers to issue such notices under the FSO.

## 4. Financial implications and consideration of other options

The cost of the Bill is estimated to be **£165.4m over a 10-year period** (2027-28 to 2036-37), comprised of:

- **£33.4m in administrative costs**, split across Welsh Government (£25.51m), local authorities, as building safety authorities (£5.31m), and fire and rescue authorities, as fire safety authorities (£2.59m). The vast majority of this is recurrent costs (£32.4m), with £1m as transitional costs.
- **£132m in compliance costs** for industry, made up of £13.5m of capital costs and £118.5m of revenue costs. Transition costs are estimated at £32m (including time to prepare fire risk assessments and building safety information, and establishing a complaints system). Recurrent costs are estimated at £100m (including preparing and maintaining safety case reports, maintaining the golden thread database, and preparing contravention orders).

The Regulatory Impact Assessment (RIA) estimates **monetised benefits of £102.7m** over a 10-year period due to the expected avoided injuries, fatalities and property damage.

The RIA highlights further benefits that have not been possible to monetise – a reduction in mental health costs for residents in buildings in scope, and an expected increased confidence that buildings are safe, resulting in reduced insurance and mortgage costs.

The RIA states that the Welsh Government considered three options:

- Option 1: Business as usual;
- Option 2: Do minimum; and
- Option 3: Preferred option (the Bill).

It says that Option 1 was discounted because it would undermine the outcomes of the Hackitt Review, the Grenfell Tower Inquiry, the Welsh Government's Building Safety Expert Group and White Paper consultation.



Option 2 involves legislating to regulate building safety risks in multi-occupied residential buildings of at least 18m. Buildings under 18m and certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties, including resident fire safety duties, but would be excluded from the other provisions in the regime.

Option 2 was discounted because “to apply a lower standard of regulation to the properties most likely to experience fire casualties would not be acceptable”. The RIA states the present value costs and monetised benefits of Option 2 are £139.5m and £55m respectively, compared with £144.9m and £62.6m for Option.

## 5. Annex: Duties placed on accountable persons

**Table 1: Duties placed on accountable persons and principal accountable persons**

	<b>Category 1 buildings</b> (18+ Metres or at least 7 storeys)	<b>Category 2 buildings</b> (11+ Meters or at least 5 storeys)	<b>Category 3 buildings</b> (less than 11 Meters and less than 5 storeys)
Registration	<p>Register the building with the Building Safety Authority</p> <p>Apply for and display a building safety certificate</p>	<p>Register the building with the Building Safety Authority</p>	N/A
Keeping and sharing information	<p>Keep, maintain and share a record of building safety information and documents (the 'Golden Thread')</p> <p>Report building safety occurrences, and establish and operate an occurrence recording system</p> <p>Prepare, revise and share a Safety Case report</p>	<p>Keep, maintain and share a record of building safety information and documents (the 'Golden Thread')</p>	<p>Keep, maintain and share a record of building safety information and documents (the 'Golden Thread')</p>

	<b>Category 1 buildings</b> (18+ Metres or at least 7 storeys)	<b>Category 2 buildings</b> (11+ Meters or at least 5 storeys)	<b>Category 3 buildings</b> (less than 11 Meters and less than 5 storeys)
Assessing and managing building safety risks	<p>Undertake a fire risk assessment and manage fire risks</p> <p>Assess and manage structural safety risks</p>	<p>Undertake a fire risk assessment and manage fire risks</p> <p>Assess and manage structural safety risks</p>	<p>Undertake a fire risk assessment and manage fire risks</p>
Working with others	Co-operate and co-ordinate with other duty holders	Co-operate and co-ordinate with other duty holders	Co-operate and co-ordinate with other duty holders
Supporting and informing residents	<p>Establish and operate a system for the investigation of relevant building safety complaints</p> <p>Prepare, review and provide a residents' engagement strategy</p>	Make arrangements for the consideration of relevant building safety complaints	Make arrangements for the consideration of relevant building safety complaints