

Building Safety (Wales) Bill published

Recent developments relating to building control/building safety regulation in Wales

8 August 2025

A significant element of the building safety reform proposed by the Welsh Government (**WG**) is focused on the safety of existing buildings and their occupiers. After considerable consultation, WG published its draft Building Safety (Wales) Bill (the **Bill**) on 7 July 2025. We provide the background to the Bill below and the highlights of its provisions. While reading, keep in mind that the Bill deals with buildings in occupation and not building safety/control processes during the design and construction phase.

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Background to the draft Building Safety (Wales) Bill

The Building Safety Expert Group recommendations, March 2019

The Building Safety Expert Group published its recommendations for an overhaul of the building safety system in Wales in its final report: [A Road Map to safer buildings in Wales](#) in March 2019. That report:

- highlighted "a clear need for significant new legislation to deliver a new regulatory system and to introduce many of the changes [the Building Safety Expert Group had recommended]";
- explained that fire safety in blocks of flats is currently governed by the Regulatory Reform (Fire Safety) Order 2005 (the **FSO**) which applies to all premises except private dwellings and requires the "responsible person" for the building (normally the landlord or managing agent) to conduct and act on a fire risk assessment. The FSO also gives fire and rescue authorities powers to inspect and enforce compliance;
- highlighted fundamental problems with how the FSO applies to residential buildings. Its provisions, for example, relating to staff training are designed for workplaces and are not relevant to residential properties;
- noted that WG has corrected FSO's most serious failings by working closely with the Home Office on its Fire Safety Act 2021 and extending FSO's coverage to external walls and all parts of the internal structure, including fire doors, as well as issuing guidance for responsible persons; and
- concluded that while the FSO remains effective to ensure and regulate workplace fire safety, a new and different regime was needed to ensure fire safety in residential buildings.

WG's White Paper proposing legislative change, [Building Safety in Wales in 2021](#)

WG published its proposals both for legislative change across the lifecycle of buildings and for culture change in the way buildings are designed, constructed and managed in the future in its White Paper, [Building Safety in Wales in 2021 \(White Paper\)](#). WG's [detailed proposals](#) "for comprehensive reform of [the] legislation that contributes to building safety in Wales" underwent a consultation process ending on 12 April 2021. [95 responses](#) were received from a range of WG partners to which WG published its [response](#) in December 2021 on the way forward.

Proposals for new building safety duties during the occupation phase, March 2024

In its [written statement of 4 March 2024](#),¹ WG confirmed its intention to place new duties on Welsh local authorities to regulate the occupation phase of the new building control regime while maintaining a close working relationship with the Fire and Rescue Authorities. To that end, WG officials have been working with stakeholders to co-develop a new, fit-for-purpose, regulatory regime for Wales and analysing² the cost and resourcing implications of such a regime on local authorities.

On 29 April 2025,³ having previously announced its plans for a new Building Safety Bill for Wales via various statements and updates (such as [Lived experiences, safety and wellbeing at the heart of building safety in Wales](#) on 13 November 2024), WG confirmed its intention to bring forward a new bill as part of its legislative programme for the next parliamentary year.

¹ Written statement: <https://www.gov.wales/written-statement-building-safety-wales-1>

² Through the appointment of Adroit Economics Ltd

³ [Paragraph 198 of the WG plenary record of 29 April 2025](#)

Publication of the Bill and its aims

The Bill

The Bill was laid before the Senedd on 7 July 2025 at the same time as WG published its response to the Grenfell Tower Inquiry phase 2 report (**Grenfell Tower Final Report**). The Bill's drafters therefore had the benefit of reading the Grenfell Tower Final Report and the White Paper and have been able to engage with various stakeholders including residents and leaseholders in all the building categories that will be affected by the Bill.

[The Bill](#),⁴ as introduced, sits within WG's programme of building safety reforms and establishes a new safety regime for multi-occupied residential buildings based on three key principles: safety, accountability and residents' rights. As explained in [Grenfell Tower Inquiry phase 2 report: Welsh Government response](#),⁵ the Bill "seeks to ensure that: safety considerations are monitored and addressed throughout the occupation phase of a building's lifecycle; robust mechanisms are established for resident involvement; and that stronger systems of redress are available when things go wrong".

The Bill is accompanied by an Explanatory Memorandum (**EM**) which provides useful insight into the reasoning behind the Bill's provisions, including why changes were made between the White Paper and the publication of the Bill. Additional explanations are set out in the Explanatory Notes to the Bill that are found at Annex 1 of the EM (from page 129).

Comparison between the Welsh and English approach

Those familiar with regulations affecting occupiers in England will recognise the Bill's identification of dutyholders such as "accountable persons". However, the Bill differs from the English approach in key areas and does go further than the regulations in England. In particular, the Bill gives local authorities the duty to regulate safety in the occupation phase (in England, the Building Safety Regulator has this role). Further, the Bill has wider application in that it applies to all multi-occupied residential buildings (and not only those above 18 metres/seven storeys as in England).

The aim of the Bill, as summarised on [the Senedd's Building Safety \(Wales\) Bill page](#), is to establish a regime that will:

- "identify those on whom statutory duties under the Bill are to be placed;
- require the registration of certain regulated buildings (i.e. those at least 11 metres in height or which have at least five storeys) with a building safety authority;
- confer new functions on the "building safety authority", which are each of the local authorities in Wales;
- confer new functions on the "fire safety authority" in Wales, which are each fire and rescue authority for an area in Wales or a fire inspector (with regards regulation of Crown buildings);
- create duties to assess and manage fire safety risks in all in-scope buildings;

⁴ <https://laiddocuments.senedd.wales/pri-ld17294-en.pdf> (located in the "related meetings" section of this Senedd webpage: <https://business.senedd.wales/ielssueDetails.aspx?Ild=46141&Opt=3> as introduced

⁵ <https://www.gov.wales/grenfell-tower-inquiry-phase-2-report-welsh-government-response-html>

- create duties to assess and manage structural safety risks in in-scope buildings that are at least 11 metres high or which have at least five storeys;
- put in place new rights for residents and place duties on them in respect of all in-scope buildings; and
- establish a new enforcement regime to enable enforcement action to be taken if the new duties are not met".

Both the Bill and the EM can be accessed via the Senedd webpage [here](#). You can find a summary of the structure of the Bill in the Appendix below.

Transformational safety legislation for multi-occupied residential buildings in Wales

In the [WG press release of 7 July 2025](#), Cabinet Secretary Jayne Bryant said: "this landmark Bill will fundamentally transform safety in multi-occupied residential buildings across Wales" ... and "goes wider and further than existing legislation in other parts of the UK. It creates clear legal responsibilities for owners and others, gives residents new rights and pathways to raise complaints, enables standards for professional assessments, and provides robust enforcement powers when safety requirements aren't met".

Broad overview of the Bill's key provisions

In essence, the Bill: sets up a building and fire safety regime that applies to in-scope buildings in Wales with two or more residential units; imposes statutory duties under the Bill on people and organisations who are defined in the Bill; categorises three types of regulated building (as well as defining in-scope houses in multiple occupation (**HMOs**); and imposes additional, more onerous duties on dutyholders in taller buildings.

Defined terms

- The Bill applies to "**regulated buildings**" that contain two or more residential units which are wholly or mainly in Wales (section 2), with specific requirements depending on the building type. Buildings excluded from the definition are set out in Schedule 1 which includes, for example, prisons or buildings used solely for the purposes of the armed forces of the Crown.
- Regulated buildings are divided into a three-category model (section 6) "to better reflect the diversity of building types that the regime will capture" (EM paragraph 4.17):

Category 1: At least 18 metres or has at least seven storeys;

Category 2: Less than 18 metres and fewer than seven storeys, but at least 11 metres or five storeys; and

Category 3: Less than 11 metres and fewer than five storeys.

In brief, regulated buildings over 11 metres or with at least five storeys must comply with both fire safety and structural safety duties, and must be registered with the most onerous requirements applying to Category 1. Buildings below these thresholds are only subject to fire safety requirements.

- The Bill defines what a competent person is for the purpose of carrying out a fire risk assessment (section 29).
- **"Houses in multiple occupation" (HMOs)** are included within the regime (section 67) recognising that fire risk during occupation is not related to a building's height (EM paragraph 4.11). However, while HMOs will be subject to the new fire safety duties (including the requirement for a competent person to undertake an HMO fire risk assessment), they will not be subject to many other of the Bill's more stringent requirements, including the requirement to register the premises with the building safety authority. This is because HMOs are considered already sufficiently regulated under existing regimes (such as the Housing Act 2004 and the Housing (Wales) Act 2014). The Bill sets out provisions governing how fire safety risks in HMOs must be managed and mitigated, and a fire risk assessment carried out that reflects the typical risks of fire in residential premises (EM 4.13).

Dutyholders responsible for complying with the new obligations under the Bill: accountable persons and principal accountable persons

- Accountability for building and fire safety lies at the heart of the proposed new legislation. The Bill introduces the roles of **"accountable person[s]"** and **"principal accountable person"** to ensure clear lines of accountability for a building's safety. The Bill, which sets out how to identify an accountable person or principal accountable person depending on the buildings' or common parts' ownership or repairing obligations (sections 8 and 9), gives them responsibility for assessing and managing fire safety risks in all in-scope buildings, in addition to structural safety risks in Category 1 and Category 2 buildings (in respect of which the principal accountable person's duties are more onerous).
- As noted in EM 3.55, "for buildings where there is only one accountable person, they will be the principal accountable person". Generally, where a person owns or has a repairing obligation for any of the common parts, they will be an accountable person for that part. As noted at EM 3.56, "the principal accountable person will generally be the person who owns or has a repairing obligation for the external structure of the building" (i.e. the foundations, external walls and roof).
- The principal accountable person and accountable person's responsibilities will be proportionately greater in Category 1 buildings than Category 3 and HMO buildings.
- The principal accountable person must: register Category 1 and 2 buildings with the building safety authority; keep the register up to date; notify the authority of changes; and make a declaration about the accuracy of the information and documents included in the register (chapter 3). Chapter 3 also covers applications to remove a building from the register or for the building safety authority to remove it from the register. It is an offence not to register Category 1 and 2 buildings without reasonable excuse.
- The new more onerous duties of the principal accountable person in Category 1 buildings relate to fire safety and structural safety risks, and include the duty to:
 - apply to the building safety authority for a building certificate which the building safety authority will provide if satisfied that all the relevant [building safety] duties are being complied with in relation to the building. The building certificate application must be repeated every five years (sections 41 to 44);

- keep relevant information and documents relating to the building (the so-called Golden thread on which WG consulted recently (see Part 3 of the consultation document WG50228 here: Consultation on the new building control regime for higher-risk buildings and wider changes to the building regulations in Wales));
- prepare (and revise) a safety case report for submission to the building safety authority which will include information about how building safety risks are being assessed and managed (section 36). This report must be updated and submitted as part of the building certificate application every five years (section 42(1)(a));
- provide information to residents about building safety decisions (section 39(3));
- operate a complaints system through which residents can raise building safety complaints (section 48) to ensure that residents' voices are placed at the heart of the regime (EM 3.27); and
- establish a system for the purpose of enabling building safety occurrence recording (under which accountable persons must give relevant building safety information to the building safety authority and fire safety authority) (section 37).
- By way of contrast, the new duties of the principal accountable person in Category 3 buildings are more limited, including duties to keep information and documents, co-operate and operate a complaints system.
- An accountable person must, so far as possible, co-operate and co-ordinate with every other accountable person for the regulated building (section 60).

Other dutyholders: residents and owners

- The Bill also places duties on residents and owners of residential units in occupied regulated buildings not to act in a way that creates a significant chance of a fire safety risk materialising in relation to the building (section 51).
- In occupied Category 1 and 2 buildings, residents and owners have additional duties not to act in a way that creates a significant chance of a structural safety risk materialising in relation to the building (section 52).
- The Bill also amends existing legislation, such as the Landlord and Tenant Act 1985, to include implied terms in leases relating to building safety and the recovery of safety-related costs which cover, for example, duties of accountable persons to comply with their building safety duties (sections 61-66).

Organisations with obligations under the Bill: enforcing authorities

- Local authorities in Wales will be given new functions as the "**building safety authority**" (as defined in section 100) to regulate and enforce the new duties in residential buildings under the Bill (other than specific fire safety duties which will be enforced by the fire safety authority).
- Fire safety authorities in Wales (as defined in section 104) will be responsible for enforcing fire safety duties, particularly the duty to assess and manage fire safety risks. Their functions will resemble those in the current FSO regime but adapted to address the risk typically found in

residential buildings. For regulated buildings or relevant HMOs, the fire safety authority will be the fire and rescue authority in whose area the building/HMO is wholly or partly situated. For Crown buildings or relevant HMOs, the fire safety authority will be a fire inspector.

- Together, local and fire safety authorities will be referred to as the "**enforcing authority**" (section 81) and will be required to work jointly and co-operatively in carrying out their functions.
- Generally, the building safety authority will be responsible for regulating all proposed new duties under the Bill except specific fire safety duties, which will be enforced by the fire safety authority. The enforcing authority's role will be to hold accountable persons, HMO dutyholders, other dutyholders and residents in the building to account, including with regard to the discharge of their duties in relation to residents.

Enforcement

- The Bill empowers the enforcing authority to enforce compliance with the Bill. Enforcement measures are focused initially on providing information and support, escalating to the enforcing authority having power to issue compliance, urgent action and prohibition notices and, ultimately, to impose sanctions when necessary. Offences include, for example, failing to comply with notices, occupying unregistered buildings and failing to provide required information (Part 3).
- Enforcement tools include information, compliance and prohibition notices, and powers of entry. Sanctions can include fines and imprisonment depending on the offence.

Next steps

WG is not consulting on the draft Bill given the extensive consultation undertaken on the Safer Buildings in Wales White Paper to inform the Bill's development (see EM paragraph 3.124).

However, as confirmed in the [Building Safety newsletter of 7 July 2025](#), WG confirmed that it "will now scrutinise the draft legislation, including listening to the views of stakeholders" with whom it has been working to develop the Bill. Secondary legislation and statutory guidance (for which the Bill makes provision) will provide additional details on how the system will operate in the occupation phase and will be subject to consultation (EM paragraph 3.123).

In a webinar held by WG on the Bill on 5 August 2025, WG indicated that the legislation was not expected to be in force before the spring of 2027. It was also confirmed that the draft legislation could still be amended.

Appendix: the structure of the draft Bill

References are to sections of the draft Bill unless stated otherwise.

The Bill is divided into four parts. Part 1 covers the safety of buildings containing two or more residential units and has nine chapters, starting with an overview in chapter one and then covering:

Chapter 2: Definitions of key terms including regulated building, residential unit, accountable person and principal accountable person;

- Chapter 3: Registration of Category 1 and 2 buildings including the building safety authority's duty to keep the register, registration requirements and procedures, change notification and revision of the register, declarations of accuracy and removal from the register;
- Chapter 4: Assessment and management of building safety risks including definitions of fire, structural and building safety risk, fire and structural safety risk assessment and management, and duties of accountable and other persons;
- Chapter 5: Duties applying only to occupied Category 1 buildings including the preparation of safety case reports, recording and reporting, residents' engagement and duties relating to applications for building certificates;
- Chapter 6: Information and complaints including duties to keep and provide information, and the operation of complaints systems;
- Chapter 7: Duties of residents and owners including fire safety duties in regulated buildings, structural safety duties in Category 1 and 2 buildings, and entry and enforcement powers;
- Chapter 8: Reviews and appeals including the review of certain decisions and appeal procedures;
- Chapter 9: Supplementary provisions relating to co-operation, co-ordination and the duties of accountable persons, as well as issues relating to leases;
- Part 2: Fire safety in certain HMOs including definitions, duties relating to fire safety risk assessment and management, information provision, occupiers' duties, entry powers and general provisions;
- Part 3: Enforcement and investigatory powers including the functions of enforcing authorities, notices and appeals, authorised officers' powers, offences, special measures and the application of Part 3 to the Crown; and
- Part 4: Supplementary and general provisions relating to WG guidance, responsible person duties to co-operate with accountable persons for regulated buildings or dutyholders for the relevant HMO, building safety authority functions and powers, criminal liability and the giving of notices and various.

The four schedules in Part 4 cover: buildings that are excluded from being regulated buildings (Schedule 1); special measures orders (Schedule 2); minor and consequential amendments (Schedule 3); and Fire Safety Order: transitional and saving provisions (Schedule 4).

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