# Building Safety (Wales) Act 2026

2026 asc 5

CONTENTS

**PART 1**

SAFETY OF BUILDINGS CONTAINING TWO OR MORE RESIDENTIAL UNITS

**CHAPTER 1**

OVERVIEW

1 Overview of Part

**CHAPTER 2**

KEY TERMS

*Regulated buildings, residential units and categories of building*

2 Meaning of "regulated building"
3 Meaning of "building"
4 Meaning of "independent part"
5 Meaning of "residential unit"
6 Categories of regulated building
7 Inclusion of ancillary areas in references to regulated buildings

*Accountable persons, principal accountable persons and common parts*

8 Meaning of "accountable person"
9 Meaning of "principal accountable person"
10 Principal accountable person: determination by building safety authority
11 Determinations by residential property tribunal

12 Application of sections 9 and 11 in cases of joint ownership etc.
13 Meaning of "common parts"
14 Other definitions
15 Power to make further provision for the purposes of sections 8 and 9

*Responsibility of accountable persons for parts of regulated buildings*

16 Part of regulated building for which accountable person is responsible

*General*

17 Powers to amend this Chapter

**CHAPTER 3**

REGISTRATION OF CATEGORY 1 BUILDINGS AND CATEGORY 2 BUILDINGS

*Registers*

18 Registers of category 1 buildings and category 2 buildings

*Requirement to register and registration procedure*

19 Requirement to register category 1 buildings and category 2 buildings
20 Registration procedure

*Notification of changes and revision of register*

21 Duty to notify changes
22 Revision of register following notification of change
23 Revision of register without notification

*Declaration about accuracy of information and documents in register*

24 Duty to give declaration about accuracy of information and documents included in register

*Removal of building from register*

25 Application to remove building from register
26 Removal of building from register by building safety authority

**CHAPTER 4**

ASSESSMENT AND MANAGEMENT OF BUILDING SAFETY RISKS

*Key terms*

27 Meaning of "fire safety risk" and "structural safety risk"

28 Meaning of "building safety risk"

*Fire safety risks in regulated buildings*

29 Assessment of fire safety risks: duties of principal accountable person
30 Requirement for fire risk assessment to be made by competent person
31 Timing and review of fire risk assessments
32 Further provision about fire risk assessments
33 Management of fire safety risks by accountable persons

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

34 Assessment of structural safety risks: duties of accountable persons
35 Management of structural safety risks by accountable persons

*Management of building safety risks by other persons*

36 Management of building safety risks by persons other than accountable persons

**CHAPTER 5**

DUTIES APPLYING ONLY TO OCCUPIED CATEGORY 1 BUILDINGS

*Safety case reports*

37 Preparation and revision of safety case report by principal accountable person

*Recording and reporting in relation to building safety risks*

38 Occurrence recording system: duty of principal accountable person
39 Reporting to authorities: duty of accountable person

*Residents' engagement strategies*

40 Preparation and review of residents' engagement strategy by principal accountable person
41 Provision of copies of strategy by accountable persons

*Building certificates*

42 Duty of principal accountable person to apply for building certificate
43 Applications for certificates: procedure
44 Determination of applications and issue of certificates
45 Duty of principal accountable person to display certificate and related information

**CHAPTER 6**

ENGAGEMENT WITH RESIDENTS OF OCCUPIED CATEGORY 2 BUILDINGS

46 Category 2 buildings: residents' engagement strategies

**CHAPTER 7**

INFORMATION AND COMPLAINTS

*Duties to keep and provide information and documents*

47 Duty to give information and documents to accountable persons
48 Duty of accountable person to keep information and documents
49 Duty of accountable person to give information and documents to other persons
50 Duty to give information and documents on change of accountable person

*Complaints*

51 Category 1 buildings: duty of principal accountable person to operate complaints system
52 Category 2 and category 3 buildings: duty of accountable persons to arrange consideration of complaints
53 Complaints to building safety authorities

**CHAPTER 8**

DUTIES OF RESIDENTS AND OWNERS ETC. OF RESIDENTIAL UNITS

54 Regulated buildings: fire safety duties of residents etc.
55 Category 1 and category 2 buildings: structural safety duties of residents etc.
56 Fire resistance of residential units: duty to repair
57 Entry to residential units for purpose of repairs
58 Entry to residential units etc. by accountable person
59 Power of accountable person to give warning notice: fire and structural safety duty of residents etc.
60 Power of accountable person to give warning notice: repair of fire resistance of residential units
61 Power of residential property tribunal to make contravention order
62 Regulations about warning notices

**CHAPTER 9**

REVIEWS AND APPEALS

63 Review and appeal of certain decisions: key terms
64 Review of reviewable decision
65 Appeal to residential property tribunal
66 Effect of review and appeal

**CHAPTER 10**

SUPPLEMENTARY

*Entry to non-residential premises*

67 Entry to non-residential premises by accountable person

*Co-operation and co-ordination*

68 Co-operation and co-ordination: duties of accountable persons

*Recovery of relevant costs by principal accountable person*

69 Recovery of relevant costs by principal accountable person

*Leases*

70 Leases: implied terms relating to compliance with building safety duties
71 Liability of tenants for costs relating to building safety
72 Further provision about implied terms and liability for costs
73 Costs relating to enforcement etc. excluded from variable service charge
74 Provision of building safety information to tenants

*Occupation contracts*

75 Power to make provision relating to terms of occupation contracts

*Commonholds*

76 Commonholds: provision for compliance with building safety duties

*Regulations under sections 17, 28(2) and 75*

77 Regulations under sections 17, 28(2) and 75: initial procedure

**PART 2**

FIRE SAFETY IN CERTAIN HOUSES IN MULTIPLE OCCUPATION

*Key terms*

78 Meaning of "relevant HMO"
79 Meaning of "landlord" and "duty holders" for relevant HMO
80 Meaning of "fire safety risk" in relation to relevant HMO

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

81 Assessment of fire safety risks: duties of landlord
82 Requirement for HMO fire risk assessment to be made by competent person
83 Timing and review of HMO fire risk assessments
84 Further provision about HMO fire risk assessments
85 Management of fire safety risks by duty holders

*Provision of information and documents relating to relevant HMOs*

86 Requirement to give information and documents to duty holder
87 Requirement for duty holder to give information and documents to other persons

*Duties of occupiers of relevant HMOs*

88 Occupiers' duties relating to fire safety risks and provision of information
89 Entry by duty holders for purposes of assessing and managing fire safety risks

*Entry to non-residential premises*

90 Entry to non-residential premises by duty holder

*General*

91 Co-operation and co-ordination by duty holders
92 Power to apply this Part to mobile homes
93 Interpretation

**PART 3**

ENFORCEMENT AND INVESTIGATORY POWERS

*Enforcing authorities*

94 Enforcement functions of fire safety authorities and building safety authorities

*Powers of enforcing authorities to give notices*

95 Power of enforcing authority to give information notice
96 Power of enforcing authority to give compliance notice
97 Appeal against compliance notice
98 Power of fire safety authority to give prohibition notice
99 Appeal against prohibition notice
100 Notices: supplementary
101 Notices: offences

*Functions of authorised officers*

102 Authorised officers and meaning of "relevant purpose"
103 Power to enter premises not being used as a residential unit
104 Power to enter premises being used as a residential unit
105 Powers of entry: supplementary
106 Authorised officers: offences

*Offences*

107 Contravention giving rise to risk of death or serious injury
108 False and misleading information

*Special measures in relation to category 1 buildings*

109 Appointment of special measures manager for category 1 building

*Power of building safety authority to give fixed penalty notices*

110 Power of building safety authority to give fixed penalty notices

*Crown application*

111 Application of this Part to the Crown

**PART 4**

REMEDIATION OF CERTAIN DEFECTS

112 Meaning of "relevant building"
113 Meaning of "relevant defect"
114 Remediation orders
115 Remediation contribution orders
116 Remediation costs under qualifying leases etc.
117 Meaning of "qualifying lease"
118 Reports on progress under the Welsh building safety programme

**PART 5**

SUPPLEMENTARY AND GENERAL

*Promotion of participation in relation to the exercise of Welsh Ministers' functions etc.*

119 Welsh Ministers' strategy for promoting participation in relation to the exercise of their functions etc.

*Guidance and co-operation*

120 Issue or approval of guidance by the Welsh Ministers
121 Co-operation and information: duties of responsible persons under Fire Safety Order

*Building safety authorities*

122 Building safety authorities
123 Delegation of functions where building safety authority is accountable person for category 1 building

124 Power to direct building safety authorities to arrange for delegation of functions
125 Fees for exercise of functions by building safety authorities

*Fire safety authorities*

126 Fire safety authorities

*Exercise of functions by building safety authorities and fire safety authorities*

127 Issue of guidance by the Welsh Ministers about the exercise of functions
128 Co-operation between building safety authorities and fire safety authorities
129 Sharing of information

*Offences*

130 Criminal liability of senior officers of bodies

*Giving notices and other documents*

131 Giving notices and other documents
132 Giving documents to a person whose name is unknown

*General*

133 Pre-commencement consultation
134 Regulations requiring provision of information: confidentiality and data protection
135 Regulations under this Act: supplementary and procedural provisions
136 Interpretation
137 Consequential and transitional provision etc.
138 Coming into force
139 Progress reports on bringing this Act into force
140 Short title

Schedule 1 - Buildings that are excluded from being regulated buildings
Schedule 2 - Special measures orders
Schedule 3 - Minor and consequential amendments
Schedule 4 - Fire Safety Order: transitional and saving provisions



# Building Safety (Wales) Act 2026

An Act of Senedd Cymru to make provision relating to the safety of people in or about buildings containing two or more residential units and of people in or about certain houses in multiple occupation. [27 April 2026]

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## PART 1

SAFETY OF BUILDINGS CONTAINING TWO OR MORE RESIDENTIAL UNITS

### CHAPTER 1

OVERVIEW

**1 Overview of Part**

(1) This section gives an overview of this Part.

(2) This Part makes provision in relation to the safety of buildings containing two or more residential units, which are referred to as "regulated buildings" and divided into 3 categories. It does so mainly by placing duties on the accountable persons, or the principal accountable person, for a regulated building.

(3) In this Part—

(a) some duties apply to all regulated buildings, some apply only to category 1 buildings and category 2 buildings, and others apply only to category 1 buildings;

(b) some duties apply only when a regulated building is "occupied" (meaning that there are residents of more than one residential unit in the building).

(4) Chapter 2 sets out the meanings of some key terms used in this Act. In particular, it makes provision about—

(a) the meaning of references to regulated buildings, residential units and the 3 categories of regulated building;

(b) how to identify an accountable person, and the principal accountable person, for a regulated building.

(5) Chapter 3 provides for the registration of category 1 buildings and category 2 buildings by building safety authorities.

(6) Chapter 4 provides for the assessment and management of safety risks in relation to occupied regulated buildings. It does so by—

(a) placing duties on principal accountable persons to assess fire safety risks, and on accountable persons to manage those risks, which apply to all regulated buildings;

(b) placing duties on accountable persons to assess and manage structural safety risks, which apply only to category 1 buildings and category 2 buildings.

(7) Chapter 5 provides for duties that apply only to occupied category 1 buildings and are imposed mainly on the principal accountable persons for those buildings. They include duties relating to the preparation of reports, the recording and reporting of building safety issues, and strategies for involving residents in building safety decisions.

(8) Chapter 6 enables the Welsh Ministers to make provision about strategies for involving residents of occupied category 2 buildings in building safety decisions.

(9) Chapter 7 provides for duties for accountable persons to keep and share information relating to regulated buildings, and for accountable persons and building safety authorities to deal with complaints relating to building safety issues. It imposes duties, or enables them to be imposed, in relation to all regulated buildings.

(10) Chapter 8 places duties relating to fire safety on adult residents and owners of residential units in occupied regulated buildings. It also imposes corresponding duties relating to structural safety in category 1 buildings and category 2 buildings, and duties to repair damage to the fire resistance of residential units in all occupied regulated buildings. It provides for enforcement of the duties by accountable persons, and for access to residential units to enable compliance with this Part.

(11) Chapter 9 provides for certain decisions of a building safety authority to be subject to review by the authority and appeal to a residential property tribunal.

(12) Chapter 10 contains supplementary provisions, including provision requiring accountable persons to co-operate and co-ordinate with other persons, provision about the recovery of costs incurred or to be incurred in complying with this Part, and provision for terms relating to compliance with duties under this Act to be implied into certain leases.

(13) Further provision for the enforcement of duties under this Act can be found in Part 3.

## CHAPTER 2

KEY TERMS

*Regulated buildings, residential units and categories of building*

### 2 Meaning of "regulated building"

(1) In this Act "regulated building" means a building that—

(a) contains at least 2 residential units, and

(b) is wholly or mainly in Wales.

(2) But the meaning of "regulated building" does not include a building of a description set out in Schedule 1.

(3) In this Chapter—

(a) sections 3 and 4 make provision about the meaning of "building" for the purposes of this section;

(b) section 5 makes provision about the meaning of "residential unit";

(c) section 6 divides regulated buildings into 3 categories;

(d) section 7 provides for ancillary areas to be included in references to a regulated building or to a regulated building of a particular category.

### 3 Meaning of "building"

(1) This section sets out the meaning of "building" for the purposes of section 2.

(2) In the case of a structure that is not attached to another structure (an "unattached structure"), that structure is a building.

(3) In the case of structures that are attached to each other, those structures and any constructions attaching them (together a "set of structures") are a building.

(4) But subsections (2) and (3) are subject to subsection (5).

(5) If an unattached structure or set of structures contains any independent parts, each independent part is a building (see section 4).

(6) In this section "structure" means a roofed construction with walls (whether or not the construction includes parts that do not have a roof or walls).

### 4 Meaning of "independent part"

(1) A part of an unattached structure or set of structures is an independent part of the structure or set if—

(a) it does not have access to any other part of the structure or set, and

(b) it constitutes a vertical division of the structure or set (see also subsection (5) in the case of an unattached structure).

(2) A part of an unattached structure or set of structures constitutes a vertical division of the structure or set if—

(a) the structure or set is divided by the part, and

(b) the division is along a vertical plane.

(3) In deciding whether a part ("part A") of an unattached structure or set of structures constitutes a vertical division of the structure or set, any other part of the structure or set that—

(a) is a part to which part A does not have access,

(b) is a non-residential part, and

(c) would otherwise prevent part A from constituting a vertical division of the structure or set,

is to be treated as if it did not prevent part A from constituting a vertical division of the structure or set.

(4) A part of an unattached structure or set of structures is a non-residential part if it meets both of the following conditions—

(a) it does not contain a residential unit or part of a residential unit;

(b) it does not contain an area, or part of an area, provided for the use, benefit or enjoyment of residents of residential units in the structure or set.

(5) In the case of a part of an unattached structure that—

(a) meets the criterion in subsection (1)(a), and

(b) would meet the criterion in subsection (1)(b), were it not that the part cannot divide the structure for the reason that the part constitutes the whole width of the structure,

the part is an independent part.

(6) The Welsh Ministers may by regulations provide that, in circumstances specified in the regulations, a part of an unattached structure or set of structures is an independent part, despite the part not meeting the criteria for being an independent part (as set out in this section).

(7) In this section, "access" means a doorway, archway or similar opening but does not include a doorway, archway or similar opening intended for exceptional use (including emergency use) or use for the purposes of maintenance.

**5 Meaning of "residential unit"**

(1) This section sets out the meaning of "residential unit" for the purposes of this Act.

(2) A residential unit is—

(a) a dwelling;

(b) a house in multiple occupation (but see subsection (3));

(c) a unit of living accommodation that is not, and is not contained in, a dwelling or house in multiple occupation.

(3) Where a house in multiple occupation that meets the converted building test in section 254 of the 2004 Act contains—

(a) one or more self-contained flats (within the meaning given by that section), and

(b) one or more other units of living accommodation,

each self-contained flat is a separate residential unit and the other living accommodation is one residential unit.

(4) In this section—

(a) "house in multiple occupation" has the meaning given by sections 254 to 259 of the 2004 Act, as those sections have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include a converted block of flats to which section 257 of that Act applies;

(b) references to a house in multiple occupation include unoccupied HMO accommodation (within the meaning given by section 1(5) of the 2004 Act).

(5) The Welsh Ministers may by regulations make further provision for the purposes of this section.

(6) The regulations may in particular—

(a) provide that the meaning of residential unit does not include a building, or part of a building, of a description specified in the regulations (whether by reference to how it is used or intended to be used, or any other matter);

(b) make provision about the meaning of "unit of living accommodation";

(c) make provision about how residential units are to be counted (which may include provision that in circumstances specified in the regulations—

(i) a given number of dwellings, houses in multiple occupation or units of living accommodation is to be counted as a different number of residential units;

(ii) subsection (3) is to apply subject to exceptions or modifications).

(7) Before making regulations under subsection (5), the Welsh Ministers must consult—

(a) each building safety authority,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(8) In this section—

"the 2004 Act" ("*Deddf 2004*") means the Housing Act 2004 (c. 34);

"dwelling" ("*annedd*") means a building, or part of a building, that is occupied as a separate dwelling or intended to be occupied as a separate dwelling.

**6 Categories of regulated building**

(1) Regulated buildings are divided into 3 categories for the purposes of this Act.

(2) A regulated building is a category 1 building if it—

(a) is at least 18 metres in height, or

(b) has at least 7 storeys.

(3) A regulated building is a category 2 building if it—

(a) is less than 18 metres in height and has fewer than 7 storeys, and

(b) is at least 11 metres in height or has at least 5 storeys.

(4) A regulated building is a category 3 building if it—

(a) is less than 11 metres in height, and

(b) has fewer than 5 storeys.

(5) For the purposes of this section—

(a) a mezzanine floor is to be regarded as a storey if its internal floor area is at least half of the internal floor area of the largest storey in the building that is not below ground level;

(b) a storey is below ground level if the whole of the finished surface of the ceiling of the storey is below ground level;

(c) "ground level" means—

(i) where the level of the surface of the ground on which the building is situated is uniform, the level of the surface of the ground immediately adjacent to the building;

(ii) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground immediately adjacent to the building.

(6) The Welsh Ministers may by regulations make further provision for the purposes of this section.

(7) The regulations may in particular—

(a) make provision about how the height or number of storeys of a regulated building is to be determined, which may include requiring that account be taken of parts of a structure or set of structures of which the building forms part;

(b) provide that a regulated building of a description specified in the regulations that would otherwise fall into a category set out in this section falls into a different category.

**7 Inclusion of ancillary areas in references to regulated buildings**

(1) This section makes provision about the meaning of references in the remaining provisions of this Act to a regulated building (including references to a category 1 building, a category 2 building or a category 3 building).

(2) Such a reference is a reference to the building together with any room, outbuilding, garage, car park, yard, garden or other area (an "ancillary area") that is provided for the use, benefit or enjoyment of residents of the building.

(3) For the purposes of subsection (2) an ancillary area is provided for the use, benefit or enjoyment of residents of a building whether or not—

(a) it may be used, benefited from or enjoyed by other persons;

(b) it is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit or units in the building.

*Accountable persons, principal accountable persons and common parts*

**8 Meaning of "accountable person"**

(1) This section sets out the meaning of "accountable person" for a regulated building for the purposes of this Act.

(2) An accountable person for a building is—

(a) a person who holds a legal estate in possession in the common parts of the building or any part of them, unless subsection (3) applies, or

(b) a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to the common parts of the building or any part of them.

This subsection is subject to subsection (6) (special rule for commonhold land).

(3) A person ("the estate owner") who holds a legal estate in possession in the common parts of a building or any part of them ("the relevant common parts") is not an accountable person for the building by virtue of subsection (2)(a) if—

(a) each long lease under which the estate owner is landlord provides that a particular person, who does not hold a legal estate in any part of the building, is under a relevant repairing obligation in relation to all of the relevant common parts, or

(b) all repairing obligations relating to the relevant common parts which would otherwise be obligations of the estate owner are functions of an RTM company.

(4) Subsection (5) applies if—

(a) a tenant under a lease holds a legal estate in possession in the common parts of a building or any part of them ("the relevant common parts"), and

(b) a landlord under the lease is under a relevant repairing obligation in relation to any of the relevant common parts.

(5) For the purposes of this section and section 9 (meaning of "principal accountable person")—

(a) the legal estate in possession in so much of the relevant common parts as are within subsection (4)(b) is treated as held by the landlord (instead of the tenant), and

(b) if (and so far as) the landlord's actual legal estate in those common parts is held under a lease, the legal estate in possession mentioned in paragraph (a) is treated as held under that lease (and, accordingly, subsection (4) and this subsection may apply in relation to it).

(6) If a building is on commonhold land, the commonhold association is the accountable person for the building.

**9 Meaning of "principal accountable person"**

(1) This section sets out the meaning of "principal accountable person" for a regulated building for the purposes of this Act.

(2) The "principal accountable person" for a building with one accountable person is that accountable person.

(3) The "principal accountable person" for a building with more than one accountable person is the accountable person who—

(a) holds a legal estate in possession in the external structure of the building, or

(b) is within section 8(2)(b) because of a relevant repairing obligation in relation to the external structure of the building.

(4) In subsection (3) (and section 10(1)(b)), "the external structure" of a building means its foundations, external walls and roof except—

(a) any part of the foundations, external walls or roof included in a demise of a residential unit (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(b) the foundations, external walls or roof of any part of the building to be occupied for the purposes of a business or undertaking (whether for profit or not).

(5) Subsection (3) is subject to sections 10 and 11 (determination by building safety authority or residential property tribunal).

**10 Principal accountable person: determination by building safety authority**

(1) Subsection (2) applies if—

(a) a regulated building has more than one accountable person that falls within section 9(3), and

(b) different accountable persons fall within section 9(3) in respect of different parts of the external structure.

(2) The persons mentioned in subsection (1)(b) may jointly apply to the building safety authority for the building for a determination as to which one of the persons is the principal accountable person for the building.

(3) The Welsh Ministers may by regulations make provision about—

(a) how an application under subsection (2) must be made;

(b) the form and content of an application;

(c) the documents (if any) that must be included with an application;

(d) when an application may be made;

(e) the withdrawal of applications;

(f) the determination of applications (including circumstances in which an authority may decide not to make a determination).

(4) Subsection (2) does not apply if, as regards the regulated building, an application to a residential property tribunal under section 11(1)(b)—

(a) has been finally determined, or

(b) has been made but not finally determined or withdrawn.

**11 Determinations by residential property tribunal**

(1) An interested person may apply to a residential property tribunal for a determination, as regards a regulated building, of any of the following—

(a) the person or persons who are accountable persons for the building;

(b) the person who is the principal accountable person for the building;

(c) the part of the building for which any accountable person for the building is responsible (see section 16).

(2) If, on an application under subsection (1)(b), it appears to the tribunal that there is more than one accountable person within section 9(3), the principal accountable person is such one of those accountable persons as the tribunal considers appropriate.

(3) In this section "interested person" means—

(a) the building safety authority for the building,

(b) a person who holds a legal estate in the common parts of the building or any part of them (or who claims to hold such an estate), or

(c) a person who is under a relevant repairing obligation in relation to the common parts of the building or any part of them (or who claims to be under such an obligation).

(4) Any person may apply to a residential property tribunal for a determination, as regards a regulated building, that—

(a) the person is not an accountable person for the building, or

(b) the person is not the principal accountable person for the building.

**12 Application of sections 9 and 11 in cases of joint ownership etc.**

(1) Subsection (2) applies where, in relation to a regulated building—

(a) two or more persons fall within section 8(2)(a) because they jointly hold a legal estate in possession in the same part of the common parts of the building (or all of the common parts);

(b) two or more persons fall within section 8(2)(b) because—

(i) they are jointly subject to a requirement under a lease to repair or maintain the same part of the common parts of the building (or all of the common parts), or

(ii) they are jointly subject to a requirement by virtue of an enactment to repair or maintain the same part of the common parts of the building (or all of the common parts).

(2) Persons that fall within subsection (1)(a) or (1)(b)(i) or (1)(b)(ii) are to be treated as one accountable person for the purposes of—

(a) section 9(2) and (3) (meaning of principal accountable person);

(b) a determination under section 11(1)(c) (part of the building for which any accountable person is responsible).

**13 Meaning of "common parts"**

(1) This section sets out the meaning of "common parts" in relation to a regulated building for the purposes of this Act.

(2) "Common parts" means—

(a) the structure and exterior of the building except—

(i) any part of the structure and exterior included in a demise of a residential unit (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(ii) the structure and exterior of any part of the building to be occupied for the purposes of a business or undertaking (whether for profit or not);

(b) any other part of the building that—

(i) is not a part of the structure and exterior of the building, and

(ii) is provided for the use, benefit or enjoyment of the residents of more than one residential unit (whether or not it may be used, benefited from or enjoyed by other persons).

(3) The Welsh Ministers may by regulations provide that, in specified circumstances, a part of the structure and exterior of a building forms part of the common parts of the building despite falling within subsection (2)(a)(i).

(4) In this section, the "structure and exterior" of a building includes—

(a) foundations, external walls, cladding and roof,

(b) internal walls (whether load bearing or not), floors and ceilings,

(c) staircases, walkways and lift shafts,

(d) windows, doors and balconies, and

(e) any other thing specified in regulations made by the Welsh Ministers.

**14 Other definitions**

(1) In this Chapter—

"the 2002 Act" ("*Deddf 2002*") means the Commonhold and Leasehold Reform Act 2002 (c. 15);

"commonhold association" ("*cymdeithas cyfunddaliad*") has the meaning given by section 34 of the 2002 Act;

"commonhold land" ("*tir cyfunddaliad*") has the meaning given by section 1 of the 2002 Act;

"long lease" ("*les hir*") means—

(a) a lease granted for a fixed term of more than 21 years from the date of the grant, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, or

(b) a lease for a term fixed by law because of a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease;

"relevant repairing obligation" ("*rhwymedigaeth atgyweirio berthnasol*") in relation to a part of a regulated building means a requirement, under a lease or by virtue of an enactment, to repair or maintain that part;

"RTM company" ("*cwmni RTM*") has the same meaning as in Chapter 1 of Part 2 of the 2002 Act (right to manage).

(2) In this Chapter, references to a person who holds a legal estate in possession do not include a person who receives rents and profits or a person who has the right to receive rents and profits.

**15 Power to make further provision for the purposes of sections 8 and 9**

(1) The Welsh Ministers may by regulations make further provision for the purposes of sections 8 and 9.

(2) The regulations may in particular make provision about—

(a) the meaning of "accountable person" for a regulated building—

(i) that is not on commonhold land, and

(ii) which has no common parts, or no common parts of a description specified in the regulations;

(b) the meaning of "principal accountable person" for a regulated building—

(i) which has no common parts, or no common parts of a description specified in the regulations, or

(ii) for which no accountable person falls within section 9(3).

*Responsibility of accountable persons for parts of regulated buildings*

**16 Part of regulated building for which accountable person is responsible**

(1) In this Act, references to the part of a regulated building for which an accountable person is responsible have the meaning given by regulations made by the Welsh Ministers.

(2) The regulations may provide that the part of a regulated building for which an accountable person is responsible is the whole of the building.

*General*

**17 Powers to amend this Chapter**

(1) The Welsh Ministers may by regulations amend—

(a) section 2 to provide that in certain circumstances a building wholly or mainly in Wales is a regulated building, despite the building containing only one residential unit;

(b) Schedule 1 to add, remove or amend a description of building;

(c) section 3 to provide that the meaning of "building" includes other structures or erections (temporary or permanent), or parts of them, either generally or in certain circumstances;

(d) section 4;

(e) section 6 to—

(i) add, remove or amend a category of building;

(ii) amend the meaning of "storey";

(f) section 7;

(g) section 8;

(h) section 9;

(i) section 13;

(j) section 14.

(2) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

## CHAPTER 3

REGISTRATION OF CATEGORY 1 BUILDINGS AND CATEGORY 2 BUILDINGS

*Registers*

### 18 Registers of category 1 buildings and category 2 buildings

(1) A building safety authority must keep a register of category 1 buildings and category 2 buildings for which it is the building safety authority.

(2) An entry for a category 1 building or a category 2 building in a register must include—

(a) the address of the building;

(b) the category of the building under section 6;

(c) the height of the building for the purposes of that section;

(d) the number of storeys in the building for the purposes of that section;

(e) the name of the principal accountable person for the building (see section 9);

(f) an address in the United Kingdom at which an enforcing authority may give notices and other documents to the principal accountable person under this Act and regulations made under it;

(g) the telephone number (if any) and email address (if any) of the principal accountable person;

(h) any other information, and any documents, specified in regulations made by the Welsh Ministers.

(3) The Welsh Ministers may by regulations make provision about the publication by a building safety authority of its register or of information or documents included in its register.

*Requirement to register and registration procedure*

**19 Requirement to register category 1 buildings and category 2 buildings**

(1) The principal accountable person for a category 1 building or a category 2 building commits an offence if the building is occupied but not registered.

(2) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(3) A person who has been convicted of an offence under subsection (1) commits a further offence if the building continues to be occupied but not registered after the conviction.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the building continues to be occupied but not registered.

(5) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the building being occupied but not registered.

**20 Registration procedure**

(1) The building safety authority for a category 1 building or a category 2 building must register the building if the principal accountable person for the building has—

(a) made an application to register the building that complies with regulations made under subsection (3), and

(b) paid the fee (if any) required by regulations made under section 125.

(2) The building safety authority must not register the building if the principal accountable person has not paid the fee (if any) required by regulations made under section 125.

(3) The Welsh Ministers must by regulations make provision about—

(a) how an application to register the building must be made;

(b) the form and content of an application.

(4) Regulations under subsection (3) may make provision about the documents (if any) that must be included with an application.

(5) If the building safety authority registers the building, it must give the principal accountable person a notice confirming that the building is registered.

(6) The notice must include—

(a) the date of registration,

(b) the registration number given to the building,

(c) the category of the building (see section 6) and information about the right of review under section 64, and

(d) information about how the principal accountable person may obtain a copy of the entry in the register for the building.

(7) If the building safety authority does not register the building, it must give the principal accountable person a notice confirming that the building is not registered.

(8) The notice must include—

(a) the reasons for the building not being registered, and

(b) information about the right of review under section 64.

(9) The building safety authority must give a notice under subsection (5) or (7) before the end of 21 days beginning with the day after the day on which the application to register is received by the authority.

*Notification of changes and revision of register*

**21 Duty to notify changes**

(1) The principal accountable person for a registered category 1 building or a registered category 2 building must notify the building safety authority for the building in writing of—

(a) a change to any information included in the register under section 18(2)(a) and (c) to (g);

(b) any other change specified in regulations made by the Welsh Ministers,

before the end of 14 days beginning with the first day on which the principal accountable person knows, or ought reasonably to know, of the change.

(2) A person who fails without reasonable excuse to comply with subsection (1) commits an offence.

(3) A person guilty of an offence under subsection (2) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(4) A person who has been convicted of an offence under subsection (2) commits a further offence if the person continues to fail to comply with subsection (1) after the conviction.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

**22 Revision of register following notification of change**

(1) This section applies if the principal accountable person for a registered category 1 building or a registered category 2 building notifies the building safety authority for the building of a change under section 21(1).

(2) The authority must decide whether to revise the entry for the building in its register.

(3) The authority must give the principal accountable person notice of its decision before the end of 21 days beginning with the day after the day on which the authority is notified of the change under section 21(1).

(4) If the authority decides to revise the entry for the building in the register, the notice must set out the revision made.

(5) If the authority decides not to revise the entry for the building in the register, the notice must include information about the right of review under section 64.

**23 Revision of register without notification**

(1) This section applies where a building safety authority becomes aware, otherwise than by receiving notification under section 21(1), that information or a document included in an entry for a category 1 building or a category 2 building in its register is inaccurate.

(2) The authority must decide whether to revise the entry for the building in the register.

(3) If the authority decides to revise the entry, it must give the principal accountable person for the building notice of its decision before the end of 21 days beginning with the day after the day on which it becomes aware of the inaccuracy.

(4) The notice must—

(a) set out the revision made,

(b) include the date on which the revision takes effect, and

(c) include information about the right of review under section 64.

(5) The decision to revise the entry for the building in the register cannot take effect at any time when—

(a) a request for a review of the decision could be made under section 64 (unless the principal accountable person has notified the authority that the person does not intend to request a review),

(b) a review has been requested but has not concluded and the request has not been withdrawn,

(c) an appeal against the decision could be made to a residential property tribunal under section 65 (unless the principal accountable person has notified the authority that the person does not intend to appeal), or

(d) an appeal has been made but not finally determined or withdrawn.

(6) If subsection (5) ceases to prevent a decision to revise the entry in the register taking effect at a time when the date specified in the notice given under subsection (4)(b) has already passed, the building safety authority must determine a future date on which the revision takes effect (unless such a date has been determined on review or appeal).

*Declaration about accuracy of information and documents in register*

**24 Duty to give declaration about accuracy of information and documents included in register**

(1) The principal accountable person for a registered category 1 building or a registered category 2 building must, within the confirmation period, give the building safety authority for the building a relevant declaration.

(2) A "relevant declaration" is a declaration about the accuracy of the information and documents included in the entry for the building in the authority's register that complies with regulations made under subsection (3).

(3) The Welsh Ministers must by regulations make provision about—

(a) the form and content of a relevant declaration;

(b) how a relevant declaration must be given.

(4) Subsection (1) does not apply if—

(a) the building safety authority has given the principal accountable person notice of a decision to remove the building from the register under section 26(6), and

(b) either—

(i) the date on which that decision takes effect has not yet been reached, or

(ii) the decision has not yet taken effect by virtue of section 26(9) (suspension pending review or appeal).

(5) Subsection (6) applies if section 26(9) ceases to apply by virtue of the decision to remove the building from the register being cancelled or quashed—

(a) during the last 14 days of the confirmation period, or

(b) after the end of the confirmation period.

(6) The principal accountable person must give the building safety authority a relevant declaration before the end of 14 days beginning with the day after the day on which the decision is cancelled or quashed.

(7) Before the end of 21 days beginning with the day after the day on which the relevant declaration is given, the building safety authority must notify the principal accountable person in writing that it has received the declaration.

(8) A principal accountable person commits an offence if the person fails without reasonable excuse to give a building safety authority a relevant declaration in accordance with subsection (1) or (6) (as applicable).

(9) A person guilty of an offence under subsection (8) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(10) A person who has been convicted of an offence under subsection (8) commits a further offence if the person continues to fail to give the building safety authority a relevant declaration.

(11) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(12) In this section, "confirmation period" means the last 3 months of—

(a) the period of 5 years beginning with the date of registration given in the notice required by section 20(5), and

(b) each subsequent period of 5 years.

*Removal of building from register*

**25 Application to remove building from register**

(1) Subsection (2) applies if the principal accountable person for a registered category 1 building or a registered category 2 building believes, or ought reasonably to believe, that—

(a) the building is neither a category 1 building nor a category 2 building, or

(b) the building is not occupied and the total period for which it is not occupied will be at least 6 months.

(2) The principal accountable person must apply to the building safety authority for the building to remove the building from the register before the end of 14 days beginning with the first day on which the person has, or ought reasonably to have, that belief.

(3) The Welsh Ministers may by regulations make provision about applications under subsection (2) including, in particular, provision about—

(a) how an application must be made;

(b) the form and content of an application;

(c) anything else that must be included with an application.

(4) A person who fails without reasonable excuse to comply with subsection (2) is guilty of an offence and is liable on summary conviction to a fine.

(5) A person who has been convicted of an offence under subsection (4) commits a further offence if the person continues to fail to comply with subsection (2) after the conviction.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

**26 Removal of building from register by building safety authority**

(1) A building safety authority may remove a category 1 building or a category 2 building from its register if it is satisfied (whether pursuant to an application under section 25(2) or otherwise) that—

(a) the building is neither a category 1 building nor a category 2 building, or

(b) the building is not occupied and the total period for which it is not occupied will be at least 6 months.

(2) Before removing a building from the register, the building safety authority must give notice to the following persons that it proposes to do so—

(a) the principal accountable person for the building (unless the authority is proposing to remove the building from the register pursuant to an application by the principal accountable person under section 25(2)), and

(b) every other accountable person for the building (where there is more than one accountable person for the building).

(3) A notice under subsection (2) must specify—

(a) the reasons for proposing to remove the building from the register,

(b) the period during which each person given the notice may make representations about the proposal ("the specified period"), and

(c) the way in which those representations may be made.

(4) The specified period must be at least 14 days beginning with the day after the day on which the notice is given.

(5) The building safety authority must have regard to any representations made in accordance with the notice given under subsection (2) in deciding whether to remove the building from the register.

(6) The authority must give each accountable person for the building notice of its decision.

(7) If the authority decides to remove the building from the register pursuant to an application by the principal accountable person under section 25(2), the notice of its decision must include the date on which the removal takes effect.

(8) Any other notice of a decision to remove a building from the register must include—

(a) the date on which the removal takes effect,

(b) the reasons for removing the building from the register, and

(c) information about the right of review under section 64.

(9) The removal of a building from a register under this section cannot take effect at any time when—

(a) a request for a review of the decision to remove the building from the register could be made under section 64 (unless each accountable person for the building has notified the building safety authority that the person does not intend to request a review),

(b) a review has been requested but has not concluded and the request has not been withdrawn,

(c) an appeal against the decision could be made to a residential property tribunal under section 65 (unless each accountable person for the building has notified the authority that the person does not intend to appeal), or

(d) an appeal has been made but not finally determined or withdrawn.

(10) If subsection (9) ceases to prevent a removal taking effect at a time when the date specified in the notice given under subsection (8)(a) has already passed, the building safety authority must determine a future date on which the removal takes effect (unless such a date has been determined on review or appeal).

## CHAPTER 4

ASSESSMENT AND MANAGEMENT OF BUILDING SAFETY RISKS

*Key terms*

### 27 Meaning of "fire safety risk" and "structural safety risk"

(1) This section sets out the meaning of "fire safety risk" and "structural safety risk" in relation to a regulated building.

(2) "Fire safety risk" means a risk to the safety of people in or about the building arising from—

(a) the outbreak of fire (whether accidental or deliberate) in any part of the building, or

(b) the spread of fire in, to or from any part of the building.

(3) "Structural safety risk" means a risk to the safety of people in or about the building arising from structural failure affecting any part of the building.

### 28 Meaning of "building safety risk"

(1) In this Part "building safety risk" means—

(a) in relation to a category 1 building or a category 2 building, a fire safety risk or a structural safety risk;

(b) in relation to a category 3 building, a fire safety risk.

(2) The Welsh Ministers may by regulations modify the definition of "building safety risk" to include a risk specified in the regulations.

(3) The risks that may be specified in the regulations are—

(a) in relation to a category 1 building or a category 2 building, any risk to the safety of people in or about the building arising from any matter (other than fire and structural failure) affecting any part of the building;

(b) in relation to a category 3 building—

(i) a structural safety risk;

(ii) any risk to the safety of people in or about the building arising from any matter (other than fire and structural failure) affecting any part of the building.

(4) The regulations must make provision for—

(a) the assessment of the risks specified in the regulations where a building to which the regulations apply is occupied, and

(b) the taking of steps to prevent those risks materialising and reduce the severity of incidents resulting from them materialising.

(5) The regulations may—

(a) provide that any provision of this Act or regulations made under it that applies in relation to a fire safety risk or a structural safety risk is to apply (with or without modifications) in relation to a risk specified in the regulations, or

(b) make provision corresponding to any such provision (with or without modifications) in relation to a risk specified in the regulations.

(6) The provision that may be made by the regulations includes—

(a) provision conferring functions on any devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));

(b) provision amending this Act.

(7) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

*Fire safety risks in regulated buildings*

**29 Assessment of fire safety risks: duties of principal accountable person**

(1) Where a regulated building is occupied, the principal accountable person for the building must ensure that the fire safety risks relating to the relevant parts of the building are assessed in accordance with this section, sections 30 to 32 and any regulations made under those sections.

(2) The "relevant parts" of the building are every part of the building for which any accountable person is responsible (see section 16).

(3) An assessment under subsection (1) is referred to in this Act as a "fire risk assessment".

(4) A fire risk assessment must be suitable and sufficient to enable each accountable person for the building (and any other person who is treated as an accountable person by virtue of section 36) to comply with section 33 (management of fire safety risks).

**30 Requirement for fire risk assessment to be made by competent person**

(1) A fire risk assessment for a regulated building must be made by a competent person.

(2) A "competent person" means an individual or body having sufficient expertise or experience to assess the fire safety risks in relation to the relevant parts of the building (within the meaning given by section 29(2)).

(3) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(4) Before making regulations under subsection (3), the Welsh Ministers must consult—

(a) each fire safety authority, and

(b) such other persons as they consider appropriate.

(5) If a fire risk assessment for a regulated building is made by a person who is not a competent person—

(a) the person who makes the assessment commits an offence, and

(b) the principal accountable person for the building commits an offence if the principal accountable person knew, or ought reasonably to have known, that the person making the assessment was not a competent person.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person commits an offence if—

(a) the person offers to make a fire risk assessment for a regulated building, and

(b) the person is not a competent person.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

**31 Timing and review of fire risk assessments**

(1) The first fire risk assessment for a regulated building must be made no later than 6 months after the later of the following—

(a) the day on which the building becomes occupied;

(b) the day on which this section comes into force.

(2) The Welsh Ministers may by regulations amend this section to vary the period for making the first fire risk assessment for a regulated building.

(3) Further fire risk assessments must be made as soon as possible after any of the following occur—

(a) works are carried out in relation to the building, or there are changes in the occupation or use of any part of the building, that require planning permission or building control approval;

(b) works are carried out for the first time in relation to the building to adapt any part of it to meet the needs of disabled residents (other than works carried out inside a residential unit without the knowledge of the principal accountable person);

(c) a fire causes damage to any of the common parts of the building or to two or more residential units in the building;

(d) the findings of a review under subsection (6) suggest that the current fire risk assessment for the building is no longer suitable and sufficient for the purpose mentioned in section 29(4);

(e) the principal accountable person for the building has any other reason to suspect that the current assessment is no longer suitable and sufficient for that purpose.

(4) But if any of the circumstances mentioned in subsection (3) occur at a time when the building is not occupied, a further fire risk assessment must be made as soon as possible after the building again becomes occupied.

(5) If directed to do so by the fire safety authority for the building, the principal accountable person for the building must ensure that a further fire risk assessment is made within a period specified in the direction.

(6) The principal accountable person must ensure that the current fire risk assessment for the building is reviewed, so as to ensure it remains suitable and sufficient, at least once in every 12 months after the assessment was made.

**32 Further provision about fire risk assessments**

(1) The principal accountable person for a regulated building must ensure that—

(a) the findings of every fire risk assessment and review relating to the building are recorded in writing, and

(b) a copy of each assessment is given to—

(i) every other accountable person for the building (where there is more than one accountable person), and

(ii) any other person who is treated as an accountable person by virtue of section 36.

(2) The Welsh Ministers may by regulations—

(a) make provision about the calculation of the periods for making and reviewing fire risk assessments where there is a gap in the occupation of a regulated building;

(b) specify matters that must be considered as part of an assessment or review;

(c) make provision about the methodology that must be used in making or reviewing an assessment;

(d) specify information that must be included in the written record of an assessment or review.

(3) Before making regulations under subsection (2), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

**33 Management of fire safety risks by accountable persons**

(1) Where a regulated building is occupied, each accountable person for the building must take all reasonable steps to—

(a) prevent a fire safety risk materialising in relation to the part of the building for which the person is responsible, and

(b) reduce the severity of any incident resulting from such a risk materialising in relation to that part.

(2) The steps that an accountable person takes must, in particular, include all reasonable steps to—

(a) minimise the likelihood that fire will break out (whether accidentally or deliberately) in the part of the building for which the person is responsible;

(b) minimise the likelihood that any fire that breaks out in or near that part of the building will spread in, to or from that part;

(c) ensure that people in or about the building whose safety is at risk from fire in that part of the building can escape quickly and safely;

(d) ensure that any fire in that part of the building can be fought promptly and effectively.

(3) The steps that an accountable person takes under this section may include carrying out works to the part of the building for which the person is responsible.

(4) In determining the steps to be taken under this section, an accountable person must have particular regard to the current fire risk assessment for the building.

(5) Steps required by this section must be taken promptly.

(6) An accountable person must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the person under this section, and

(b) give effect to those arrangements.

(7) An accountable person must ensure that a written record is made of—

(a) arrangements that the person makes under this section, and

(b) steps that the person takes under this section.

(8) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which an accountable person must have regard, or principles in accordance with which an accountable person must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(9) Before making regulations under subsection (8), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(10) In this section, references to an accountable person include a person who is treated as an accountable person for the purposes of this section by virtue of section 36.

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

**34 Assessment of structural safety risks: duties of accountable persons**

(1) Where a category 1 building or a category 2 building is occupied, each accountable person for the building must ensure that the structural safety risks relating to the part of the building for which the person is responsible are assessed in accordance with this section and any regulations made under it.

(2) An assessment under subsection (1) is referred to in this Act as a "structural risk assessment".

(3) A structural risk assessment for a part of a building must—

(a) be made by an individual or body having sufficient expertise or experience to assess the structural safety risks in relation to that part, and

(b) be suitable and sufficient to enable the accountable person who is responsible for that part (or any other person who is treated as such an accountable person by virtue of section 36) to comply with section 35 (management of structural safety risks).

(4) An accountable person's first structural risk assessment must be made as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the person becomes an accountable person for the building;

(c) this section comes into force.

(5) Further structural risk assessments must be made—

(a) at regular intervals;

(b) as soon as possible if the accountable person has reason to suspect that the current assessment is no longer suitable and sufficient for the purpose mentioned in subsection (3)(b);

(c) if the accountable person is directed to do so by the building safety authority for the building, within a period specified in the direction.

(6) An accountable person who is responsible for a part of a building must ensure that—

(a) the findings of every structural risk assessment for that part are recorded in writing, and

(b) a copy of each assessment is given to the principal accountable person for the building (where the accountable person is not the principal accountable person).

(7) The Welsh Ministers may by regulations—

(a) specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for the purpose of making a structural risk assessment (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation);

(b) specify matters that must be considered as part of an assessment;

(c) make provision about the methodology that must be used in making an assessment;

(d) specify information that must be included in the written record of an assessment;

(e) specify a maximum interval that an accountable person may allow to elapse between assessments.

(8) Before making regulations under subsection (7), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

**35 Management of structural safety risks by accountable persons**

(1) Where a category 1 building or a category 2 building is occupied, each accountable person for the building must take all reasonable steps to—

(a) prevent a structural safety risk materialising in relation to the part of the building for which the person is responsible, and

(b) reduce the severity of any incident resulting from such a risk materialising in relation to that part.

(2) The steps may include the accountable person carrying out works to the part of the building for which the person is responsible.

(3) The steps must be taken promptly.

(4) An accountable person must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the person under this section, and

(b) give effect to those arrangements.

(5) An accountable person must ensure that a written record is made of—

(a) arrangements that the person makes under this section, and

(b) steps that the person takes under this section.

(6) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which an accountable person must have regard, or principles in accordance with which an accountable person must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(7) Before making regulations under subsection (6), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(8) In this section, references to an accountable person include a person who is treated as an accountable person for the purposes of this section by virtue of section 36.

*Management of building safety risks by other persons*

**36 Management of building safety risks by persons other than accountable persons**

(1) This section applies in relation to a part of a regulated building for which an accountable person is responsible, so far as it—

(a) forms part of the common parts of the building, or

(b) would form part of the common parts but for the fact that it is included in a demise of a residential unit (see section 13).

(2) If any other person has an obligation under a contract (other than a lease) to provide services relating to the repair, maintenance or safety of that part of the building, that person is to be treated, in relation to matters within the scope of the obligation, as also being an accountable person who is responsible for that part.

(3) If any other person has any degree of control over that part of the building, that person is to be treated, in relation to matters within the person's control, as also being an accountable person who is responsible for that part.

(4) But a person is not to be treated as an accountable person under subsection (3) by virtue of having control, as a resident or owner of a residential unit in the building, over any part of the building that is intended to improve the safety of people in or about the building in relation to a building safety risk.

(5) This section applies for the purposes of—

(a) section 33 (management of fire safety risks), and

(b) in the case of a category 1 building or a category 2 building, section 35 (management of structural safety risks).

## CHAPTER 5

DUTIES APPLYING ONLY TO OCCUPIED CATEGORY 1 BUILDINGS

*Safety case reports*

**37 Preparation and revision of safety case report by principal accountable person**

(1) The principal accountable person for an occupied category 1 building must prepare a report containing information specified in regulations made by the Welsh Ministers relating to—

(a) the current fire risk assessment for the building;

(b) the steps that have been taken under section 33 (management of fire safety risks) by each accountable person for the building and any person who is treated as an accountable person for the purposes of that section by virtue of section 36;

(c) the current structural risk assessment for each part of the building for which an accountable person is responsible;

(d) the steps that have been taken under section 35 (management of structural safety risks) by each accountable person for the building and any person who is treated as an accountable person for the purposes of that section by virtue of section 36.

(2) A report under subsection (1) is referred to in this Act as a "safety case report".

(3) The principal accountable person must prepare the safety case report as soon as reasonably practicable after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) As soon as possible after preparing the safety case report, the principal accountable person must give a copy of it to the building safety authority for the building.

(5) The principal accountable person must—

(a) keep the safety case report under review, and

(b) make any revisions to the report that are necessary to ensure that it is kept up to date.

(6) If directed to do so by the building safety authority, the principal accountable person must revise the safety case report in accordance with the direction.

(7) As soon as possible after revising the safety case report under subsection (5) or (6), the principal accountable person must give to the building safety authority—

(a) a copy of the revised report, and

(b) a notice summarising the revisions.

(8) The Welsh Ministers may by regulations—

(a) make further provision about the content of a safety case report or a notice under subsection (7)(b);

(b) make provision about the form of a report or notice;

(c) make provision about how a copy of a report or a notice must be given.

*Recording and reporting in relation to building safety risks*

**38 Occurrence recording system: duty of principal accountable person**

(1) The principal accountable person for an occupied category 1 building must establish and operate an occurrence recording system for the purpose of enabling the accountable persons for the building to comply with section 39 (reporting to building safety authority and fire safety authority).

(2) An "occurrence recording system" is a system for—

(a) receiving and recording information about incidents or situations that result from, give rise to or are otherwise connected with building safety risks relating to the building, and

(b) giving that information to accountable persons for the building.

(3) The principal accountable person must establish and start to operate the occurrence recording system as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) An occurrence recording system for a building must comply with any requirements imposed by regulations made by the Welsh Ministers.

(5) Those requirements may, in particular, include requirements relating to—

(a) the incidents or situations about which information is to be received;

(b) the persons from whom information is to be received (for example, residents or accountable persons);

(c) how information is to be received and recorded;

(d) the assessment of information that is received;

(e) the review of occurrence recording systems.

**39 Reporting to authorities: duty of accountable person**

(1) An accountable person for an occupied category 1 building must, in accordance with regulations made by the Welsh Ministers, give relevant building safety information to—

(a) the building safety authority for the building, and

(b) the fire safety authority for the building.

(2) In this section, "relevant building safety information" means information about building safety risks relating to the part of the building for which the accountable person is responsible.

(3) Regulations under subsection (1) must, in particular, specify—

(a) the relevant building safety information that must be given;

(b) the circumstances in which it must be given;

(c) the time by which it must be given.

(4) The regulations may make provision about how the information must be given.

(5) An accountable person for a category 1 building commits an offence if the person fails without reasonable excuse to comply with subsection (1).

(6) A person guilty of an offence under subsection (5) is liable on summary conviction, or on conviction on indictment, to a fine.

(7) Information that a person gives to a building safety authority or a fire safety authority under this section is not admissible in evidence against the person in criminal proceedings except—

(a) in proceedings for an offence under this section,

(b) in proceedings for an offence under section 108 (providing false or misleading information),

(c) in proceedings for an offence of perverting the course of justice, or

(d) if in the proceedings—

(i) in giving evidence the person makes a statement inconsistent with the information, and

(ii) evidence relating to the information that was given is adduced, or a question relating to it is asked, by or on behalf of the person.

*Residents' engagement strategies*

**40 Preparation and review of residents' engagement strategy by principal accountable person**

(1) The principal accountable person for an occupied category 1 building must—

(a) prepare a strategy for promoting the participation of relevant persons in building safety decisions in relation to the building, and

(b) act in accordance with the strategy.

(2) A strategy prepared under subsection (1)(a) is referred to in this Act as a "residents' engagement strategy".

(3) In this section—

"building safety decision" ("*penderfyniad diogelwch adeilad*") means a decision by an accountable person for a building that—

(a) is about the management of the building, and

(b) is made in connection with the performance of a duty of the accountable person under this Act or regulations made under it;

"relevant persons" ("*personau perthnasol*") means—

(a) adult residents of the building, and

(b) owners of residential units in the building.

(4) The residents' engagement strategy for a building must include information about—

(a) the information that will be given to relevant persons about building safety decisions,

(b) the aspects of those decisions that relevant persons will be consulted about,

(c) the arrangements for obtaining and taking account of the views of relevant persons,

(d) how the appropriateness of methods for promoting participation will be measured and kept under review, and

(e) any other matters specified in regulations.

(5) The principal accountable person must prepare the residents' engagement strategy as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(6) When preparing the residents' engagement strategy the principal accountable person must—

(a) consult relevant persons, and any other persons specified in regulations, about the proposed contents of the strategy, and

(b) take into account any representations made in response to the consultation.

(7) The principal accountable person must—

(a) review the residents' engagement strategy at the times specified in regulations, and

(b) revise the strategy if the person considers it necessary or appropriate to do so.

(8) The principal accountable person must—

(a) in the circumstances specified in regulations, consult relevant persons, and any other persons specified in regulations, about proposed revisions to the strategy, and

(b) take any representations made in response to the consultation into account.

(9) Regulations may make provision about—

(a) the preparation, review or revision of the residents' engagement strategy for a building where there is more than one accountable person for the building;

(b) the carrying out of consultations under this section or regulations made under it.

(10) Regulations under this section are to be made by the Welsh Ministers.

**41 Provision of copies of strategy by accountable persons**

(1) As soon as possible after the residents' engagement strategy for a category 1 building is prepared or revised under section 40—

(a) if there is more than one accountable person for the building, the principal accountable person must give a copy of the strategy to every other accountable person;

(b) each accountable person for the building must give a copy of the strategy to—

(i) each adult resident of the part of the building for which the accountable person is responsible,

(ii) each owner of a residential unit in that part of the building, and

(iii) any other person specified in regulations made by the Welsh Ministers.

(2) Subsection (1)(b) does not require the accountable person to give a copy of the strategy to a resident if the accountable person—

(a) is not aware of the resident, and

(b) has taken all reasonable steps to identify adult residents of the part of the building for which the person is responsible.

(3) The Welsh Ministers may by regulations make provision about how a copy of the residents' engagement strategy is to be given.

*Building certificates*

**42 Duty of principal accountable person to apply for building certificate**

(1) This section applies to a category 1 building that is registered and occupied.

(2) The building safety authority for the building may at any time direct the principal accountable person for the building to apply to the authority for the issue of a building certificate under section 44.

(3) The principal accountable person must apply to the authority for a building certificate in relation to the building within 28 days beginning with the day after the day on which the direction is given.

(4) Where a building safety authority has issued a building certificate in relation to a building to which this section applies, the principal accountable person for the building must apply to the authority for a further building certificate within 5 years beginning with the day on which the most recent certificate was issued (whether or not the authority directs the person to do so).

(5) The principal accountable person for a building to which this section applies commits an offence if the person fails without reasonable excuse to comply with subsection (3) or (4).

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with subsection (3) or (4) (as the case may be) after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) The Welsh Ministers may by regulations amend the period of time specified in subsection (4).

**43 Applications for certificates: procedure**

(1) A principal accountable person who applies for a building certificate in relation to a category 1 building must include with the application—

(a) a copy of the current safety case report for the building, unless a copy has already been given to the building safety authority under section 37;

(b) information specified in regulations made by the Welsh Ministers about the occurrence recording system operated by the principal accountable person (see section 38);

(c) a copy of the current residents' engagement strategy for the building (see sections 40 and 41);

(d) information specified in regulations made by the Welsh Ministers about what each accountable person for the building has done to comply with the duties imposed on them under section 49 (provision of information or documents to other persons).

(2) The Welsh Ministers may by regulations make further provision about applications for building certificates.

(3) That provision may, in particular, include provision about—

(a) how an application must be made;

(b) the form and content of an application;

(c) anything else that must be included with an application (in addition to the information and documents mentioned in subsection (1));

(d) circumstances in which an application may be withdrawn or treated as withdrawn;

(e) how an application may be withdrawn.

**44 Determination of applications and issue of certificates**

(1) This section applies where the principal accountable person for a category 1 building makes an application for a building certificate under section 42(3) or (4).

(2) The building safety authority must assess whether the relevant duties are being complied with in relation to the building (and the authority may inspect the building in connection with that assessment).

(3) If the authority is satisfied that all of the relevant duties are being complied with, it must issue a building certificate in relation to the building.

(4) If the authority is not satisfied that all of the relevant duties are being complied with, it must refuse the application and give the principal accountable person notice of the refusal; but this is subject to subsection (5).

(5) If the authority considers that a failure to comply with a relevant duty can be remedied promptly—

(a) it may give a notice to the principal accountable person containing a brief description of the failure and specifying a period for remedying it, and

(b) if the failure is remedied within that period, the authority may issue a building certificate (instead of refusing the application).

(6) In this section "relevant duty" means a duty imposed on an accountable person for the building by or under—

(a) sections 29 to 35 (assessment and management of building safety risks);

(b) section 37 (safety case report);

(c) sections 38 and 39 (reporting in relation to building safety risks);

(d) section 40 and 41 (residents' engagement strategy);

(e) section 49 (provision of information and documents to other persons).

(7) A notice of the refusal of an application for a building certificate must include information about the right of review under section 64.

(8) The Welsh Ministers may by regulations make further provision about building certificates and notices under this section.

(9) That provision may, in particular, include provision about—

(a) the form and content of a certificate or notice;

(b) how a certificate is to be issued or a notice is to be given.

**45 Duty of principal accountable person to display certificate and related information**

(1) The principal accountable person for a category 1 building to which section 42 applies must ensure that the following are displayed together in a conspicuous place in the building—

(a) a copy of the most recent building certificate relating to the building;

(b) a notice complying with subsection (4);

(c) if there is a relevant compliance notice (within the meaning given by subsection (9)), a copy of the statement under section 96(4) summarising the compliance notice.

(2) Subsection (1) does not apply if a special measures order is in force in relation to the building.

(3) Where such an order is in force, the principal accountable person for the building must ensure—

(a) that no building certificate relating to the building, or copy of such a certificate, is displayed in the building;

(b) that the following are displayed together in a conspicuous place in the building—

(i) a notice complying with subsection (4);

(ii) if there is a relevant compliance notice that was given to an accountable person to whom the order does not apply, a copy of the statement under section 96(4) summarising the compliance notice.

(4) A notice complies with this subsection if—

(a) it is in the form specified in regulations made by the Welsh Ministers, and

(b) it contains information specified in regulations made by the Welsh Ministers relating to—

(i) the accountable persons for the building, and

(ii) if a special measures order is in force in relation to the building, the special measures manager for the building.

(5) The principal accountable person for a category 1 building to which section 42 applies commits an offence if the person fails without reasonable excuse to comply with subsection (1) or (3).

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with subsection (1) or (3) (as the case may be) after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) A compliance notice is "relevant" for the purposes of this section if an enforcing authority—

(a) gave the notice to an accountable person for the category 1 building,

(b) in a case where it did not give the notice to the principal accountable person for the building, has given a copy to the principal accountable person, and

(c) has not notified the principal accountable person that the notice has been withdrawn.

## CHAPTER 6

ENGAGEMENT WITH RESIDENTS OF OCCUPIED CATEGORY 2 BUILDINGS

### 46 Category 2 buildings: residents' engagement strategies

(1) The Welsh Ministers may by regulations make provision in relation to category 2 buildings corresponding or similar to any provision that is made by section 40 or 41 (residents' engagement strategies), or that could be made by regulations under those sections, in relation to category 1 buildings.

(2) The regulations may make consequential amendments to any enactment (including this Act).

## CHAPTER 7

INFORMATION AND COMPLAINTS

*Duties to keep and provide information and documents*

### 47 Duty to give information and documents to accountable persons

(1) Where this subsection applies, a person who is a relevant person in relation to a regulated building must give information or a document to an accountable person ("P") for the building (see also article 22D of the Fire Safety Order).

(2) For the purposes of this section a person is a relevant person in relation to a regulated building if the person—

(a) is an accountable person for the building;

(b) is a duty holder for a relevant HMO in the building;

(c) holds a legal estate in any part of the building;

(d) holds a legal estate in any part of premises that form part of the same structure or set of structures as the building and are wholly or partly above or below the building.

(3) Subsection (1) applies where—

(a) the information or document is necessary for P to comply with a requirement under this Act or regulations made under it,

(b) P gives the relevant person a written request that—

(i) states that the request is made pursuant to this section,

(ii) explains why P requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given,

(c) it is reasonable for the relevant person to give P the information or document, and

(d) in the case of a request for information, P cannot request the information from the relevant person under section 54(4) or 55(4) (duties of residents and owners).

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(6) In this section, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

**48 Duty of accountable person to keep information and documents**

(1) The Welsh Ministers must by regulations require an accountable person for a regulated building to keep—

(a) relevant information specified in the regulations;

(b) relevant documents specified in the regulations.

(2) The regulations may, in particular, make provision about—

(a) the time for which relevant information or a relevant document must be kept (which may include requiring it to be kept indefinitely);

(b) how it must be kept;

(c) the form in which it must be kept.

(3) The regulations may impose requirements subject to conditions or exceptions.

(4) Where an accountable person is required to keep relevant information or a relevant document, but does not have it, the person must obtain the information or the document unless it is not practicable to do so.

(5) An accountable person who is required to keep relevant information must so far as possible ensure that the information is accurate and is kept up to date.

(6) In this section—

(a) information and documents are "relevant" if they relate to a part of a building for which an accountable person is responsible;

(b) except in paragraph (a) of this subsection, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

**49 Duty of accountable person to give information and documents to other persons**

(1) The Welsh Ministers must by regulations make provision about the sharing of relevant information and relevant documents by accountable persons.

(2) The regulations may require an accountable person for a regulated building to give relevant information specified in the regulations, or a relevant document specified in the regulations, to—

(a) the building safety authority for the building;

(b) the fire safety authority for the building;

(c) another accountable person for the building;

(d) residents of the building;

(e) owners of residential units in the building;

(f) any other person specified in the regulations.

(3) The regulations may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(4) The regulations may impose requirements subject to conditions or exceptions.

(5) The regulations may, in particular—

(a) provide that an accountable person is required to give relevant information or a relevant document to a person only if the person has requested it;

(b) make provision about how a request is to be made.

(6) Where regulations under this section require relevant information or a relevant document to be given to a building safety authority or a fire safety authority, they may make provision about the admissibility of the information or document in any criminal proceedings.

(7) In this section—

(a) information and documents are "relevant" if they relate to a part of a building for which an accountable person is responsible;

(b) except in paragraph (a) of this subsection, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

**50 Duty to give information and documents on change of accountable person**

(1) In this section—

(a) "outgoing accountable person" means an accountable person for a regulated building who at any time ceases to be responsible for all or any part of the building;

(b) "successor" means a person who, immediately after that time—

(i) is an accountable person for the building, and

(ii) is responsible for a part of the building for which the outgoing accountable person ceased to be responsible at that time.

(2) The Welsh Ministers may by regulations require an outgoing accountable person for a regulated building to give relevant information specified in the regulations, or relevant documents specified in the regulations, to—

(a) a successor;

(b) the building safety authority for the building;

(c) the fire safety authority for the building.

(3) Regulations under this section may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(4) The regulations may impose requirements subject to conditions or exceptions.

(5) An outgoing accountable person commits an offence if the person fails without reasonable excuse to comply with a requirement imposed by regulations under this section.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with the requirement in question after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) For the purposes of this section, information and documents are "relevant" if they relate to a part of a building for which an outgoing accountable person has ceased to be responsible.

*Complaints*

**51 Category 1 buildings: duty of principal accountable person to operate complaints system**

(1) The principal accountable person for an occupied category 1 building must establish and operate a system for the investigation of relevant complaints.

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to the building, or

(b) the performance by an accountable person for the building of any duty under this Act or regulations made under it.

(3) The principal accountable person must establish and start to operate the complaints system as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) The Welsh Ministers may by regulations make provision about the establishment and operation of complaints systems under this section.

(5) The regulations may, in particular—

(a) make provision about the persons by whom, and the way in which, relevant complaints may be made;

(b) make provision about the period within which, and the way in which, a relevant complaint must be considered and dealt with;

(c) enable or require the principal accountable person for a building to refer a relevant complaint, or any question about whether a complaint is a relevant complaint, to the building safety authority for the building in accordance with the regulations;

(d) require a principal accountable person to publish information specified in the regulations in relation to its complaints system.

(6) See section 53 for provision about the investigation of complaints and questions that are referred to a building safety authority in accordance with provision made under subsection (5)(c).

**52 Category 2 and category 3 buildings: duty of accountable persons to arrange consideration of complaints**

(1) The Welsh Ministers may by regulations require an accountable person for an occupied category 2 building or an occupied category 3 building to make and give effect to arrangements for the consideration of relevant complaints.

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to the building, or

(b) the performance by an accountable person for the building of any duty under this Act or regulations made under it.

(3) Regulations under this section may, in particular—

(a) make provision about the arrangements that must be made for the consideration of relevant complaints where there is more than one accountable person for a building;

(b) make provision about when the arrangements required by the regulations must be made;

(c) make provision about the persons by whom, and the way in which, relevant complaints may be made;

(d) make provision about the period within which, and the way in which, a relevant complaint must be considered and dealt with;

(e) enable or require an accountable person for a building to refer a relevant complaint, or any question about whether a complaint is a relevant complaint, to the building safety authority for the building in accordance with the regulations;

(f) require an accountable person to publish information specified in the regulations in relation to arrangements made under the regulations.

(4) See section 53 for provision about the investigation of complaints and questions that are referred to a building safety authority in accordance with provision made under subsection (3)(e).

**53 Complaints to building safety authorities**

(1) Each building safety authority must establish and operate a system for the investigation of relevant complaints that are—

(a) made to the authority, or

(b) referred to it in accordance with provision made under section 51(5)(c) or 52(3)(e).

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to a regulated building,

(b) the performance by an accountable person for such a building of any duty under this Act or regulations made under it, or

(c) the performance by a special measures manager for a category 1 building of any function conferred on the manager by a special measures order.

(3) The Welsh Ministers may by regulations make provision about the establishment and operation of complaints systems under this section.

(4) The regulations may, in particular, make provision—

(a) about the persons by whom, and the way in which, relevant complaints may be made to a building safety authority;

(b) about steps that a person must take before making a relevant complaint;

(c) about the period within which, and the way in which, a relevant complaint must be considered and dealt with (including provision about action that a building safety authority must consider taking in response to a complaint);

(d) for a building safety authority to determine questions referred to it in accordance with provision made under section 51(5)(c) or 52(3)(e) about whether complaints are relevant complaints;

(e) for the publication by a building safety authority of information in relation to its complaints system or complaints made under it.

## CHAPTER 8

DUTIES OF RESIDENTS AND OWNERS ETC. OF RESIDENTIAL UNITS

### 54 Regulated buildings: fire safety duties of residents etc.

(1) This section applies to—

(a) an adult resident of a residential unit in an occupied regulated building;

(b) an owner of a residential unit in such a building.

(2) A person to whom this section applies must not—

(a) in, on, or in relation to, any of the common parts of the building, do any act that creates a significant risk of a fire safety risk materialising in relation to the building;

(b) in, on or in relation to the residential unit, do any act that creates a significant risk or significantly increases any existing risk that, if fire breaks out in the residential unit, the fire will spread from the unit;

(c) without reasonable excuse, remove, damage, or interfere with the functioning of anything that—

(i) is in, or forms part of, any of the common parts of the building, and

(ii) is intended to improve the safety of people in or about the building in relation to a fire safety risk.

(3) In subsection (2)(a) "common parts" includes a balcony, or a part of a balcony, that is included in a demise of a residential unit.

(4) A person to whom this section applies must comply with a request for information if—

(a) the request—

(i) is made by the principal accountable person for the building, and

(ii) is for information that is necessary to enable the principal accountable person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks);

(b) the request—

(i) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(ii) is for information that is necessary to enable the accountable person to comply with section 33 or regulations made under it (management of fire safety risks);

(c) the request—

(i) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(ii) is for information that is necessary to enable a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or regulations made under it.

**55 Category 1 and category 2 buildings: structural safety duties of residents etc.**

(1) This section applies to—

(a) an adult resident of a residential unit in an occupied category 1 building or an occupied category 2 building;

(b) an owner of a residential unit in such a building.

(2) A person to whom this section applies must not—

(a) in, on, or in relation to, any of the common parts of the building, do any act that creates a significant risk of a structural safety risk materialising in relation to the building;

(b) in, on or in relation to the residential unit, do any act that creates a significant risk of a structural safety risk materialising in relation to the building.

(3) In subsection (2)(a) "common parts" has the meaning given by section 54(3).

(4) A person to whom this section applies must comply with a request for information if the request—

(a) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(b) is for information that is necessary to enable—

(i) the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks);

(ii) a person who is treated as an accountable person by virtue of section 36 to comply with section 35 or regulations made under it.

**56 Fire resistance of residential units: duty to repair**

(1) This section applies to a person who—

(a) is aware of damage to a part of a residential unit in an occupied regulated building (whether the damage is wear and tear or other damage) that falls within subsection (3), and

(b) falls within subsection (5) in relation to the part.

(2) A person to whom this section applies must ensure the damage is repaired.

(3) Damage falls within this subsection if it—

(a) gives rise to a significant risk of fire spread, or

(b) significantly increases any existing risk of fire spread.

(4) The reference in subsection (3) to a risk of fire spread means a risk that, if fire breaks out in the residential unit, the fire will spread from the unit.

(5) A person falls within this subsection in relation to a part of a residential unit if the person is—

(a) subject to a requirement under a lease or by virtue of an enactment (other than this section), to repair or maintain the part, or

(b) the owner of the residential unit, if there is no person who falls within paragraph (a) in relation to the part.

(6) This section does not affect a requirement to which the person is subject to repair or maintain the part.

**57 Entry to residential units for purpose of repairs**

(1) This section applies where—

(a) by virtue of section 56, a person ("P") is under a duty to ensure that damage to a part of a residential unit is repaired,

(b) P makes a request to a relevant person for entry to the unit or part of the unit, by P or persons authorised by P, for the purpose of carrying out the repairs,

(c) the request complies with subsection (2), and

(d) entry to the unit or the part of the unit is not given.

(2) A request complies with this subsection if it—

(a) is in writing,

(b) explains that, by virtue of section 56, P is under a duty to ensure that damage to a part of the unit is repaired,

(c) sets out the repairs to be carried out,

(d) requests entry on a date or dates, and at times, that are reasonable, and

(e) is given to the relevant person—

(i) at least 48 hours before the time at which entry is requested, or

(ii) if entry on more than one date is requested, at least 48 hours before the earliest time at which entry is requested.

(3) P may apply to a residential property tribunal for a repairs access order.

(4) But P may not apply for a repairs access order unless P has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for a repairs access order in respect of the relevant person and the residential unit (both of which must be specified in the notice).

(5) A repairs access order is an order that requires the relevant person to allow P or persons authorised by P to—

(a) enter the residential unit or part of the residential unit, and

(b) carry out the repairs set out in the request under subsection (2)(c).

(6) A residential property tribunal may make a repairs access order if satisfied that—

(a) it is necessary for the repairs set out in the request under subsection (2)(c) to be carried out, and

(b) it is necessary to enter the unit or part of the unit to carry out the repairs.

(7) The repairs access order must specify a date on which, or a period within which, entry to the unit or part of the unit may be made.

(8) In this section "relevant person" means—

(a) in relation to a residential unit—

(i) an adult resident of the unit, or

(ii) if there is no such resident, any person who has control over entry to the unit;

(b) in relation to a part of a residential unit—

(i) an adult resident of the unit who has control over entry to the part, or

(ii) if there is no such resident, any person who has control over entry to the part.

**58 Entry to residential units etc. by accountable person**

(1) This section applies where—

(a) an accountable person for an occupied regulated building makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) enabling the accountable person to determine whether there is or has been a contravention of—

(i) section 54(2) (fire safety duties of residents etc. of regulated buildings);

(ii) section 55(2) (structural safety duties of residents etc. of category 1 and category 2 buildings);

(b) enabling the accountable person to determine whether there has been compliance with section 56 (repair of fire resistance of residential units);

(c) where the accountable person is the principal accountable person for the building, enabling that person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks relating to regulated buildings);

(d) enabling the accountable person to comply with section 33 or regulations made under it (management of fire safety risks relating to regulated buildings);

(e) enabling the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks relating to category 1 and category 2 buildings);

(f) enabling a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or 35 or regulations made under those sections.

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose,

(d) sets out the name of the person who is treated as an accountable person if made for the purpose mentioned in subsection (2)(f),

(e) requests entry on a date, and at a time, that is reasonable, and

(f) is given to the relevant person at least 48 hours before then.

(4) The accountable person may apply to a residential property tribunal for an access order.

(5) But an accountable person may not apply for an access order unless that person has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for an access order in respect of the relevant person and the relevant premises (both of which must be specified in the notice).

(6) An access order is an order that—

(a) requires the relevant person to allow (as the case may be)—

(i) the accountable person, or a person authorised by the accountable person;

(ii) the person treated as an accountable person and named in the request under subsection (3)(d), or a person authorised by that person,

to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(7) A residential property tribunal may make an access order if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(8) The access order must specify a date on which, or a period within which, entry to the premises may be made.

(9) In this section—

"relevant person" ("*person perthnasol*") means—

(a) in relation to a residential unit—

(i) an adult resident of the unit, or

(ii) if there is no such resident, any person who has control over entry to the unit;

(b) in relation to a part of a residential unit—

(i) an adult resident of the unit who has control over entry to the part, or

(ii) if there is no such resident, any person who has control over entry to the part;

(c) in relation to an area that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units—

(i) an adult resident of the unit or units, or

(ii) if there is no such resident, any person who has control over entry to the area;

"relevant premises" ("*mangre perthnasol*") means—

(a) in relation to a request made for the purpose mentioned in subsection (2)(b)—

(i) if the request is made by a principal accountable person, a residential unit, or a part of a residential unit, in the building;

(ii) if the request is made by any other accountable person, a residential unit, or a part of a residential unit, in the part of the building for which the accountable person is responsible;

(b) in relation to a request made by a principal accountable person for the purpose mentioned in subsection (2)(c)—

(i) a residential unit in the building;

(ii) a part of a residential unit in the building;

(iii) an area of the building that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units, in the building;

(c) in relation to a request made by an accountable person for any other purpose mentioned in subsection (2)—

(i) a residential unit in the part of the building for which the accountable person is responsible;

(ii) a part of a residential unit in the part of the building for which the accountable person is responsible;

(iii) an area of the part of the building for which the accountable person is responsible that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units, in the building.

**59 Power of accountable person to give warning notice: fire and structural safety duty of residents etc.**

(1) In any of cases 1 to 4 an accountable person for a regulated building may give a warning notice under this section to—

(a) a person to whom section 54 (fire safety duties of residents etc. of regulated buildings) applies;

(b) a person to whom section 55 (structural safety duties of residents etc. of category 1 and category 2 buildings) applies.

(2) Case 1 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on the person by section 54(2)(a) or 55(2)(a) in relation to any of the common parts of the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the common parts in question, or

(ii) the accountable person is the principal accountable person for the building.

(3) Case 2 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on that person by section 54(2)(b) or 55(2)(b) in relation to a residential unit in the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the residential unit in question, or

(ii) the accountable person is the principal accountable person for the building.

(4) Case 3 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on the person by section 54(2)(c) in relation to a thing that is in or forms part of any of the common parts of the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the common parts in question, or

(ii) the accountable person is the principal accountable person for the building.

(5) Case 4 is where the accountable person considers that the person has failed to comply with a request for information made by the accountable person in accordance with section 54(4) or 55(4).

(6) A warning notice under this section is a notice that—

(a) specifies the alleged contravention or failure,

(b) specifies any reasonable steps (which may include the provision of information) that the accountable person considers the person should take, within a reasonable period specified in the notice, to remedy the contravention or failure,

(c) specifies any act that the accountable person considers the person should not do, to avoid repeating or continuing the contravention or failure, and

(d) explains—

(i) that if the person does not comply with the notice the accountable person may apply under section 61 for a contravention order, and

(ii) the effect of such an order.

(7) The steps specified under subsection (6)(b) in a warning notice given in case 3 may include payment of a sum if—

(a) the accountable person considers it necessary, as a result of the alleged contravention, to repair or replace the thing that was removed, damaged or interfered with, and

(b) the sum specified in the notice does not exceed the reasonable cost of doing so.

(8) Where an accountable person for a building gives a warning notice under this section, the accountable person must ensure that any other person who is an accountable person for the building is informed as soon as reasonably practicable.

(9) In subsection (2) "common parts" has the meaning given by section 54(3).

**60 Power of accountable person to give warning notice: repair of fire resistance of residential units**

(1) A warning notice under this section may be given to a person to whom section 56 applies in relation to a part of a residential unit in an occupied regulated building.

(2) A warning notice under this section may be given by—

(a) the accountable person who is responsible for the part of the building containing the residential unit;

(b) the principal accountable person for the building.

(3) A warning notice under this section is a notice that—

(a) specifies the repairs that the accountable person considers that the person referred to in subsection (1)—

(i) has failed to carry out, and

(ii) should carry out within a reasonable period specified in the notice, and

(b) explains—

(i) that if the person does not comply with the notice the accountable person may apply under section 61 for a contravention order, and

(ii) the effect of such an order.

(4) An accountable person who gives a warning notice under this section must ensure that any other person who is an accountable person for the building is informed as soon as reasonably practicable.

**61 Power of residential property tribunal to make contravention order**

(1) An accountable person for a regulated building may apply to a residential property tribunal for a contravention order to be made in respect of a person where the accountable person—

(a) has given a warning notice to the person in accordance with section 59, and

(b) considers that the person has—

(i) failed to take a step specified in the notice under section 59(6)(b), or

(ii) done an act specified in the notice under section 59(6)(c).

(2) An accountable person for a regulated building may apply to a residential property tribunal for a contravention order to be made in respect of a person where the accountable person—

(a) has given a warning notice to the person in accordance with section 60, and

(b) considers that the person has failed to carry out the repairs specified in the notice under section 60(3)(a).

(3) But an accountable person may not apply for a contravention order unless that person has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for an order.

(4) A contravention order is—

(a) in a case in which a warning notice was given under section 59, an order doing either or both of the following—

(i) requiring the person in respect of whom it is made to take specified steps (which may include the provision of specified information or the payment of a specified sum) within a specified period;

(ii) prohibiting the person from doing a specified act;

(b) in a case in which a warning notice was given under section 60, an order requiring the person in respect of whom it is made to carry out specified repairs.

(5) In subsection (4) "specified" means specified in the order.

(6) A residential property tribunal may make a contravention order in respect of a person if satisfied that—

(a) a warning notice has been given to the person in accordance with section 59 or 60,

(b) the contravention or failure specified in the notice occurred, and

(c) it is necessary to make the order.

(7) If the steps specified in a warning notice given under section 59 included payment of a sum, the contravention order may require the person to pay a sum specified in the order to the accountable person.

**62 Regulations about warning notices**

The Welsh Ministers may by regulations make further provision about warning notices under section 59 and 60, including provision about—

(a) the form and content of a notice;

(b) how a notice must be given.

## CHAPTER 9

REVIEWS AND APPEALS

**63 Review and appeal of certain decisions: key terms**

(1) This section sets out the meaning of key terms for the purposes of this Chapter.

(2) "Reviewable decision" means—

(a) a decision not to register a building under section 20 unless that decision was made only by virtue of section 20(2) (failure to pay fee);

(b) a decision about the category of a building under section 20(6)(c);

(c) a decision not to revise the entry for a building in the register under section 22;

(d) a decision to revise the entry for a building in the register under section 23;

(e) a decision, other than one made pursuant to an application under section 25(2), to remove a building from the register under section 26;

(f) a decision to refuse an application for a building certificate under section 44.

(3) "Affected person" means—

(a) in relation to a decision mentioned in paragraphs (a), (b) and (e) of subsection (2), an accountable person for the category 1 building or category 2 building to which the decision relates (or a person who would be an accountable person for the building if the building were a category 1 building or a category 2 building);

(b) in relation to a decision mentioned in paragraphs (c), (d) and (f) of subsection (2), the principal accountable person for the category 1 building or category 2 building.

(4) The Welsh Ministers may by regulations—

(a) amend the list of decisions in subsection (2) by—

(i) adding a decision of a building safety authority,

(ii) removing a decision, or

(iii) varying the description of a decision;

(b) amend the meaning of "affected person".

**64 Review of reviewable decision**

(1) An affected person may request a review of a reviewable decision by giving notice to the building safety authority that made the decision in accordance with regulations made under subsection (2).

(2) The Welsh Ministers must by regulations make provision about—

(a) how a notice of a request for a review must be given;

(b) the form and content of a notice;

(c) the deadline for giving a notice.

(3) Regulations under subsection (2) may make provision—

(a) about the documents (if any) that must be included with a notice;

(b) for the building safety authority to extend the deadline for giving a notice.

(4) A building safety authority must review a decision where it is requested to do so.

(5) The nature and extent of the review are to be such as appear to the authority to be appropriate in the circumstances.

(6) The review must take account of any representations made, or information or document given, by the affected person at a stage which gives the authority a reasonable opportunity to consider them (and may take account of any other information or document).

(7) On the conclusion of the review, the authority must—

(a) uphold the decision,

(b) vary the decision, or

(c) cancel the decision.

(8) The authority must, before the end of the relevant period, give all affected persons notice of the outcome of the review.

(9) The notice must include—

(a) the reasons for the outcome of the review, and

(b) information about the right of appeal under section 65.

(10) If the authority fails, before the end of the relevant period, to give notice of the outcome of the review under subsection (7) to the affected person who requested the review—

(a) the review is treated as having concluded at the end of the relevant period, and the authority is treated as having upheld the decision, and

(b) the authority must, as soon as reasonably practicable after the end of that period, give all affected persons notice of that fact.

(11) The notice given under subsection (10)(b) must include information about the right of appeal under section 65.

(12) In subsections (8) and (10), "relevant period" means—

(a) the period specified in regulations made by the Welsh Ministers, or

(b) such other period as may be agreed in writing between the authority and the affected person who requested the review.

**65 Appeal to residential property tribunal**

(1) An affected person who is dissatisfied with the outcome of a review under section 64 may appeal to a residential property tribunal against the reviewable decision.

(2) If the outcome of the review is that the decision is varied, the right of appeal under subsection (1) is in respect of the decision as varied.

(3) An appeal must be made to the tribunal before the end of 28 days beginning with the day after the day on which the affected person is given notice under section 64(8) or (10)(b).

(4) The tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (3) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).

(5) An appeal may be made on one or more of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the decision was unreasonable.

(6) In determining the appeal, the tribunal may take into account evidence that was not available to the authority.

(7) On an appeal under this section, the tribunal may—

(a) uphold the decision,

(b) vary the decision, or

(c) quash the decision.

**66 Effect of review and appeal**

(1) This section applies to—

(a) a review under section 64 of a reviewable decision;

(b) an appeal to a residential property tribunal under section 65.

(2) The Welsh Ministers may by regulations—

(a) provide for the suspension during the review period of the effect of a reviewable decision or any other thing done by a relevant authority;

(b) make other provision about the effect of a review under section 64 during the review period (including provision conferring powers on a relevant authority);

(c) provide for the suspension during the appeal period of the effect of a reviewable decision, the outcome of a review under section 64 or any other thing done by a relevant authority;

(d) make other provision about the effect of an appeal under section 65 during the appeal period (including provision conferring powers on the tribunal).

(3) In subsection (2)—

"appeal period" ("*cyfnod apelio*") means any period during which—

(a) an appeal could be made (ignoring the possibility of obtaining permission to appeal out of time), or

(b) an appeal has been made and has not been finally determined or withdrawn;

"relevant authority" ("*awdurdod perthnasol*") means the authority that made the reviewable decision;

"review period" ("*cyfnod adolygu*") means any period during which—

(a) an affected person could request a review (ignoring any possibility of obtaining an extension of the deadline for making a request, or a further extension where one has already been granted), or

(b) an affected person has requested a review and has not—

(i) been given notice under section 64(8) or (10)(b), or

(ii) withdrawn the request.

## CHAPTER 10

SUPPLEMENTARY

*Entry to non-residential premises*

### 67 Entry to non-residential premises by accountable person

(1) This section applies where—

(a) an accountable person for an occupied regulated building makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) where the accountable person is the principal accountable person for the building, enabling that person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks relating to regulated buildings);

(b) enabling the accountable person to comply with section 33 or regulations made under it (management of fire safety risks relating to regulated buildings);

(c) enabling the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks relating to category 1 and category 2 buildings);

(d) enabling a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or 35 or regulations made under those sections.

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose,

(d) sets out the name of the person who is treated as an accountable person if made for the purpose mentioned in subsection (2)(d), and

(e) requests entry on a date, and at a time, that is reasonable.

(4) The accountable person may apply to a residential property tribunal for a non-residential premises access order under this section.

(5) A non-residential premises access order under this section is an order that—

(a) requires the relevant person to allow (as the case may be)—

(i) the accountable person, or a person authorised by the accountable person;

(ii) the person treated as an accountable person and named in the request under subsection (3)(d), or a person authorised by that person,

to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(6) A residential property tribunal may make a non-residential premises access order under this section if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(7) The non-residential premises access order must specify a date on which, or a period within which, entry to the premises may be made.

(8) In this section—

"relevant person" ("*person perthnasol*") means any person who has control over entry to the relevant premises;

"relevant premises" ("*mangre perthnasol*") means any premises that—

(a) form part of—

(i) the regulated building, or

(ii) the same structure or set of structures as the regulated building (see sections 2 to 4) and are wholly or partly above or below the regulated building, and

(b) are not—

(i) a residential unit or part of a residential unit, or

(ii) an area, or part of an area, provided for the use, benefit or enjoyment of residents of a particular residential unit, or particular residential units, in the regulated building, structure or set.

*Co-operation and co-ordination*

**68 Co-operation and co-ordination: duties of accountable persons**

(1) Subsection (2) applies where there is more than one accountable person for a regulated building.

(2) When carrying out their duties under this Act and regulations made under it, each accountable person must so far as possible co-operate and co-ordinate with every other accountable person for the regulated building.

(3) Subsection (4) applies where—

(a) a person is an accountable person for a regulated building, and

(b) the building contains a relevant HMO for which one or more other persons are duty holders under this Act.

(4) When carrying out their duties under this Act and regulations made under it, the accountable person must so far as possible co-operate and co-ordinate with each duty holder for the relevant HMO.

(5) Subsection (6) applies where—

(a) a person is an accountable person for a category 1 building, and

(b) a special measures order is in force in relation to the building.

(6) The accountable person must co-operate with the special measures manager appointed by the order for the purpose of the manager carrying out their functions under the order.

(7) Subsection (8) applies where—

(a) a person is an accountable person for a regulated building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any building safety functions in relation to the building or any part of it.

(8) The accountable person must co-operate with the manager for the purpose of the manager carrying out their building safety functions under the order.

(9) In subsections (7) and (8), "building safety function" means a function which this Act or regulations made under it provide is to be carried out by an accountable person for the regulated building.

(10) Subsection (11) applies where—

(a) a person is an accountable person for a regulated building, and

(b) one or more other persons are responsible persons for the purposes of the Fire Safety Order in relation to any premises that—

(i) form part of the regulated building, or

(ii) form part of the same structure or set of structures as the regulated building (see sections 2 to 4) and are wholly or partly above or below the regulated building.

(11) The accountable person must so far as possible co-operate and co-ordinate with each responsible person for the purpose of each responsible person carrying out their duties under the Fire Safety Order.

(12) In this section "accountable person" includes a person who is treated as an accountable person by virtue of section 36.

*Recovery of relevant costs by principal accountable person*

**69 Recovery of relevant costs by principal accountable person**

(1) The Welsh Ministers may by regulations make provision for and in connection with enabling the principal accountable person for a regulated building to recover relevant costs from any other person who is an accountable person for the building or is treated as an accountable person by virtue of section 36.

(2) In subsection (1), "relevant costs" means any costs incurred or to be incurred by the principal accountable person in connection with—

(a) applying to register a category 1 building or a category 2 building in accordance with section 20 and regulations made under it;

(b) notifying the building safety authority for such a building of a change in accordance with section 21 and regulations made under it;

(c) giving a declaration to the building safety authority for such a building in accordance with section 24 and regulations made under it;

(d) applying to remove a category 1 building or a category 2 building from the register in accordance with section 25 and regulations made under it;

(e) ensuring that the fire safety risks relating to a regulated building are assessed, and copies of assessments are given, in accordance with sections 29 to 32 and regulations made under them;

(f) in relation to a category 1 building—

(i) preparing and revising a safety case report, and giving a copy of the report and notice summarising the revisions to the building safety authority for the building, in accordance with section 37 and regulations made under it;

(ii) establishing and operating an occurrence recording system in accordance with section 38 and regulations made under it;

(iii) complying with the duties imposed by sections 40 and 41 and regulations made under them (residents' engagement strategy);

(iv) applying for a building certificate in accordance with sections 42 and 43 and regulations made under them;

(v) complying with the duties relating to the display of building certificates and other documents imposed by section 45 and regulations made under it;

(vi) establishing and operating a system for the investigation of relevant complaints in accordance with section 51 and regulations made under it;

(g) in relation to a category 2 or a category 3 building, making and giving effect to arrangements for the consideration of relevant complaints in accordance with regulations under section 52;

(h) making a request to enter premises, or applying to a residential property tribunal for an access order, in accordance with section 58;

(i) giving a warning notice in accordance with section 59 or 60 and regulations made under section 62;

(j) applying to a residential property tribunal for a contravention order in accordance with section 61.

*Leases*

**70 Leases: implied terms relating to compliance with building safety duties**

In the Landlord and Tenant Act 1985 (c. 70), after section 30I insert—

"*Regulated buildings in Wales: implied terms and liability for costs*

**30IA Wales: implied terms relating to building safety**

(1) This section applies to a lease of premises which consist of or include a dwelling in a regulated building.

(2) In the lease there is implied a covenant by each relevant person—

(a) where the relevant person is an accountable person for the building, to comply with their building safety duties;

(b) to co-operate with any person in connection with an accountable person complying with their building safety duties.

(3) In the lease there is implied a covenant by the tenant to comply with—

(a) any repairs access order made in respect of the tenant under section 57 of the Building Safety (Wales) Act 2026;

(b) any access order made in respect of the tenant under section 58 of that Act;

(c) any contravention order made in respect of the tenant under section 61 of that Act;

(d) any compliance notice given to the tenant under section 96 of that Act.

(4) In the covenant implied by subsection (2)(b), to "co-operate" with a person includes—

(a) taking any steps that are reasonably required by the person to facilitate compliance by an accountable person with their building safety duties;

(b) where the person is an accountable person or a person authorised in writing by an accountable person, providing any information (including names and contact details of residents and tenants of the premises) to the person that is reasonably required in connection with the accountable person complying with their building safety duties.

(5) The disclosure of information in accordance with subsections (2)(b) and (4)(b) does not breach—

(a) any obligation of confidence owed by a relevant person in relation to that information;

(b) any other restriction on the disclosure of information (however imposed).

(6) But see also section 183A of the Data Protection Act 2018 (protection of requirements for processing personal data).

(7) In this section—

"relevant person" means—

(a) the landlord under the lease;

(b) any other person by whom obligations relating to the management of the premises or any part of them are owed to the tenant under the lease;

"resident" has the same meaning as in the Building Safety (Wales) Act 2026 (see section 136 of that Act)."

**71 Liability of tenants for costs relating to building safety**

In the Landlord and Tenant Act 1985 (c. 70), after section 30IA (as inserted by section 70) insert—

**"30IB Wales: liability for building safety costs**

(1) This section applies to a relevant lease of premises which consist of or include a dwelling in a regulated building.

(2) In this section "relevant lease"—

(a) means a lease—

(i) that is granted for a fixed term of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and

(ii) under which the tenant is liable to pay a variable service charge (within the meaning of section 18), but

(b) does not include an occupation contract.

(3) The relevant lease has effect—

(a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and

(b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.

(4) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—

(a) legal and other professional fees;

(b) fees payable to a building safety authority;

(c) management costs.

(5) In this section—

"building safety measure" has the meaning given by section 30IC;

"landlord" includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);

"occupation contract" has the meaning given by section 7 of the Renting Homes (Wales) Act 2016;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"tenant" includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).

**30IC Meaning of "building safety measure"**

(1) This section applies for the purposes of section 30IB.

(2) "Building safety measure" means any of the following—

(a) applying to register a category 1 building or a category 2 building in accordance with section 20 of the Building Safety (Wales) Act 2026 and regulations made under it;

(b) notifying the building safety authority for such a building of a change in accordance with section 21 of that Act and regulations made under it;

(c) giving a declaration to the building safety authority for such a building in accordance with section 24 of that Act and regulations made under it;

(d) applying to remove a category 1 building or a category 2 building from the register in accordance with section 25 of that Act and regulations made under it;

(e) ensuring that the fire safety risks relating to a regulated building are assessed, and copies of assessments are given, in accordance with sections 29 to 32 of that Act and regulations made under them;

(f) taking reasonable steps in accordance with section 33 of that Act and regulations made under it (management of fire safety risks), other than steps involving the carrying out of works as referred to in section 33(3);

(g) ensuring that the structural safety risks relating to a category 1 building or a category 2 building are assessed, and copies of assessments are given, in accordance with section 34 of that Act and regulations made under it;

(h) taking reasonable steps in accordance with section 35 of that Act and regulations made under it (management of structural safety risks), other than steps involving the carrying out of works as referred to in section 35(2);

(i) keeping (and where necessary obtaining) information and documents relating to a regulated building in accordance with section 48 of that Act and regulations made under it;

(j) giving information and documents to an accountable person in accordance with section 47 of that Act;

(k) giving information and documents to a person in accordance with regulations under section 49 or 50 of that Act;

(l) making a request to enter premises, or applying to a residential property tribunal for an access order, in accordance with section 58 of that Act (entry to residential units etc.);

(m) giving a warning notice in accordance with section 59 or 60 of that Act (enforcement of duties relating to residents etc. and residential units) and regulations made under section 62 of that Act;

(n) applying to a residential property tribunal for a contravention order in accordance with section 61 of that Act (enforcement of duties relating to residential units and residents etc.);

(o) making a request to enter premises, or applying to a residential property tribunal for a non-residential premises access order, in accordance with section 67 of that Act;

(p) giving information and documents to a duty holder in accordance with section 86 of that Act.

(3) In relation to a category 1 building, "building safety measure" also includes any of the following—

(a) preparing and revising a safety case report, and giving a copy of the report and notice summarising the revisions to the building safety authority for the building, in accordance with section 37 of the Building Safety (Wales) Act 2026 and regulations made under it;

(b) establishing and operating an occurrence recording system, and giving information to the building safety authority and fire safety authority, in accordance with sections 38 and 39 of that Act and regulations made under them;

(c) complying with the duties imposed by sections 40 and 41 of that Act and regulations made under them (residents' engagement strategy);

(d) applying for a building certificate in accordance with sections 42 and 43 of that Act and regulations made under them;

(e) complying with the duties relating to the display of building certificates and other documents imposed by section 45 of that Act and regulations made under it;

(f) establishing and operating a system for the investigation of relevant complaints in accordance with section 51 of that Act and regulations made under it.

(4) In relation to a category 2 building or a category 3 building, "building safety measure" also includes making and giving effect to arrangements for the consideration of relevant complaints in accordance with regulations under section 52 of the Building Safety (Wales) Act 2026.

(5) The Welsh Ministers may by regulations amend subsection (2), (3) or (4) to add, remove or modify a building safety measure.

(6) The regulations may make supplementary, incidental, transitional or saving provision (including provision amending this Act).

(7) Regulations under subsection (5) are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

**72 Further provision about implied terms and liability for costs**

(1) The Landlord and Tenant Act 1985 (c. 70) is amended as follows.

(2) In section 20(1)(b) (limitation of service charges: consultation requirements), after "section 20D" insert "or section 20DA".

(3) In section 20ZA (consultation requirements: supplementary), in subsection (5A)—

(a) in the opening words, after "section 20D" insert "(limitation of service charges relating to remediation works: England) or section 20DA (limitation of variable service charges relating to building safety works: Wales)";

(b) in paragraph (a), after "section 20D(2)" insert "or section 20DA(2)".

(4) After section 20D (limitation of service charges: remediation works), insert—

**"20DA Wales: limitation of variable service charges relating to building safety works**

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(2) The relevant person must—

(a) take reasonable steps to ascertain whether any grant is payable in respect of building safety works and, if so, to obtain the grant;

(b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of building safety works and, if so, to obtain monies from the third party;

(c) take prescribed steps relating to any other prescribed kind of funding.

(3) In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies—

(a) under a policy of insurance;

(b) under a guarantee or indemnity;

(c) pursuant to a claim made against—

(i) a developer,

(ii) a person involved in the design of the building or of works to the building, or

(iii) a person involved in the carrying out of works in relation to the building.

(4) Where any funding of a kind mentioned in subsection (2) is obtained, the amount of the funding is to be deducted from the building safety costs (and the amount of any variable service charge is to be reduced accordingly).

(5) In the case of a failure to comply with subsection (2), a tenant may make an application to the appropriate tribunal for an order that all or any of the building safety costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by—

(a) the tenant, or

(b) anyone else specified in the application.

(6) The tribunal may make such order on the application as it considers just and equitable in the circumstances.

(7) Nothing in this section requires the relevant person to do anything mentioned in subsection (2) before carrying out the building safety works.

(8) The Welsh Ministers may issue guidance about the taking of steps under subsection (2), and may revise or withdraw any issued guidance.

(9) Where on an application under this section it is alleged that a person failed to comply with subsection (2)—

(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and

(b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.

(10) In this section—

"building safety costs" means costs incurred or to be incurred in carrying out building safety works;

"building safety works" has the meaning given by section 20DB;

"developer", in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

"prescribed" means prescribed by regulations made by the Welsh Ministers;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"third party" means a person other than a tenant.

(11) In subsection (10), "accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026.

(12) Regulations under subsection (2)(c) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure.

**20DB Meaning of "building safety works"**

(1) This section applies for the purposes of section 20DA.

(2) "Building safety works" means—

(a) in relation to a regulated building, works as referred to in section 33(3) of the Building Safety (Wales) Act 2026;

(b) in relation to a category 1 or a category 2 building, works as referred to in section 35(2) of that Act.

(3) The Welsh Ministers may by regulations prescribe for the purposes of subsection (2) works that are not to be regarded as "building safety works" despite those works falling within subsection (2).

(4) In this section—

"category 1 building" and "category 2 building" have the meanings given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act.

(5) Regulations under subsection (3) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

(5) After section 30IC (as inserted by section 71) insert—

**"30ID Wales: implied terms and liability for costs where order appointing manager for building is in force**

(1) This section applies to a lease of premises which consist of or include—

(a) a flat in a regulated building, if an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any of the building safety duties of an accountable person for the building;

(b) a dwelling in a category 1 building, if a special measures order under section 109 of the Building Safety (Wales) Act 2026 is in force in relation to the building.

(2) Section 30IA applies to the lease with the following modifications—

(a) except in subsection (2)(a), references to an accountable person are to be read as including the manager appointed by the order;

(b) references to the building safety duties of an accountable person are to be read as including any duties of the manager under the order.

(3) In the lease there are implied (in addition to the covenants in section 30IA(2) and (3))—

(a) a covenant by each relevant person (within the meaning of section 30IA) to comply with the order so far as it relates to that person;

(b) a covenant by the tenant to comply with the order so far as it relates to the tenant.

(4) If the lease is a relevant lease for the purposes of section 30IB, the reference to a relevant person in subsection (3)(a) of that section is to be read as including the manager appointed by the order.

**30IE Restrictions on contracting out**

(1) A covenant or agreement, whether contained in a lease to which section 30IA (Wales: implied building safety terms) applies or in an agreement collateral to such a lease, is void in so far as it purports—

(a) to exclude or limit the obligations of a relevant person (within the meaning of section 30IA) or a tenant under section 30IA or 30ID(3), or

(b) to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant enforcing or relying upon the obligations of a relevant person.

(2) A covenant or agreement, whether contained in a lease to which section 30IB (Wales: liability for building safety costs) applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30IB(3).

**30IF Jurisdiction of county court**

The county court has jurisdiction to deal with any claim or other proceedings arising under or in connection with sections 30IA to 30IE (Wales: implied terms and liability for costs) notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this section, be within the jurisdiction of the county court.

**30IG Specific performance of implied terms**

In proceedings relating to a breach of a covenant in section 30IA(2) or (3) or section 30ID(3) (Wales: implied building safety terms), the court may order specific performance of the covenant—

(a) notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise, and

(b) except in the case of a breach of the covenant in section 30IA(3)(a), whether or not the breach relates to a part of the regulated building let to the tenant.

**30IH Wales: interpretation of building safety provisions**

In sections 30IA to 30IG—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"building safety duties", in relation to an accountable person, means any duties of the accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

"category 1 building", "category 2 building" and "category 3 building" have the meanings given by sections 6 and 7 of that Act;

"lease" does not include a mortgage term;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

(6) In section 30 (interpretation), in the definition of "services", at the end insert "and, in relation to a dwelling in a regulated building (as defined by section 30IH), building safety measures within the meaning of section 30IC".

(7) In section 32(1) (provisions not applying to business tenancies), at the end of the list of provisions insert—

"sections 30IA to 30IH (regulated buildings in Wales: implied terms and liability for costs)."

**73 Costs relating to enforcement etc. excluded from variable service charge**

In the Landlord and Tenant Act 1985 (c. 70), after section 20F insert—

**"20FA Limitation of variable service charges: excluded costs for regulated buildings in Wales**

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by a tenant under the lease.

(3) In this section "excluded costs" means any of the following costs in connection with the Building Safety (Wales) Act 2026 or regulations made under it—

(a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by an enforcing authority;

(b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with management order proceedings relating to the building;

(c) costs that a management order provides are to be met by any person other than a relevant person or the tenant under the lease;

(d) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf.

(4) In this section—

"enforcement action" means action taken with a view to, or in connection with—

(a) securing compliance with the Building Safety (Wales) Act 2026 or regulations made under it, or

(b) the imposition of a sanction in respect of a contravention of that Act or those regulations;

"enforcing authority" has the meaning given by section 94 of the Building Safety (Wales) Act 2026;

"management order" means—

(a) an order under section 24 of the Landlord and Tenant Act 1987 appointing a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) a special measures order under section 109 of the Building Safety (Wales) Act 2026;

"management order proceedings" means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a management order (including any appeals in relation to such proceedings);

"relevant person" means—

(a) if the landlord under the lease is an accountable person for the regulated building under the Building Safety (Wales) Act 2026, the landlord or any manager appointed by a management order relating to the building;

(b) otherwise, any superior landlord who is an accountable person for the building or any manager appointed by a management order relating to the building.

(5) The Welsh Ministers may by regulations amend subsection (3) to add, remove or modify a description of costs incurred or to be incurred by or on behalf of a relevant person in connection with the Building Safety (Wales) Act 2026 or regulations made under it.

(6) The regulations may make—

(a) supplementary, incidental, transitional or saving provision (including provision amending this Act);

(b) different provision for different purposes.

(7) Regulations under this section are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

**74 Provision of building safety information to tenants**

(1) The Landlord and Tenant Act 1987 (c. 31) is amended as follows.

(2) After section 47A insert—

**"47B Building safety information to be contained in demands for rent etc: Wales**

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, any written demand given to a tenant of the premises must contain the relevant building safety information.

(2) Where—

(a) a tenant of such premises is given such a demand, but

(b) the demand does not contain the relevant building safety information,

any part of the amount demanded which consists of a service charge or an administration charge ("the relevant amount") is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the relevant building safety information to the tenant.

(3) But the relevant amount is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of service charges or administration charges from the tenant,

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) Subsections (2) and (3) do not apply in relation to a written demand for payment of a service charge if section 21C of the Landlord and Tenant Act 1985 requires the demand to include information which subsection (1) also requires the demand to include.

(5) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"demand" has the meaning given by section 47(4);

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant building safety information" has the meaning given by section 49B;

"special measures order" means an order under section 109 of the Building Safety (Wales) Act 2026."

(3) After section 49A insert—

**"49B Notification by landlord of building safety information: Wales**

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, the landlord must give the tenant a notice containing the relevant building safety information.

(2) Where a landlord fails to give a notice to a tenant in accordance with subsection (1), any rent, service charge or administration charge otherwise due from the tenant to the landlord is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the notice to the tenant.

(3) But any such rent, service charge or administration charge is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of rent, service charges or administration charges from the tenant, or

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) The requirement to give a notice to a tenant under subsection (1) may be satisfied by giving the notice to them at a time when they are a prospective tenant.

(5) In this section "relevant building safety information" means—

(a) the name of each person listed in subsection (6);

(b) an email address and telephone number through which each person listed in subsection (6) may be contacted;

(c) a postal address in the United Kingdom at which notices (including notices in proceedings) may be served by the tenant on the principal accountable person for the regulated building;

(d) a postal address for the building safety authority for the building;

(e) such other information as may be prescribed in regulations made by the Welsh Ministers.

(6) The persons are—

(a) the principal accountable person for the regulated building;

(b) any manager appointed by an order mentioned in subsection (3)(b) or (c);

(c) the building safety authority for the regulated building.

(7) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"principal accountable person" has the meaning given by section 9 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"special measures order" means an order under section 109 of that Act.

(8) Regulations under subsection (5)(e) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

*Occupation contracts*

**75 Power to make provision relating to terms of occupation contracts**

(1) The Welsh Ministers may by regulations amend the Renting Homes (Wales) Act 2016 (anaw 1) to—

(a) include a fundamental provision applicable to all occupation contracts, or to particular kinds or descriptions of occupation contract, for the purpose of enabling a landlord or contract-holder to comply with a provision of this Act or regulations made under it;

(b) provide that a provision of this Act or regulations made under it is a fundamental provision applicable to all occupation contracts, or to particular kinds or descriptions of occupation contract;

(c) make provision about—

(i) the incorporation, or incorporation with modifications, of a fundamental provision mentioned in paragraph (a) or (b) as a fundamental term of an occupation contract;

(ii) the variation of such a fundamental term.

(2) The regulations may also—

(a) amend section 30IA of the Landlord and Tenant Act 1985 (c. 70) (inserted by section 70 of this Act) to provide that it does not apply to any occupation contract, or to particular kinds or descriptions of occupation contract;

(b) make consequential amendments to any enactment (including this Act).

(3) Expressions used in this section that are also used in the Renting Homes (Wales) Act 2016 have the same meanings in this section as they have in that Act.

*Commonholds*

**76 Commonholds: provision for compliance with building safety duties**

(1) The Commonhold and Leasehold Reform Act 2002 (c. 15) is amended as follows.

(2) In section 14 (commonhold units: use, maintenance and building safety), after subsection (4) insert—

"(5) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to each commonhold unit."

(3) In section 26 (common parts: use, maintenance and building safety), after subsection (2) insert—

"(3) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to the common parts."

(4) In section 38A (raising income from unit-holders: building safety assessment)—

(a) in subsection (1), after "higher-risk commonhold" insert ", or for a commonhold in Wales that includes all or any part of a regulated building,";

(b) in subsection (3), after "In this section" insert "as it applies in relation to a higher-risk commonhold";

(c) after that subsection insert—

"(4) In this section as it applies in relation to a commonhold in Wales that includes all or any part of a regulated building—

"building safety expenses of the association" means—

(a) the expenses incurred by the commonhold association in connection with taking measures that the association is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) where the commonhold includes all or any part of a category 1 building for which a special measures manager has been appointed, the expenses incurred by the association or the manager in connection with the taking of measures that the manager is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

"category 1 building" has the meaning given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"special measures manager" means a person appointed under section 109 of that Act.

(5) In section 69(1) (interpretation)—

(a) omit the "and" after the definition of "instrument";

(b) after the definition of "object" insert—

"and

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

*Regulations under sections 17, 28(2) and 75*

**77 Regulations under sections 17, 28(2) and 75: initial procedure**

(1) The Welsh Ministers may not lay a draft of a Welsh statutory instrument containing regulations under section 17, 28(2) or 75 before Senedd Cymru in accordance with section 135(4) unless—

(a) they have laid the required documents before Senedd Cymru, and

(b) a period of 60 days beginning with the day on which the required documents were laid ("the 60-day period") has expired.

(2) The "required documents" are—

(a) a proposed draft of the regulations, and

(b) a statement that—

(i) gives details of the consultation carried out under section 17(2) or 28(7) (as applicable), and

(ii) explains why the Welsh Ministers consider that the regulations are necessary.

(3) In calculating the 60-day period, no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.

(4) If the Welsh Ministers, having complied with subsection (1), lay a draft Welsh statutory instrument containing regulations under section 17, 28(2) or 75 before Senedd Cymru in accordance with section 135(4), they must include with the draft a statement that gives details of—

(a) any representations they received during the 60-day period, and

(b) any differences between the proposed draft of the regulations and the regulations in the draft Welsh statutory instrument.

(5) This section does not apply to regulations made only for the purpose of amending provision made by regulations under section 28(2) which relates to the matters set out in section 28(4) or (5).

## PART 2

## FIRE SAFETY IN CERTAIN HOUSES IN MULTIPLE OCCUPATION

*Key terms*

### 78 Meaning of "relevant HMO"

(1) This section sets out the meaning of references in this Act to a "relevant HMO".

(2) A building, or part of a building, is a relevant HMO if—

(a) it is a house in multiple occupation,

(b) it is wholly or mainly in Wales, and

(c) it is not excluded from being a relevant HMO by subsection (3).

(3) A house in multiple occupation is not a relevant HMO if—

(a) it contains two or more residential units;

(b) it is occupied only by persons within the following sub-paragraphs—

(i) one or more persons who have a relevant interest in it;

(ii) any members of the household of such a person or persons;

(iii) no more than two other persons;

(c) the person managing it or person having control of it is a police and crime commissioner;

(d) it is of a description specified in regulations made by the Welsh Ministers (whether by reference to the fact that its occupation is regulated by or under a specified enactment or any other matter).

(4) For the purposes of subsection (3)(b), the following persons have a relevant interest in a house in multiple occupation—

(a) an owner of the freehold estate in the whole of it;

(b) a tenant under a lease of the whole of it (whether or not the lease is an occupation contract);

(c) a contract-holder under an occupation contract that is a licence to occupy the whole of it.

(5) References to a relevant HMO in the remaining provisions of this Act—

(a) include any outbuilding, garage, car park, yard, garden or other area provided for the use, benefit or enjoyment of occupiers of the relevant HMO (whether or not it may be used, benefited from or enjoyed by other persons), and

(b) in the case of a relevant HMO that is a part of a building, include—

(i) any part of the structure and exterior of that part of the building;

(ii) any part of the building provided for the use, benefit or enjoyment of occupiers of the relevant HMO (whether or not it may be used, benefited from or enjoyed by other persons).

(6) But references to a relevant HMO do not, in the case of a relevant HMO that is a part of an occupied regulated building, include anything that is provided for the use, benefit or enjoyment of occupiers of the relevant HMO and residents of any other residential unit in the building.

(7) In this section—

"house in multiple occupation" ("*tŷ amlfeddiannaeth*") has the meaning given by sections 254 to 259 of the Housing Act 2004 (c. 34), as those sections have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include a converted block of flats to which section 257 of that Act applies;

"occupation contract" ("*contract meddiannaeth*") and "contract-holder" ("*deiliad contract*") have the meanings given by section 7 of the Renting Homes (Wales) Act 2016 (anaw 1) (see also section 48 of that Act);

"structure and exterior" ("*strwythur a thu allan*"), in relation to a building, includes—

(a) external and internal walls (whether load bearing or not);

(b) floors and ceilings;

(c) windows, doors and balconies.

(8) The Welsh Ministers may by regulations amend this section (except subsection (1) and this subsection).

**79 Meaning of "landlord" and "duty holders" for relevant HMO**

(1) This section sets out the meanings of references in this Act to the "landlord" and "duty holders" in relation to a relevant HMO.

(2) The landlord of a relevant HMO is the person who is a person managing the relevant HMO by virtue of being an owner or lessee.

(3) But—

(a) if the lessor and lessee under a lease of the relevant HMO both meet the definition in subsection (2), the landlord of the relevant HMO is the lessee (not the lessor);

(b) if there is no person who meets that definition, the landlord is the person having control of the relevant HMO.

(4) The following persons are duty holders for a relevant HMO—

(a) the landlord;

(b) any other person who is a person managing the relevant HMO, whether by virtue of being an owner or lessee or their agent or trustee.

(5) If any other person has an obligation under a contract or lease relating to the repair, maintenance or safety of the relevant parts of the relevant HMO, that person is a duty holder for the relevant HMO in relation to matters within the scope of the obligation.

(6) If any other person has any degree of control over the relevant parts of the relevant HMO, that person is a duty holder for the relevant HMO in relation to matters within the person's control.

(7) The "relevant parts" of a relevant HMO are any parts of it that are not provided for the exclusive use, benefit or enjoyment of persons forming a single household.

**80 Meaning of "fire safety risk" in relation to relevant HMO**

In this Act "fire safety risk", in relation to a relevant HMO, means a risk to the safety of people in or about the relevant HMO arising from—

(a) the outbreak of fire (whether accidental or deliberate) in any part of the relevant HMO, or

(b) the spread of fire in, to or from any part of the relevant HMO.

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

**81 Assessment of fire safety risks: duties of landlord**

(1) The landlord of a relevant HMO must ensure that the fire safety risks relating to the relevant HMO are assessed in accordance with this section, sections 82 to 84 and any regulations made under those sections.

(2) An assessment under subsection (1) is referred to in this Act as an "HMO fire risk assessment".

(3) An HMO fire risk assessment must be suitable and sufficient to enable each duty holder for the relevant HMO to comply with section 85 (management of fire safety risks in relevant HMOs).

**82 Requirement for HMO fire risk assessment to be made by competent person**

(1) An HMO fire risk assessment must be made by a competent person.

(2) A "competent person" means an individual or body having sufficient expertise or experience to assess the fire safety risks in relation to the relevant HMO.

(3) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(4) Before making regulations under subsection (3), the Welsh Ministers must consult—

(a) each fire safety authority, and

(b) such other persons as they consider appropriate.

(5) If an HMO fire risk assessment is made by a person who is not a competent person—

(a) the person who makes the assessment commits an offence, and

(b) the landlord of the relevant HMO commits an offence if the landlord knew, or ought reasonably to have known, that the person making the assessment was not a competent person.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person commits an offence if—

(a) the person offers to make an HMO fire risk assessment for a relevant HMO, and

(b) the person is not a competent person.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

**83 Timing and review of HMO fire risk assessments**

(1) The first HMO fire risk assessment for a relevant HMO must be made no later than 6 months after the later of the following—

(a) the day on which the building, or part of a building, in question becomes occupied as a relevant HMO;

(b) the day on which this section comes into force.

(2) Further HMO fire risk assessments must be made as soon as possible after any of the following occur—

(a) works are carried out in relation to the relevant HMO, or there are changes in the occupation or use of any part of the relevant HMO, that require planning permission or building control approval;

(b) works are carried out for the first time in relation to the relevant HMO to adapt any part of it to meet the needs of disabled residents (other than works carried out without the knowledge of the landlord inside a part of the relevant HMO that is provided for the use, benefit or enjoyment of a single household);

(c) a fire causes damage to any of the relevant parts of the relevant HMO (within the meaning given by section 79(7));

(d) the findings of a review under subsection (5) suggest that the current HMO fire risk assessment is no longer suitable and sufficient for the purpose mentioned in section 81(3);

(e) the landlord has any other reason to suspect that the current assessment is no longer suitable and sufficient for that purpose.

(3) But if any of the circumstances mentioned in subsection (2) occur at a time when the building, or part of a building, in question is not occupied as a relevant HMO, a further fire risk assessment must be made as soon as possible after the building or part again becomes occupied as a relevant HMO.

(4) If directed to do so by the fire safety authority for the relevant HMO, the landlord must ensure that a further HMO fire risk assessment is made within a period specified in the direction.

(5) The landlord must ensure that the current HMO fire risk assessment is reviewed at least once in every 12 months after the assessment was made.

**84 Further provision about HMO fire risk assessments**

(1) The landlord of a relevant HMO must ensure that—

(a) the findings of every HMO fire risk assessment and review relating to the relevant HMO are recorded in writing, and

(b) where there is more than one duty holder for the relevant HMO, copies are given to every other duty holder.

(2) The Welsh Ministers may by regulations—

(a) make provision about the calculation of the periods for making and reviewing HMO fire risk assessments where there is a gap in the occupation of a building, or part of a building, as a relevant HMO;

(b) specify matters that must be considered as part of an HMO fire risk assessment or review;

(c) make provision about the methodology that must be used in making or reviewing an assessment;

(d) specify information that must be included in the written record of an assessment or review.

(3) Before making regulations under subsection (2), the Welsh Ministers must consult—

(a) each local housing authority in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) The Welsh Ministers may by regulations make provision for and in connection with enabling the landlord of a relevant HMO to recover relevant costs from any other person who is a duty holder for the relevant HMO.

(5) In subsection (4) "relevant costs" means any costs incurred or to be incurred by the landlord in connection with an HMO fire risk assessment or review.

**85 Management of fire safety risks by duty holders**

(1) Each duty holder for a relevant HMO must take all reasonable steps to—

(a) prevent a fire safety risk materialising in relation to the relevant HMO, and

(b) reduce the severity of any incident resulting from such a risk materialising.

(2) The steps that a duty holder takes must, in particular, include all reasonable steps to—

(a) minimise the likelihood that fire will break out (whether accidentally or deliberately) in the relevant HMO;

(b) minimise the likelihood that any fire that breaks out in or near the relevant HMO will spread in, to or from it;

(c) ensure that people in or about the relevant HMO whose safety is at risk from fire in the relevant HMO can escape quickly and safely;

(d) ensure that any fire in the relevant HMO can be fought promptly and effectively.

(3) The steps that a duty holder takes under this section may include carrying out works to the relevant HMO.

(4) In determining the steps to be taken under this section, a duty holder must have particular regard to the current HMO fire risk assessment for the relevant HMO.

(5) Steps required by this section must be taken promptly.

(6) A duty holder must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the duty holder under this section, and

(b) give effect to those arrangements.

(7) A duty holder must ensure that a written record is made of—

(a) arrangements that the duty holder makes under this section, and

(b) steps that the duty holder takes under this section.

(8) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which a duty holder must have regard, or principles in accordance with which a duty holder must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(9) Before making regulations under subsection (8), the Welsh Ministers must consult—

(a) each local housing authority in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

*Provision of information and documents relating to relevant HMOs*

**86 Requirement to give information and documents to duty holder**

(1) Where this subsection applies, a person who is a relevant person in relation to a building must give information or a document to a duty holder for a relevant HMO in the building (see also article 22E of the Fire Safety Order).

(2) For the purposes of this section a person is a relevant person in relation to a building if—

(a) the building is a regulated building and the person—

(i) is an accountable person for the building;

(ii) is a duty holder for a relevant HMO in the building;

(b) the person—

(i) holds a legal estate in any part of the building;

(ii) holds a legal estate in any part of premises that form part of the same structure or set of structures as the building and are wholly or partly above or below the building.

(3) Subsection (1) applies where—

(a) the information or document is necessary for the duty holder to comply with a requirement under this Act or regulations made under it,

(b) the duty holder gives the relevant person a written request that—

(i) states that the request is made pursuant to this section,

(ii) explains why the duty holder requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given,

(c) it is reasonable for the relevant person to give the duty holder the information or document, and

(d) in the case of a request for information, the duty holder cannot request the information from the relevant person under section 88(4).

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(6) In this section, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

**87 Requirement for duty holder to give information and documents to other persons**

(1) The Welsh Ministers may by regulations require a duty holder for a relevant HMO to give relevant information specified in the regulations, or a relevant document specified in the regulations, to—

(a) the fire safety authority for the relevant HMO;

(b) occupiers of the relevant HMO;

(c) any other person specified in the regulations.

(2) The regulations may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(3) The regulations may impose requirements subject to conditions or exceptions.

(4) The regulations may, in particular—

(a) provide that a duty holder is required to give relevant information or a relevant document to a person only if the person has requested it;

(b) make provision about how a request is to be made.

(5) Where regulations under this section require relevant information or a relevant document to be given to a fire safety authority, they may make provision about the admissibility of the information or document in any criminal proceedings.

(6) In this section, information and documents are "relevant" if they relate to the relevant HMO.

*Duties of occupiers of relevant HMOs*

**88 Occupiers' duties relating to fire safety risks and provision of information**

(1) Subsection (2) applies to an occupier of a relevant HMO who is aged 18 or over, where the relevant HMO is not contained in a regulated building.

(2) The occupier must not—

(a) in, on or in relation to the relevant HMO, do any act that creates a significant risk or significantly increases any existing risk that, if fire breaks out in the relevant HMO, the fire will spread from the relevant HMO;

(b) without reasonable excuse, remove, damage, or interfere with the functioning of anything that—

(i) is in, or forms part of, the relevant HMO, and

(ii) is intended to improve the safety of people in or about the relevant HMO in relation to a fire safety risk.

(3) Subsection (4) applies to an occupier of a relevant HMO who is aged 18 or over, whether or not the relevant HMO is contained in a regulated building.

(4) The occupier must comply with a request for information if—

(a) the request—

(i) is made by the landlord of the relevant HMO, and

(ii) is for information that is necessary to enable the landlord to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks);

(b) the request—

(i) is made by a duty holder for the relevant HMO, and

(ii) is for information that is necessary to enable the duty holder to comply with section 85 or regulations made under it (management of fire safety risks).

**89 Entry by duty holders for purposes of assessing and managing fire safety risks**

(1) This section applies where—

(a) a duty holder for a relevant HMO makes a request for entry to a part of the relevant HMO specified in the request ("the specified part"),

(b) the request is made to an occupier of the specified part who is aged 18 or over,

(c) the request is made for a purpose mentioned in subsection (2),

(d) the request complies with subsection (3), and

(e) entry to the specified part is not given.

(2) The purposes are enabling the duty holder—

(a) to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks), where the duty holder is the landlord of the relevant HMO;

(b) to comply with section 85 or regulations made under it (management of fire safety risks).

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the specified part of the relevant HMO for that purpose,

(d) requests entry on a date, and at a time, that is reasonable, and

(e) is given to the occupier at least 48 hours before then.

(4) The duty holder may apply to a residential property tribunal for an HMO access order.

(5) But a duty holder may not apply for an HMO access order unless the duty holder has given to the fire safety authority for the relevant HMO a notice setting out the intention to apply for such an order in respect of the occupier and the relevant HMO (both of which must be specified in the notice).

(6) An HMO access order is an order that—

(a) requires the occupier to allow the duty holder to enter the specified part of the relevant HMO at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the specified part in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(7) A residential property tribunal may make an HMO access order if satisfied that it is necessary to do so for the purpose set out in the request under section (3)(b).

(8) An HMO access order must specify a date on which, or a period within which, entry to the specified part of the relevant HMO may be made.

*Entry to non-residential premises*

**90 Entry to non-residential premises by duty holder**

(1) This section applies where—

(a) a duty holder for a relevant HMO makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) where the duty holder is the landlord of the relevant HMO, enabling that person to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks);

(b) enabling the duty holder to comply with section 85 or regulations made under it (management of fire safety risks).

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose, and

(d) requests entry on a date, and at a time, that is reasonable.

(4) The duty holder may apply to a residential property tribunal for a non-residential premises access order under this section.

(5) A non-residential premises access order under this section is an order that—

(a) requires the relevant person to allow the duty holder to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(6) A residential property tribunal may make a non-residential premises access order under this section if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(7) The non-residential premises access order must specify a date on which, or a period within which, entry to the premises may be made.

(8) In this section—

"relevant person" ("*person perthnasol*") means any person who has control over entry to the relevant premises;

"relevant premises" ("*mangre perthnasol*") means any premises that—

(a) are wholly or partly above or below the relevant HMO, and

(b) are not—

(i) a residential unit or part of a residential unit, or

(ii) an area, or part of an area, provided for the use, benefit or enjoyment of residents of a particular residential unit, or particular residential units.

*General*

**91 Co-operation and co-ordination by duty holders**

(1) Subsection (2) applies where there is more than one duty holder for a relevant HMO.

(2) When carrying out their duties under this Act and regulations made under it, each duty holder must so far as possible co-operate and co-ordinate with every other duty holder for the relevant HMO.

(3) Subsection (4) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a regulated building, and

(b) one or more other persons are accountable persons for the regulated building.

(4) When carrying out their duties under this Act and regulations made under it, the duty holder must so far as possible co-operate and co-ordinate with each accountable person for the regulated building.

(5) Subsection (6) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a category 1 building, and

(b) a special measures order is in force in relation to the category 1 building.

(6) The duty holder must co-operate with the special measures manager appointed by the order for the purpose of the manager carrying out their functions under the order.

(7) Subsection (8) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a regulated building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any building safety functions in relation to the regulated building or any part of it.

(8) The duty holder must co-operate with the manager for the purpose of the manager carrying out their building safety functions under the order.

(9) In subsections (7) and (8), "building safety function" means a function which this Act or regulations made under it provide is to be carried out by an accountable person for the regulated building.

(10) Subsection (11) applies where—

(a) a person is a duty holder for a relevant HMO, and

(b) one or more other persons are responsible persons for the purposes of the Fire Safety Order in relation to—

(i) the relevant HMO, or

(ii) if the relevant HMO forms part of a building, any other premises forming part of the building.

(11) The duty holder must so far as possible co-operate and co-ordinate with each responsible person for the purpose of each responsible person carrying out their duties under the Fire Safety Order.

**92 Power to apply this Part to mobile homes**

(1) The Welsh Ministers may by regulations provide that, in circumstances specified in the regulations, a mobile home that is occupied for residential purposes by persons who do not form a single household is to be treated as a relevant HMO for the purposes of this Act.

(2) The regulations may provide that, in relation to a mobile home that is treated as a relevant HMO, any provision of this Part or regulations made under it—

(a) does not apply, or

(b) applies with modifications specified in the regulations.

(3) In this section "mobile home" has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013 (anaw 6).

**93 Interpretation**

(1) In this Part—

"person having control" ("*person â rheolaeth*") has the meaning given by section 263(1) of the Housing Act 2004 (c. 34) (but that definition does not apply for the purposes of section 79(6));

"person managing" ("*person sy'n rheoli*") has the meaning given by section 263(3) of that Act.

(2) Except as provided in section 78(7), other expressions used in this Part that are also used in the Housing Act 2004 have the same meanings in this Part as they have in that Act.

## PART 3

## ENFORCEMENT AND INVESTIGATORY POWERS

*Enforcing authorities*

**94 Enforcement functions of fire safety authorities and building safety authorities**

(1) It is a function of the fire safety authority for a regulated building to enforce, in relation to the building—

(a) a requirement imposed on an accountable person (or a person treated as an accountable person by virtue of section 36) by—

(i) sections 29 to 33 or regulations made under them (assessment and management of fire safety risks);

(ii) sections 48 to 50 or regulations made under them (keeping and giving information);

(iii) section 68 (co-operation and co-ordination);

(b) a requirement imposed on a person by—

(i) section 47 (giving information and documents);

(ii) section 54 (fire safety duties of residents etc.);

(c) a requirement imposed on a person by section 56 (repair of fire resistance of residential units);

(d) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (co-operation and information) (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(2) It is a function of the building safety authority for a regulated building to enforce, in relation to the building—

(a) a requirement imposed on an accountable person (or a person treated as an accountable person by virtue of section 36) by this Act or regulations made under it, except a requirement imposed by sections 29 to 33 or regulations made under them;

(b) a requirement imposed on a person by—

(i) section 47 (giving information and documents);

(ii) section 55 (structural safety duties of residents etc.);

(c) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(3) It is a function of the fire safety authority for a relevant HMO to enforce, in relation to the relevant HMO—

(a) a requirement imposed on a duty holder by—

(i) sections 81 to 85 or regulations made under them (assessment and management of fire safety risks);

(ii) section 91 (co-operation and co-ordination);

(b) a requirement imposed on a person by—

(i) section 86(giving information and documents);

(ii) section 88 (fire safety duties of occupiers);

(c) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(4) In this Act, "enforcing authority" means a building safety authority or a fire safety authority.

*Powers of enforcing authorities to give notices*

**95 Power of enforcing authority to give information notice**

(1) An enforcing authority may give an information notice to any person for the purpose of—

(a) investigating compliance with any requirement that the authority has the function of enforcing, or

(b) exercising any other function of the authority under this Act or regulations made under it.

(2) An information notice is a notice requiring the person to give the authority specified information or specified documents within a specified period.

(3) An information notice may specify—

(a) how any information or document must be given;

(b) the form in which it must be given.

(4) An information notice may not require a person to give any information or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(5) An information notice must—

(a) state that it is a notice given under this section, and

(b) explain the consequences of failing to comply with it.

(6) An enforcing authority that has given an information notice to a person may withdraw the notice at any time by giving a further notice to the person.

(7) Information that a person gives to an enforcing authority under this section is not admissible in evidence against the person in criminal proceedings except—

(a) in proceedings for an offence under section 101(1)(a),

(b) in proceedings for an offence under section 108 (providing false or misleading information),

(c) in proceedings for an offence of perverting the course of justice, or

(d) if in the proceedings—

(i) in giving evidence the person makes a statement inconsistent with the information, and

(ii) evidence relating to the information that was given is adduced, or a question relating to it is asked, by or on behalf of the person.

(8) In this section, "specified" means specified in the information notice.

**96 Power of enforcing authority to give compliance notice**

(1) An enforcing authority may give a compliance notice to any person it considers—

(a) has contravened a requirement that the authority has the function of enforcing,

(b) is contravening such a requirement, or

(c) is likely to contravene such a requirement.

(2) A compliance notice is a notice requiring the person, within a period specified in the notice, to do any or all of the following—

(a) remedy the contravention or the matters giving rise to it;

(b) take specified steps relating to remedying the contravention;

(c) take specified steps relating to avoiding the contravention occurring.

(3) If the enforcing authority considers that the contravention has placed or will place relevant people in imminent danger, the notice may state that it is an "urgent action notice" for the purposes of section 97.

(4) Where an enforcing authority gives a compliance notice to a person, it must at the same time give to the person a statement that—

(a) summarises the requirements of the notice,

(b) explains the consequences of failing to comply with the notice, and

(c) includes information about the right of appeal under section 97.

(5) Where a building safety authority gives a compliance notice in relation to a regulated building, it must ensure the following are informed—

(a) any other county council or county borough council in Wales in whose area any part of the building is situated;

(b) the fire safety authority for the building;

(c) the Welsh Ministers, if the principal accountable person for the building is a registered social landlord;

(d) any other person specified in regulations made by the Welsh Ministers.

(6) Where a fire safety authority gives a compliance notice in relation to a regulated building or a relevant HMO, it must ensure the following are informed—

(a) the building safety authority for the building and any other county council or county borough council in Wales in whose area any part of the building is situated, if the notice relates to a regulated building or a relevant HMO that is contained in a regulated building;

(b) the Welsh Ministers, if the principal accountable person for the building or the landlord of the relevant HMO is a registered social landlord;

(c) any other person specified in regulations made by the Welsh Ministers.

(7) A failure to comply with subsection (5) or (6) does not affect the validity of the notice.

(8) An enforcing authority that has given a compliance notice to a person may withdraw the notice at any time by giving a further notice to the person.

(9) In subsection (3), "relevant people" means people in or about the regulated building or relevant HMO to which the contravention relates.

**97 Appeal against compliance notice**

(1) A person to whom a compliance notice has been given may appeal to a residential property tribunal against the notice.

(2) An appeal must be made before the end of 21 days beginning with the day after the day on which the notice is given to the person.

(3) The tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).

(4) An appeal may be made on either or both of the following grounds—

(a) that the person has not contravened, is not contravening, or is not likely to contravene, the requirement to which the notice relates;

(b) that it is unreasonable to require the person to do a thing required by the notice under section 96(2).

(5) Where an appeal is made against a compliance notice that is not an urgent action notice—

(a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) the period for complying with the notice specified under section 96(2) is treated as extended by the period—

(i) beginning with the day after the day on which the appeal is made, and

(ii) ending with the day on which the appeal is finally determined or withdrawn.

(6) Where an appeal is made against a compliance notice that is an urgent action notice—

(a) the appellant may apply to the tribunal for a direction that the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until such a direction is given, the compliance notice continues to have effect despite the making of the appeal.

(7) On an appeal under this section, the tribunal may—

(a) uphold the compliance notice,

(b) vary the notice, or

(c) quash the notice.

**98 Power of fire safety authority to give prohibition notice**

(1) This section applies where the fire safety authority for a regulated building or relevant HMO considers that use of the building or relevant HMO involves, or is likely to involve, a fire safety risk that is so serious (whether because of anything affecting the ability of people to escape in the event of fire, or for any other reason) that use of the building or relevant HMO should be prohibited or restricted.

(2) The fire safety authority may give a prohibition notice to—

(a) an accountable person for the building, or any other person treated as an accountable person for the building by virtue of section 36;

(b) a duty holder for the relevant HMO.

(3) A prohibition notice is a notice—

(a) prohibiting the use referred to in subsection (1), or

(b) restricting that use to an extent specified in the notice,

until the matters that give rise, or will give rise, to the fire safety risk have been remedied.

(4) A prohibition notice must—

(a) specify the matters that give rise, or will give rise, to the fire safety risk;

(b) specify the time when a prohibition or restriction imposed by it takes effect;

(c) explain the consequences of contravening such a prohibition or restriction;

(d) include information about the right of appeal under section 99.

(5) A prohibition notice may state that a prohibition or restriction takes effect as soon as the notice is given, but only if the fire safety authority considers that there is, or is likely to be, an imminent risk of death or serious injury.

(6) The recipient of a prohibition notice must take all reasonable steps to ensure that—

(a) occupiers of the building or relevant HMO are informed of any prohibition or restriction contained in the notice as soon as possible;

(b) use of the building or relevant HMO is prevented or restricted to the extent required by the notice.

(7) The steps that must be taken under subsection (6) include displaying a copy of the prohibition notice in a conspicuous place at each entrance to the building or relevant HMO.

(8) Before giving a prohibition notice in relation to a relevant HMO, the fire safety authority must, where practicable, inform the local housing authority of its intention and the use which it intends to prohibit or restrict.

(9) Where a fire safety authority gives a prohibition notice in relation to a regulated building or a relevant HMO, it must ensure the following are informed—

(a) the building safety authority for the building and any other county council or county borough council in Wales in whose area any part of the building is situated, if the notice relates to a regulated building or a relevant HMO that is contained in a regulated building;

(b) the Welsh Ministers, if the principal accountable person for the building or the landlord of the relevant HMO is a registered social landlord;

(c) any other person specified in regulations made by the Welsh Ministers.

(10) A failure to comply with subsection (8) or (9) does not affect the validity of the prohibition notice.

(11) A fire safety authority that has given a prohibition notice to a person may withdraw the notice at any time by giving a further notice to the person.

**99 Appeal against prohibition notice**

(1) A person mentioned in subsection (2) may appeal to a residential property tribunal against a prohibition notice.

(2) The persons are—

(a) where the prohibition notice relates to a regulated building—

(i) an accountable person for the building or a person who is treated as an accountable person for the building by virtue of section 36;

(ii) a resident or owner of a residential unit in the building (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(iii) an occupier of any other premises that form part of the building;

(iv) an owner of the freehold estate in the building or any part of it;

(b) where the prohibition notice relates to a relevant HMO—

(i) a duty holder for the relevant HMO;

(ii) an occupier of the relevant HMO;

(iii) an owner of the freehold estate in the relevant HMO or any part of it.

(3) An appeal may be made at any time—

(a) before the prohibition or restriction imposed by the prohibition notice takes effect, or

(b) when the prohibition or restriction imposed by the notice is in effect.

(4) An appeal may be made on one or more of the following grounds—

(a) that the matters specified in the notice under section 98(4)(a) have not occurred;

(b) that those matters do not, and are not likely to, give rise to a fire safety risk that is so serious that use of the building or relevant HMO should be prohibited or restricted;

(c) that the prohibition or restriction imposed by the notice is unreasonable or excessive.

(5) Where an appeal is made against a prohibition notice—

(a) the appellant may apply to the tribunal for a direction that the notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until such a direction is given, the prohibition notice continues to have effect despite the making of the appeal.

(6) On an appeal under this section, the tribunal may—

(a) uphold the prohibition notice,

(b) vary the notice, or

(c) quash the notice.

(7) The Welsh Ministers may by regulations amend the lists of persons in subsection (2) by—

(a) adding a person to a list,

(b) removing a person, or

(c) varying the description of a person.

**100 Notices: supplementary**

(1) The Welsh Ministers may by regulations make further provision about—

(a) information notices;

(b) compliance notices;

(c) prohibition notices.

(2) The regulations may in particular make provision about—

(a) the form and content of a notice or a statement under section 96(4) summarising a compliance notice;

(b) the amendment or withdrawal of a notice;

(c) the extension of any period specified in a notice;

(d) how a notice or a statement summarising a compliance notice must be given.

(3) The regulations may provide for an enforcing authority to include information relating to compliance notices given by it in a register.

(4) The regulations may provide for a fire safety authority to include information relating to prohibition notices given by it in a register.

(5) Provision under subsection (3) or (4) may include provision about the keeping of a register and the publication of information contained in it.

**101 Notices: offences**

(1) A person commits an offence if the person—

(a) fails to comply with an information notice given to the person;

(b) fails to comply with a compliance notice given to the person;

(c) contravenes a prohibition or restriction contained in a prohibition notice;

(d) fails to comply with section 98(6) (steps to be taken by recipient of prohibition notice).

(2) In proceedings against a person for an offence under subsection (1) it is a defence for the person to prove that the person had a reasonable excuse for the failure or contravention.

(3) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(4) A person who has been convicted of an offence under subsection (1) commits a further offence if the failure or contravention continues after the conviction.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure or contravention continues.

*Functions of authorised officers*

**102 Authorised officers and meaning of "relevant purpose"**

(1) An enforcing authority may authorise a person to exercise a function under a provision of this Part that—

(a) confers functions on an authorised officer, and

(b) is specified in the authorisation.

(2) But an enforcing authority may only authorise a person to exercise functions that the authority considers the person suitably qualified to exercise.

(3) An authorisation under this section must be given in writing.

(4) An authorisation under this section may be varied or revoked by an instrument in writing.

(5) When exercising or seeking to exercise a function of an authorised officer, a person must, if asked, produce evidence of the authorisation.

(6) In this Part—

(a) "authorised officer" means a person authorised under this section;

(b) references to an "authorised officer" in relation to a function under this Part are to a person authorised under this section in respect of that function;

(c) "relevant purpose", in relation to an authorised officer, means—

(i) investigating compliance with any requirement that the authority that authorised the officer has the function of enforcing, or

(ii) any other purpose relating to any function of that authority under this Act or regulations made under it.

**103 Power to enter premises not being used as a residential unit**

(1) An authorised officer may enter any premises not being used as a residential unit where—

(a) the officer considers it necessary to enter the premises for a relevant purpose, and

(b) unless the officer considers that it would frustrate the purpose—

(i) entry takes place at a reasonable time of day, and

(ii) reasonable notice is given to the occupier or to a person appearing to the officer to be in charge of the premises.

(2) An authorised officer may enter any premises not being used as a residential unit by force (if necessary) where—

(a) the officer considers that it is necessary to enter the premises for a relevant purpose, and

(b) a warrant has been issued by a justice of the peace under subsection (3).

(3) A justice of the peace may issue a warrant under this subsection only if satisfied, on sworn information in writing from an authorised officer—

(a) that it is necessary for an authorised officer to gain entry for a relevant purpose, and

(b) that either of the following is the case—

(i) entry has been, or is likely to be, refused, or

(ii) it is otherwise appropriate for the officer to be authorised to enter by force (if necessary).

(4) A warrant issued under subsection (3)—

(a) authorises an authorised officer to enter premises specified in the warrant by force (if necessary);

(b) may specify when, or how often, entry may take place.

(5) In this section and section 104, "residential unit" includes premises that would be a residential unit but for regulations made under section 5(6)(a).

**104 Power to enter premises being used as a residential unit**

(1) An authorised officer may enter any premises being used as a residential unit where—

(a) the officer considers that it is necessary to enter the premises for a relevant purpose, and

(b) a warrant authorising entry has been issued by a justice of the peace under subsection (2).

(2) A justice of the peace may issue a warrant under this subsection only if satisfied, on sworn information in writing from an authorised officer—

(a) that it is necessary for an authorised officer to gain entry for a relevant purpose, and

(b) that any of the following is the case—

(i) requesting entry for the relevant purpose would frustrate that purpose,

(ii) entry for the relevant purpose has been, or is likely to be, refused, or

(iii) no person entitled to grant entry for the relevant purpose can be found.

(3) A warrant issued under subsection (2)—

(a) authorises an authorised officer to enter premises specified in the warrant;

(b) may, if the justice of the peace considers it necessary, authorise an authorised officer—

(i) to exercise functions under section 105 to the extent specified in the warrant;

(ii) to enter the premises by force (if necessary);

(c) may specify when, or how often, entry may take place.

**105 Powers of entry: supplementary**

(1) This section applies—

(a) where an authorised officer exercises a power of entry under section 103(1) or (2);

(b) where an authorised officer exercises a power of entry under section 104(1), to the extent specified in the warrant authorising entry under that subsection.

(2) The authorised officer may, for a relevant purpose—

(a) bring with them any person or thing required for the purpose;

(b) be accompanied by a constable if the officer has reasonable cause to expect any obstruction in exercising the power of entry;

(c) search the premises;

(d) examine, measure or test anything on the premises;

(e) require any person to provide the authorised officer with such information, facilities and assistance as the officer reasonably requires;

(f) take a sample of anything;

(g) take photographs or copies of anything, or make recordings;

(h) seize anything if it appears to the officer—

(i) that the thing is evidence of an offence under this Act, and

(ii) that it is necessary to seize it to prevent the evidence being concealed, lost, altered or destroyed.

(3) A power of an authorised officer under subsection (2)(c) to (h)—

(a) may be exercised by a person taken onto the premises by the authorised officer if the person is under the supervision of the officer;

(b) may not be exercised in relation to any information or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**106 Authorised officers: offences**

(1) A person commits an offence if, with intent to deceive, the person impersonates an authorised officer.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

(3) A person commits an offence if the person intentionally obstructs an authorised officer exercising, or seeking to exercise, any function under this Part.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine.

*Offences*

**107 Contravention giving rise to risk of death or serious injury**

(1) An accountable person for a regulated building, or a person treated as an accountable person by virtue of section 36, commits an offence if—

(a) the person contravenes a requirement imposed on the person by this Act or regulations made under it, and

(b) the contravention places one or more people in or about the building at a significant risk of death or serious injury arising from a building safety risk (within the meaning given by section 28).

(2) A person who is a duty holder for a relevant HMO commits an offence if—

(a) the person contravenes a requirement imposed on the person by this Act or regulations made under it, and

(b) the contravention places one or more people in or about the relevant HMO at a significant risk of death or serious injury arising from a fire safety risk.

(3) Subsections (1) and (2) do not apply to anything that constitutes an offence under any other provision of this Act that is subject to the same punishment as an offence under subsection (1) or (2).

(4) A person guilty of an offence under subsection (1) or (2) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(5) A person who has been convicted of an offence under subsection (1) or (2) commits a further offence if the person continues to contravene the requirement in question.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the contravention continues.

(7) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid committing the offence.

**108 False and misleading information**

(1) A person who is required by any provision of this Act or regulations made under it to record or keep any information commits an offence if the person includes in that information any information that the person knows to be false in a material respect.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction, or on conviction on indictment, to a fine.

(3) A person commits an offence if—

(a) the person gives false or misleading information in any of the circumstances mentioned in subsection (4), and

(b) the person either—

(i) knows that the information is false or misleading, or

(ii) is reckless as to whether it is false or misleading.

(4) The circumstances are that the person—

(a) gives the information to a building safety authority, a fire safety authority or any other person in purported compliance with a requirement imposed by or under this Act or regulations made under it;

(b) gives the information to a building safety authority in or in connection with—

(i) an application to the authority under any provision of this Act or regulations made under it, or

(ii) a request for a review of a reviewable decision under section 64;

(c) gives the information to an enforcing authority or an authorised officer for the purpose of avoiding enforcement action being taken or continued by either of them.

(5) In subsection (4)(c) "enforcement action" means—

(a) action taken with a view to, or in connection with—

(i) securing compliance with a requirement imposed by or under this Act or regulations made under it, or

(ii) the imposition of a sanction in respect of a contravention of such a requirement;

(b) action consisting of, or in connection with, the giving of a prohibition notice.

(6) A person guilty of an offence under subsection (3) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

*Special measures in relation to category 1 buildings*

**109 Appointment of special measures manager for category 1 building**

(1) A residential property tribunal may, on an application by the building safety authority or fire safety authority for an occupied category 1 building, make a special measures order in relation to the building.

(2) A special measures order is an order appointing a person to be a special measures manager for the building to carry out the building safety functions of—

(a) the accountable person for the building, if there is one accountable person, or

(b) one or more accountable persons for the building that are specified in the order, if there is more than one accountable person.

(3) The order may also appoint the special measures manager to carry out any function as a receiver in relation to commonhold building safety income relating to the building.

(4) A residential property tribunal may make a special measures order only if it is satisfied that—

(a) each accountable person to whose building safety functions the order is to apply has been guilty of—

(i) a serious failure to comply with a duty imposed by this Act or regulations made under it, or

(ii) a failure to comply with such a duty on two or more occasions,

(b) a special measures order has not already been made in relation to the building (unless any order that has been made has been revoked), and

(c) the person to be appointed as the special measures manager is an individual or body having sufficient expertise or experience to carry out the functions conferred by the order.

(5) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(6) A special measures order must make provision about the arrangements for funding the exercise of the functions of the special measures manager.

(7) That provision may include provision for an accountable person to whose building safety functions the order applies to make payments to the special measures manager in connection with costs incurred, or to be incurred, by the manager in connection with the exercise of the manager's functions.

(8) A special measures order may not make provision under subsection (6) in relation to a building that is on commonhold land (within the meaning given by section 1 of the Commonhold and Leasehold Reform Act 2002 (c. 15)).

(9) A special measures order may provide for—

(a) any other matter relating to the exercise of the functions of the special measures manager;

(b) any incidental or ancillary matter.

(10) In Schedule 2—

(a) Part 1 makes provision about the procedure to be followed by a building safety authority or fire safety authority before it applies for a special measures order;

(b) Part 2 makes further provision about the effect and implementation of a special measures order;

(c) Part 3 provides for the review, variation and revocation of a special measures order;

(d) Part 4 contains supplementary provisions about special measures orders.

(11) In this section and that Schedule—

"building safety function" ("*swyddogaeth diogelwch adeiladau*"), in relation to an accountable person, means a function of the person under this Act or regulations made under it;

"commonhold building safety income" ("*incwm diogelwch adeilad cyfunddaliadol*") means income raised from commonhold unit-holders by virtue of provision made by a commonhold community statement under section 38A of the Commonhold and Leasehold Reform Act 2002.

*Power of building safety authority to give fixed penalty notices*

**110 Power of building safety authority to give fixed penalty notices**

(1) The building safety authority for a category 1 building or a category 2 building may give a fixed penalty notice to the principal accountable person for the building if the authority considers that the person has committed an offence under—

(a) section 19(1) (failure to register a regulated building);

(b) section 24(8) (failure to give the building safety authority a relevant declaration).

(2) The building safety authority for a category 1 building to which section 42 applies may give a fixed penalty notice to the principal accountable person for the building if the authority considers that the person has committed an offence under—

(a) section 42(5) (failure to apply for a building certificate);

(b) section 45(5) (failure to display building certificate and related information).

(3) A fixed penalty notice is a notice offering the person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying the building safety authority an amount specified in regulations made by the Welsh Ministers.

(4) Where a fixed penalty notice is given to a person, no proceedings for the offence to which the notice relates may be brought before the end of the period of 28 days beginning with the day after the day on which the person is given the notice.

(5) Regulations under subsection (3) may provide for a reduced amount to be payable within the period of 21 days beginning with the day after the day on which the person is given the notice.

(6) Where a person makes payment in accordance with the terms of a fixed penalty notice, no proceedings for the offence to which the notice relates may be brought.

(7) A fixed penalty notice must state—

(a) the name and address of the building safety authority;

(b) the alleged offence and give particulars of the circumstances alleged to constitute it;

(c) that the notice offers the recipient the opportunity to discharge liability for a criminal offence without prosecution, but that the person may instead choose to exercise their right to be tried for the alleged offence (and how that right may be exercised);

(d) the amount of the penalty and the period for paying the penalty (including the amount of any reduced penalty and the period for paying the reduced penalty);

(e) the consequences of not paying the penalty before the end of the period for paying the penalty;

(f) how the penalty or reduced penalty may be paid;

(g) how any representations relating to the notice may be made.

(8) The Welsh Ministers may by regulations make provision about the withdrawal of fixed penalty notices, including—

(a) the circumstances in which a notice can be withdrawn;

(b) the repayment of any sum paid before a notice is withdrawn;

(c) the circumstances in which proceedings for an offence may not be brought despite the withdrawal of a notice.

(9) Regulations under subsection (3) may not make provision for the amount payable under a notice to exceed four times level 4 on the standard scale.

(10) Payments received by an authority by virtue of this section may only be used for the purpose of—

(a) the authority's functions relating to the enforcement of this Act and regulations made under it;

(b) such other functions of the authority as may be specified in regulations.

*Crown application*

**111 Application of this Part to the Crown**

(1) An information notice or compliance notice may not be given to the Crown.

(2) A prohibition notice—

(a) may not be given to—

(i) the Crown;

(ii) any other person in relation to Crown premises;

(b) does not bind the Crown.

(3) Sections 103 to 105 (powers of entry) do not apply in relation to Crown premises.

(4) A special measures order may not appoint a special measures manager to carry out any functions of the Crown as an accountable person.

## PART 4

REMEDIATION OF CERTAIN DEFECTS

### 112 Meaning of "relevant building"

(1) In this Part, "relevant building" means a category 1 building or a category 2 building, but does not include—

(a) anything that is included in a reference to such a building by virtue of section 7 (ancillary areas);

(b) any building—

(i) in relation to which a right under Part 1 of the Landlord and Tenant Act 1987 (c. 31) (tenants' right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord's interest) has been exercised;

(ii) in relation to which the right to collective enfranchisement under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) has been exercised;

(iii) that is on commonhold land (within the meaning given by section 1 of the Commonhold and Leasehold Reform Act 2002 (c. 15)).

(2) The Welsh Ministers may by regulations provide that a category 1 building or a category 2 building is not a relevant building if the freehold estate in the building is leaseholder owned (within the meaning given by the regulations).

### 113 Meaning of "relevant defect"

(1) In this Part—

"relevant defect" ("*diffyg perthnasol*"), in relation to a relevant building, means a defect as regards the building that—

(a) arises as a result of anything done or not done (including anything done or not done in the provision of professional services), or anything used or not used, in connection with relevant works, and

(b) creates a building safety risk or significantly increases an existing building safety risk;

"relevant step" ("*cam perthnasol*"), in relation to a relevant defect, means a step that has as its purpose—

(a) preventing or reducing the likelihood of a fire or collapse of the building (or any part of it) occurring as a result of the relevant defect,

(b) reducing the severity of any such incident, or

(c) preventing or reducing harm to people in or about the building that could result from such an incident.

(2) In this section—

"building safety risk" ("*risg diogelwch adeilad*") means a risk to the safety of people in or about the building arising from—

(a) the spread of fire, or

(b) the collapse of the building or any part of it;

"conversion" ("*trosi*") means the conversion of the building for use (wholly or partly) for residential purposes;

"landlord or management company" ("*landlord neu gwmni rheoli*") means a landlord under a lease of the building or any part of it, or any person who is a party to such a lease otherwise than as landlord or tenant;

"the relevant period" ("*y cyfnod perthnasol*") means the period beginning with 28 June 1992 and ending with 20 February 2026;

"relevant works" ("*gwaith perthnasol*") means any of the following—

(a) works relating to the construction or conversion of the building, if the construction or conversion was completed in the relevant period;

(b) works undertaken or commissioned by or on behalf of a landlord or management company, if the works were completed in the relevant period;

(c) works undertaken after the end of the relevant period to remedy a relevant defect (including a defect that is a relevant defect by virtue of this paragraph).

**114 Remediation orders**

(1) The Welsh Ministers must by regulations—

(a) provide that a residential property tribunal may make a remediation order on the application of an interested person;

(b) make further provision in connection with remediation orders.

(2) A remediation order is an order requiring a relevant landlord or management company to do one or both of the following by a specified time—

(a) remedy specified relevant defects in a specified relevant building;

(b) take specified relevant steps in relation to a specified relevant defect in a specified relevant building.

(3) In subsections (1) and (2)—

"interested person" ("*person a chanddo fuddiant*"), in relation to a relevant building, means—

(a) the building safety authority for the building;

(b) the fire safety authority for the building;

(c) a person with a legal or equitable interest in the building or any part of it;

(d) any other person specified, or of a description specified, in regulations made by the Welsh Ministers;

"relevant landlord or management company" ("*landlord perthnasol neu gwmni rheoli perthnasol*"), in relation to a relevant defect in a relevant building, means a person who—

(a) is a landlord under a lease of the building or any part of it, or a party to such a lease otherwise than as landlord or tenant, and

(b) is required, under the lease or by virtue of an enactment, to repair or maintain anything relating to the defect;

"specified" ("*penodedig*") means specified in the remediation order.

(4) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing regulations under subsection (1) before Senedd Cymru before the end of the period of 9 months beginning with the day on which this Act receives Royal Assent.

**115 Remediation contribution orders**

(1) The Welsh Ministers must by regulations—

(a) provide that a residential property tribunal may make a remediation contribution order on the application of an interested person;

(b) make further provision in connection with remediation contribution orders.

(2) A remediation contribution order is an order requiring a relevant body corporate or partnership to make payments to a specified person for the purpose of meeting costs incurred or to be incurred in remedying, or otherwise in connection with, relevant defects (or specified relevant defects) relating to a relevant building ("remediation costs").

(3) Regulations under subsection (1) may provide for remediation contribution orders to require the making of payments—

(a) of specified amounts or in relation to specified things, or both;

(b) at specified times or on demand following specified events, or both.

(4) In subsections (2) and (3) "specified" means specified in the remediation contribution order.

(5) In this section—

"developer" ("*datblygwr*"), in relation to a relevant building, means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;

"interested person" ("*person a chanddo fuddiant*"), in relation to a relevant building, means—

(a) the Welsh Ministers;

(b) the building safety authority for the building;

(c) the fire safety authority for the building;

(d) a person with a legal or equitable interest in the building or any part of it;

(e) any other person specified, or of a description specified, in regulations made by the Welsh Ministers;

"partnership" ("*partneriaeth*") means—

(a) a partnership within the meaning of the Partnership Act 1890, or

(b) a limited partnership registered under the Limited Partnerships Act 1907,

or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom;

"relevant body corporate or partnership" ("*corff corfforedig perthnasol neu bartneriaeth berthnasol*") means a body corporate or partnership that is—

(a) a landlord under a lease of the relevant building or any part of it,

(b) a person who was such a landlord at the beginning of 20 February 2026,

(c) a developer in relation to the relevant building, or

(d) a person associated with a person within any of paragraphs (a) to (c).

(6) The Welsh Ministers may by regulations—

(a) make provision about costs that are, or are not, to be regarded as remediation costs;

(b) make provision about the circumstances in which a partnership or body corporate is associated with another person;

(c) provide that this section applies, with or without modifications, in relation to a building that would, but for section 112(1)(b) or (2), be a relevant building.

(7) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing regulations under subsection (1) before Senedd Cymru before the end of the period of 9 months beginning with the day on which this Act receives Royal Assent.

**116 Remediation costs under qualifying leases etc.**

(1) The Welsh Ministers may by regulations make provision for and in connection with—

(a) ensuring that no service charge is payable under a lease of premises in a relevant building in respect of a relevant measure relating to a relevant defect where a person of a specified description—

(i) was a developer of the building (within the meaning given by section 115), or

(ii) undertook or commissioned works relating to the defect;

(b) ensuring that in specified circumstances no service charge is payable under a qualifying lease in respect of—

(i) a relevant measure relating to a relevant defect;

(ii) other specified works or services;

(c) ensuring that a service charge is payable under a qualifying lease in respect of a relevant measure relating to a relevant defect only if (and so far as) specified conditions are met;

(d) requiring a tenant under a qualifying lease to give relevant information or documents to the landlord under the lease or any superior landlord;

(e) requiring a current or former landlord under a lease of premises in a relevant building to give relevant information or documents to a tenant under a lease of premises in the building or another person.

(2) Regulations under this section may make provision for and in connection with—

(a) preventing costs from being—

(i) taken into account in determining any service charge or other amount payable under a lease, or

(ii) met from a fund of a specified description;

(b) ensuring that the regulations do not have the effect of increasing an amount payable by a tenant under a lease;

(c) enabling an amount that is not recoverable under a lease as a result of the regulations to be recovered from—

(i) a current or former landlord or superior landlord under the lease;

(ii) a successor in title of such a person.

(3) The provision that may be made by regulations under this section includes—

(a) provision for circumstances in which the condition in subsection (1)(a) is to be treated as being met;

(b) provision conferring functions on any devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));

(c) provision for a covenant or agreement (whenever made) to be void insofar as it purports to exclude or limit any provision made by the regulations.

(4) In this section—

"relevant information or documents" (*"gwybodaeth neu ddogfennau perthnasol"*) means information or documents that—

(a) relate to a relevant building, and

(b) are relevant to any matter in respect of which provision is made by regulations under this section;

"relevant measure" (*"mesur perthnasol"*), in relation to a relevant defect, means—

(a) a measure taken to remedy the relevant defect, or

(b) a relevant step taken in relation to the relevant defect;

"service charge" ("*tâl gwasanaeth*") has the meaning given by section 18 of the Landlord and Tenant Act 1985 (c. 70) (and that definition applies in relation to a lease of premises that do not include a dwelling as it applies in relation to a lease of a dwelling);

"specified" ("*penodedig*") means specified in the regulations.

**117 Meaning of "qualifying lease"**

(1) For the purposes of section 116, a lease is a "qualifying lease" if—

(a) it was granted before the relevant time,

(b) it is a long lease of a single dwelling in a relevant building,

(c) the tenant under the lease is liable to pay a service charge, and

(d) at the relevant time there was a tenant under the lease who met at least one of the following conditions—

(i) the dwelling was the tenant's only or principal home,

(ii) the tenant did not own any other dwelling in the United Kingdom, or

(iii) the tenant owned no more than two dwellings in the United Kingdom apart from their interest under the lease.

(2) But where a dwelling was at the relevant time let under two or more leases to which subsection (1)(b) and (c) apply, any of those leases which is superior to any of the other leases is not a qualifying lease.

(3) The Welsh Ministers may by regulations make provision for circumstances in which the condition in subsection (1)(d) is to be treated as being met.

(4) The Welsh Ministers may by regulations make provision for and in connection with treating a lease as a qualifying lease if—

(a) it was granted at or after the relevant time,

(b) it is a lease of a single dwelling in a relevant building,

(c) the tenant under the lease is liable to pay a service charge,

(d) it replaces—

(i) one other lease that is a qualifying lease (whether under subsection (1) or regulations made under this section), or

(ii) two or more leases, at least one of which is a qualifying lease (whether under subsection (1) or regulations made under this section), and

(e) there is continuity in the property let.

(5) Regulations under subsection (4) may make provision about the circumstances in which paragraphs (d) and (e) of that subsection are met.

(6) For the purposes of this section—

(a) "long lease" means a lease granted for a fixed term of more than 21 years from the date of the grant, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;

(b) a person "owns" a dwelling in Wales, England or Northern Ireland if the person has a freehold interest in it or is a tenant under a long lease of it;

(c) "the relevant time" means the beginning of 20 February 2026;

(d) "service charge" has the meaning given by section 18 of the Landlord and Tenant Act 1985 (c. 70).

**118 Reports on progress under the Welsh building safety programme**

(1) The Welsh Ministers must prepare a remediation progress report for each reporting period.

(2) A "remediation progress report" is a report summarising the Welsh Ministers' assessment of progress during the reporting period in carrying out—

(a) works required by developer remediation contracts;

(b) works funded by grants made by the Welsh Ministers under schemes known as the Welsh Building Safety Fund.

(3) The Welsh Ministers must, as soon as reasonably practicable after the end of each reporting period—

(a) publish the remediation progress report for the reporting period, and

(b) lay it before Senedd Cymru.

(4) In this section—

"developer remediation contract" ("*contract cyweirio gan ddatblygwr*") means a contract between the Welsh Ministers and a participant developer made by a deed of bilateral contract relating to developer self-remediation to deliver safe residential and mixed-use buildings of 11 metres and over in height;

"reporting period" ("*cyfnod adrodd*") means—

(a) the period of 1 year beginning with the day on which this Part comes into force, and

(b) each successive period of 1 year, ending with the first period in which—

(i) all works required by developer remediation contracts have been completed and the Welsh Ministers do not expect any more developers to enter into developer remediation contracts, and

(ii) all works funded by grants from the Welsh Building Safety Fund have been completed and the fund no longer accepts new applications.

## PART 5

## SUPPLEMENTARY AND GENERAL

*Promotion of participation in relation to the exercise of Welsh Ministers' functions etc.*

### 119 Welsh Ministers' strategy for promoting participation in relation to the exercise of their functions etc.

(1) The Welsh Ministers must prepare a strategy for promoting the participation of relevant persons in relation to the exercise by the Welsh Ministers of their functions under this Act or regulations made under it.

(2) The Welsh Ministers must publish the strategy and keep it under review.

(3) The strategy must include information about—

(a) the matters (including any proposed regulations or guidance) on which the Welsh Ministers propose to consult relevant persons,

(b) how the Welsh Ministers propose to carry out consultations, and

(c) the names of any persons representing the interests of relevant persons, that the Welsh Ministers propose to invite to participate in consultations.

(4) The strategy may include information about—

(a) other ways in which the Welsh Ministers may promote the participation of relevant persons in relation to the exercise by the Welsh Ministers of their functions under this Act or regulations made under it;

(b) the participation by relevant persons in relation to other matters that relate to this Act or regulations made under it.

(5) The Welsh Ministers may revise the strategy if they consider it appropriate to do so.

(6) In deciding whether to revise the strategy the Welsh Ministers must have regard to any representations received by them about the contents of the strategy.

(7) In this section "relevant persons" means—

(a) residents of regulated buildings who are aged 18 or over,

(b) owners of residential units in regulated buildings, and

(c) occupiers of relevant HMOs who are aged 18 or over.

*Guidance and co-operation*

### 120 Issue or approval of guidance by the Welsh Ministers

(1) The Welsh Ministers must issue or approve such guidance as they consider appropriate to assist any persons in complying with duties imposed on them by this Act or regulations made under it.

(2) The Welsh Ministers must ensure that guidance issued or approved by them under this section includes—

(a) guidance to assist principal accountable persons for regulated buildings in complying with the duties imposed on them by sections 29 to 32 (assessment of fire safety risks) and regulations made under them;

(b) guidance to assist landlords of relevant HMOs in complying with the duties imposed on them by sections 81 to 84 (assessment of fire safety risks) and regulations made under them.

(3) The Welsh Ministers may—

(a) issue or approve a revised version of any guidance issued or approved by them under this section;

(b) without prejudice to subsections (1) and (2), withdraw any guidance issued by them, or approval given by them, under this section.

(4) The Welsh Ministers must ensure that guidance issued or approved by them under this section is published.

(5) Where in any proceedings it is alleged that a person has failed to comply with a duty imposed by this Act or regulations made under it—

(a) proof that the person has failed to comply with relevant guidance published under this section may be relied on as tending to establish that there was such a failure;

(b) proof that the person has complied with relevant guidance published under this section may be relied on as tending to establish that there was no such failure.

(6) Before issuing or approving guidance under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(7) The requirement to consult does not apply to a revised version of guidance if the Welsh Ministers consider that the revisions do not significantly change the effect of the guidance.

**121 Co-operation and information: duties of responsible persons under Fire Safety Order**

(1) The Fire Safety Order is amended as follows.

(2) After article 22B insert—

**"22C Wales: co-operation with accountable persons and duty holders**

(1) This article applies in relation to premises forming part of a building where—

(a) the building, or any part of it, is a regulated building, or

(b) any part of the building is a relevant HMO.

(2) The responsible person for the premises ("P") must take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are (as the case may be)—

(a) accountable persons for the regulated building, or

(b) duty holders for the relevant HMO.

(3) If there are, P must co-operate with each of those persons for the purpose of those persons carrying out their duties under the Building Safety (Wales) Act 2026.

(4) If P becomes aware that a person is treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, P must co-operate with the person for the purpose of the person carrying out their duties under that Act.

(5) In this article, article 22D and article 22E—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"duty holder" has the meaning given by section 79 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act.

**22D Wales: sharing information with accountable persons**

(1) This article applies in relation to premises forming part of a building where the building, or any part of it, is a regulated building.

(2) A responsible person in relation to the premises must give information or a document to a person ("A") who—

(a) is either—

(i) an accountable person for the building, or

(ii) a person treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document is necessary for A to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) A gives the relevant person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why A requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the relevant person to give A the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

**22E Wales: provision of information to duty holders**

(1) This article applies in relation to premises forming part of a building where any part of the building is a relevant HMO.

(2) A responsible person in relation to the premises must give information or a document to a person ("D") who—

(a) is a duty holder for a relevant HMO in the building, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document requested is necessary for D to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) D gives the responsible person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why D requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the responsible person to give D the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data)."

(3) In the heading of article 22B, for "Co-operation" substitute "England: co-operation".

(4) In the following provisions, for "22B" substitute "22E"—

(a) article 5(1), (2), (3) and (5);

(b) article 50(1) and (1A).

(5) In article 26, after paragraph (3), insert—

"(4) In paragraph (1), the reference to "this Order" does not include Articles 22C to 22E (but see section 94 of the Building Safety (Wales) Act 2026)."

(6) In article 27, after paragraph (5), insert—

"(6) In paragraph (1), references to "this Order" do not include Articles 22C to 22E."

(7) In article 30, after paragraph (7), insert—

"(8) In paragraphs (1) and (4), references to "this Order" do not include Articles 22C to 22E."

(8) In article 36, after paragraph (6), insert—

"(7) In paragraph (1)(a), the reference to "this Order" does not include Articles 22C to 22E."

*Building safety authorities*

**122 Building safety authorities**

(1) In this Act "building safety authority" means a county council or county borough council designated as such in regulations made by the Welsh Ministers in accordance with this section.

(2) Regulations under this section must, for the area of each fire and rescue authority in Wales, designate one county council or county borough council in the area as the building safety authority for that area.

(3) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) Regulations under this section may make further provision in connection with the exercise of functions by a building safety authority (including provision requiring another county council or county borough council to make payments, or provide services or facilities, to the authority).

(5) References in this Act to the building safety authority for a regulated building are to the building safety authority in whose area the building is wholly or mainly situated.

(6) In determining whether a regulated building is situated wholly or mainly in the area of a building safety authority, anything that is included in a reference to such a building by virtue of section 7 (ancillary areas) is to be ignored.

(7) The functions of a council as a building safety authority are not to be the responsibility of an executive of the council under executive arrangements.

(8) In this section, references to the area of each fire and rescue authority in Wales are to be interpreted in accordance with Part 1 of the Fire and Rescue Services Act 2004 (c. 21).

(9) In this section—

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000 (c. 22);

"executive" ("*gweithrediaeth*") is to be interpreted in accordance with section 11 of the 2000 Act;

"executive arrangements" ("*trefniadau gweithrediaeth*") has the meaning given by section 10 of the 2000 Act.

**123 Delegation of functions where building safety authority is accountable person for category 1 building**

(1) This section applies where a county council or county borough council is both the building safety authority for a category 1 building and an accountable person for the building.

(2) The council must make all reasonable efforts to arrange under section 101(1)(b) of the Local Government Act 1972 (c. 70) for its functions as the building safety authority for the building to be exercised by another building safety authority.

(3) Where such arrangements are in force in relation to a category 1 building, the functions of the building safety authority for the building must be exercised in accordance with the arrangements (and section 101(4) of the Local Government Act 1972 does not apply).

**124 Power to direct building safety authorities to arrange for delegation of functions**

(1) The Welsh Ministers may direct two or more building safety authorities to arrange under section 101(1)(b) of the Local Government Act 1972 (c. 70) for one of the authorities to exercise any of the functions of the other authority or authorities as a building safety authority.

(2) Before giving a direction, the Welsh Ministers must consult the authorities.

(3) A direction may—

(a) make provision about the terms of the arrangements that the authorities must make;

(b) make different provision for different purposes (including for different functions or buildings).

(4) A direction must be given in writing.

(5) The authorities to which a direction is given must comply with the direction.

(6) Where arrangements required by a direction are in force in relation to a function of a building safety authority, the function must be exercised in accordance with the arrangements (and section 101(4) of the Local Government Act 1972 does not apply).

**125 Fees for exercise of functions by building safety authorities**

(1) The Welsh Ministers may by regulations make provision for and in connection with the charging of fees by building safety authorities for—

(a) exercising any of their functions under this Act or regulations made under it;

(b) doing anything that is calculated to facilitate, or is conducive or incidental to, the exercise of any of those functions.

(2) The regulations may, in particular, make provision about—

(a) the circumstances in which fees may be charged;

(b) the time when, or period within which, a fee charged is payable;

(c) who is liable to pay a fee charged;

(d) how a fee charged is to be paid;

(e) the recovery of fees charged;

(f) the waiver, reduction or repayment of fees.

(3) The regulations may either—

(a) specify the amount of a fee, or

(b) provide for the amount to be determined in accordance with the regulations.

(4) The regulations may in particular—

(a) provide that the amount of a fee is to be determined by a building safety authority in accordance with a scheme made and published by the Welsh Ministers, and

(b) make provision about such schemes, including the principles to be embodied in them.

(5) The regulations may make provision about the effect of failing to pay a fee in accordance with the regulations.

(6) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales, and

(b) such other persons as they consider appropriate.

*Fire safety authorities*

**126 Fire safety authorities**

(1) In this Act "fire safety authority" means—

(a) a fire and rescue authority for an area in Wales;

(b) a fire inspector.

(2) References in this Act to the fire safety authority for a regulated building or a relevant HMO are—

(a) in relation to a building or relevant HMO that does not consist entirely of Crown premises, references to the fire and rescue authority in whose area the building or relevant HMO is wholly or mainly situated;

(b) in relation to a building or relevant HMO that consists entirely of Crown premises, references to a fire inspector.

(3) In determining whether a regulated building is situated wholly or mainly in the area of a fire and rescue authority, anything that is included in a reference to such a building by virtue of section 7 (ancillary areas) is to be ignored.

(4) In determining whether a relevant HMO is situated wholly or mainly in the area of a fire and rescue authority, anything that is included in a reference to a relevant HMO by virtue of section 78(5) is to be ignored.

(5) In this section—

"fire and rescue authority" ("*awdurdod tân ac achub*") has the meaning given by Part 1 of the Fire and Rescue Services Act 2004 (c. 21);

"fire inspector" ("*arolygydd tân*") means an inspector or assistant inspector appointed under section 28(1) of the Fire and Rescue Services Act 2004.

*Exercise of functions by building safety authorities and fire safety authorities*

**127 Issue of guidance by the Welsh Ministers about the exercise of functions**

(1) The Welsh Ministers must issue guidance about the exercise of relevant functions by—

(a) a building safety authority;

(b) a fire safety authority.

(2) A building safety authority and a fire safety authority must have regard to guidance issued by the Welsh Ministers under subsection (1).

(3) Before issuing guidance under this section, the Welsh Ministers must consult—

(a) each building safety authority,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) In this Part, "relevant function" means a function under this Act or regulations made under it.

**128 Co-operation between building safety authorities and fire safety authorities**

(1) A building safety authority and a fire safety authority to which this section applies must so far as possible co-operate in the exercise of their relevant functions.

(2) This section applies to a building safety authority and a fire safety authority that have relevant functions in relation to the same regulated building or regulated buildings.

(3) Guidance under section 127 may include guidance about how a building safety authority and a fire safety authority are to comply with this section.

**129 Sharing of information**

(1) A relevant authority may disclose information it holds to an enforcing authority for the purposes of a relevant function of either authority.

(2) The disclosure of information in accordance with subsection (1) does not breach—

(a) any obligation of confidence owed by the authority making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(3) But see also section 183A of the Data Protection Act 2018 (protection of requirements for processing personal data).

(4) In subsection (1), "relevant authority" means—

(a) a county council or county borough council in Wales;

(b) a fire safety authority.

*Offences*

**130 Criminal liability of senior officers of bodies**

(1) This section applies where an offence under this Act is committed by—

(a) a body corporate,

(b) a partnership, or

(c) an unincorporated association other than a partnership.

(2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of—

(a) a senior officer of the body corporate, partnership or unincorporated association, or

(b) a person purporting to act as such an officer,

that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) In this section "senior officer" means—

(a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body;

(b) in relation to a partnership, a partner in the partnership;

(c) in relation to an unincorporated association other than a partnership, an officer of the association or a member of its governing body.

(4) In subsection (3) "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body.

*Giving notices and other documents*

**131 Giving notices and other documents**

(1) This section applies where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person (whether the provision uses the word "give" or any other expression).

(2) The document may be given by—

(a) handing it to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at that address, or

(d) sending it by email to an email address at which the person has agreed in writing to receive documents under this Act or regulations made under it (or documents of the kind in question).

(3) A document is given in accordance with subsection (2)(a)—

(a) if the person is a body corporate, by handing the document to a director, manager, secretary or other similar officer of the body (and "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body);

(b) if the person is a partnership, by handing the document to a partner;

(c) if the person is an unincorporated association other than a partnership, by handing the document to an officer of the association or a member of its governing body.

(4) For the purposes of this section, a person's proper address is—

(a) if the person is a body corporate, the address of its registered or principal office;

(b) if the person is a partnership or other unincorporated association, the address of its principal office;

(c) in any other case, the last known address of the person.

(5) If the person has given an address in the United Kingdom at which documents (or documents of the kind in question) may be given to the person under this Act or regulations made under it, that address is also to be treated as the person's proper address.

(6) A document left in accordance with subsection (2)(b) is treated as given when it was left.

(7) A document sent by post in accordance with subsection (2)(c) is treated as given 48 hours after it was sent, unless the contrary is proved.

(8) A document sent by email in accordance with subsection (2)(d) is treated as given 24 hours after it was sent, unless the contrary is proved.

(9) Sections 231 and 233 of the Local Government Act 1972 (c. 70) do not apply to documents to be given to or by a local authority under this Act or regulations made under it.

(10) This section is subject to any different provision for the giving of a document that is made by this Act or regulations made under it.

**132 Giving documents to a person whose name is unknown**

(1) This section applies (in addition to section 131) where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person who falls within a description in subsection (2).

(2) The descriptions are—

(a) an accountable person for a regulated building, or a person treated as an accountable person for such a building by virtue of section 36;

(b) a duty holder for a relevant HMO;

(c) an owner of a residential unit or any other premises;

(d) a resident of a residential unit or occupier of any other premises.

(3) If the person's name is not known, despite reasonable steps having been taken to ascertain it, the document may be addressed to the person by using the description in question (and naming the building, relevant HMO or premises in question).

(4) If—

(a) the document is to be given to a person who falls within a description in paragraph (a) or (b) of subsection (2), and

(b) the person's name and proper address are not known, despite reasonable steps having been taken to ascertain them,

the document may be given by addressing it to the person in accordance with subsection (3) and fixing it to a conspicuous part of the building or relevant HMO in question.

(5) A document fixed in accordance with subsection (4) is treated as given 48 hours after it was fixed.

(6) This section is subject to any different provision for the giving of a document that is made by this Act or regulations made under it.

*General*

**133 Pre-commencement consultation**

A requirement for consultation imposed by a provision of this Act may be satisfied by consultation carried out before the provision comes into force.

**134 Regulations requiring provision of information: confidentiality and data protection**

(1) Regulations under sections 39, 49, 50 and 87 may provide that a disclosure of information by a person in accordance with the regulations does not breach—

(a) any obligation of confidence owed by the person in relation to the information, or

(b) any other restriction on the disclosure of information (however imposed).

(2) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

**135 Regulations under this Act: supplementary and procedural provisions**

(1) A power to make regulations under this Act includes power to make—

(a) consequential, supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes (including different provision for buildings of different descriptions, whether by reference to the categories set out in section 6 or any other matter).

(2) A power to make regulations about the form or way in which any document or other thing is to be given to a building safety authority or fire safety authority includes power to provide that it is to be given in a form or way specified in a direction given and published by the authority in accordance with the regulations.

(3) A power to make regulations under this Act must be exercised by Welsh statutory instrument.

(4) Regulations to which this subsection applies are subject to the Senedd approval procedure.

(5) Subsection (4) applies to regulations under any of the following provisions—

(a) section 4(6);

(b) section 5(5);

(c) section 6(6);

(d) section 13(3);

(e) section 15;

(f) section 16;

(g) section 17 (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 17);

(h) section 28(2) (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 28(2));

(i) section 31(2);

(j) section 42(9);

(k) section 46;

(l) section 50;

(m) section 63(4);

(n) section 66;

(o) section 69;

(p) section 75 (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 75);

(q) section 78(8);

(r) section 84(4);

(s) section 99(7);

(t) Part 4;

(u) paragraph 21(3) of Schedule 2;

(v) paragraph 1(5) of Schedule 4.

(6) Subsection (4) also applies to regulations under section 137(3) that amend or repeal any provision of primary legislation.

(7) Any other regulations under this Act are subject to the Senedd annulment procedure.

(8) In subsection (6) "primary legislation" means—

(a) an Act of Senedd Cymru;

(b) an Assembly Measure;

(c) an Act of the Parliament of the United Kingdom.

**136 Interpretation**

(1) In this Act—

"accountable person" ("*person atebol*"), in relation to a regulated building, has the meaning given by section 8;

"adult resident" ("*preswylydd sy'n oedolyn*") means a resident aged 18 or over;

"building certificate" ("*tystysgrif adeilad*") means a certificate issued under section 44;

"building control approval" ("*cymeradwyaeth rheolaeth adeiladu*") has the meaning given by paragraph 1B of Schedule 1 to the Building Act 1984 (c. 55);

"building safety authority ("*awdurdod diogelwch adeiladau*"), and references to the building safety authority for a regulated building, are to be interpreted in accordance with section 122;

"category 1 building" ("*adeilad categori 1*"), "category 2 building" ("*adeilad categori 2*") and "category 3 building" ("*adeilad categori 3*") are to be interpreted in accordance with sections 6 and 7;

"common parts" ("*rhannau cyffredin*"), in relation to a regulated building, has the meaning given by section 13;

"compliance notice" ("*hysbysiad cydymffurfio*") means a notice given under section 96;

"the Crown" ("*y Goron*") is to be treated as including the Senedd Commission;

"Crown premises" ("*mangreoedd y Goron*") means premises owned, or occupied for any purpose, by the Crown;

"duty holder" ("*deiliad dyletswydd*"), in relation to a relevant HMO, has the meaning given by section 79;

"enactment" ("*deddfiad*") includes any enactment whenever passed or made;

"enforcing authority" ("*awdurdod gorfodi*") has the meaning given by section 94(4);

"fire" ("*tân*") includes heat, flames, smoke and other gases or substances emitted by a fire;

"fire risk assessment" ("*asesiad risg tân*") has the meaning given by section 29(3);

"fire safety authority" ("*awdurdod diogelwch tân*"), and references to the fire safety authority for a regulated building or a relevant HMO, are to be interpreted in accordance with section 126;

"the Fire Safety Order" ("*y Gorchymyn Diogelwch Tân*") means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

"fire safety risk" ("*risg diogelwch tân*")—

(a) in relation to a regulated building, has the meaning given by section 27(2);

(b) in relation to a relevant HMO, has the meaning given by section 80;

"HMO fire risk assessment" ("*asesiad risg tân ar dy amlfeddiannaeth*") has the meaning given by section 81(2);

"information notice" ("*hysbysiad gwybodaeth*") means a notice given under section 95;

"landlord" ("*landlord*"), in relation to a relevant HMO, has the meaning given by section 79;

"local housing authority" ("*awdurdod tai lleol*") and "the local housing authority" ("*yr awdurdod tai lleol*") have the meanings given by section 261 of the Housing Act 2004 (c. 34);

"occupied" ("*wedi ei feddiannu*"), in relation to a regulated building, means that there are residents of more than one residential unit in the building;

"occurrence recording system" ("*system cofnodi achlysuron*") means a system established and operated under section 38;

"owner" ("*perchennog*"), in relation to a residential unit or any other premises, means a person who—

(a) is for the time being receiving the rackrent of the premises, whether directly or through an agent or trustee, or

(b) would so receive the rackrent if the premises were let at a rackrent,

and for this purpose "rackrent" has the meaning given by section 126 of the Building Act 1984 (c. 55);

"planning permission" ("*caniatâd cynllunio*") has the meaning given by section 336(1) of the Town and Country Planning Act 1990 (c. 8);

"principal accountable person" ("*prif berson atebol*"), in relation to a regulated building, has the meaning given by section 9;

"prohibition notice" ("*hysbysiad gwahardd*") means a notice given under section 98;

"registered" ("*cofrestredig*"), in relation to a category 1 building or a category 2 building, means registered under section 20;

"registered social landlord" ("*landlord cymdeithasol cofrestredig*") means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996 (c. 52);

"regulated building" ("*adeilad rheoleiddiedig*") is to be interpreted in accordance with sections 2 and 7;

"relevant HMO" ("*tŷ amlfeddiannaeth perthnasol*") is to be interpreted in accordance with section 78;

"resident" ("*preswylydd*"), in relation to a regulated building or a part of such a building, means a resident of a residential unit in the building or part;

"residential unit" ("*uned breswyl*") has the meaning given by section 5;

"residents' engagement strategy" ("*strategaeth ymgysylltu â phreswylwyr*") has the meaning given by section 40(2);

"responsible person" ("*person cyfrifol*") has the meaning given by article 3 of the Fire Safety Order;

"safety case report" ("*adroddiad achos diogelwch*") has the meaning given by section 37(2);

"special measures manager" ("*rheolwr mesurau arbennig*") means a person appointed by a special measures order;

"special measures order" ("*gorchymyn mesurau arbennig*") means an order under section 109;

"structural risk assessment" ("*asesiad risg strwythurol*") has the meaning given by section 34(2);

"structural safety risk" ("*risg diogelwch strwythurol*") has the meaning given by section 27(3).

(2) In this Act, references to the part of a regulated building for which an accountable person is responsible are to be interpreted in accordance with section 16.

(3) The Welsh Ministers may by regulations make provision about the meaning of being a "resident" of a residential unit.

**137 Consequential and transitional provision etc.**

(1) Schedule 3 contains minor and consequential amendments to enactments.

(2) Schedule 4 contains transitional and saving provisions in connection with the amendments to the Fire Safety Order.

(3) The Welsh Ministers may by regulations—

(a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;

(b) make transitional or saving provision in connection with any provision of this Act.

(4) Regulations under subsection (3) may amend, repeal or revoke any enactment (including any provision of this Act).

**138 Coming into force**

(1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—

(a) sections 1 to 9;

(b) sections 13 to 17;

(c) sections 133 to 136;

(d) section 137(3) and (4);

(e) this section;

(f) section 140.

(2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by Welsh statutory instrument.

(3) An order under subsection (2) may make transitional or saving provision.

**139 Progress reports on bringing this Act into force**

(1) The duty in subsection (2) applies if this Act is not fully in force on any of the following days—

(a) 31 December 2028;

(b) 31 December 2029;

(c) 31 December in every second year after 2029.

(2) The Welsh Ministers must prepare a report—

(a) specifying any progress in bringing the Act into force, and

(b) specifying any further steps to be taken by the Welsh Ministers (or any other person) to bring the Act fully into force.

(3) The Welsh Ministers must publish the report required by subsection (2) and lay a copy of it before Senedd Cymru as soon as reasonably practicable after the day mentioned in subsection (1) in respect of which the duty in subsection (2) applies.

**140 Short title**

This Act may be referred to as—

(a) the Building Safety (Wales) Act 2026, or

(b) Deddf Diogelwch Adeiladau (Cymru) 2026.

## SCHEDULE 1

*(introduced by section 2(2))*

## BUILDINGS THAT ARE EXCLUDED FROM BEING REGULATED BUILDINGS

1 A building that is used solely for the purposes of one or more of the following—

(a) the armed forces of the Crown;

(b) a visiting force within the meaning given by Part 1 of the Visiting Forces Act 1952 (c. 67);

(c) an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5).

2 A building that is situated within premises that are used solely for the purposes of the armed forces of the Crown but that is not itself so used.

3 (1) A building that is used solely for the provision of secure residential accommodation.

(2) In this paragraph, "secure residential accommodation" includes a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation and premises approved under section 13(1) of the Offender Management Act 2007 (c. 21).

4 A building that is used solely as one or more of the following–

(a) a health service hospital within the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c. 42);

(b) an independent hospital within the meaning given by section 2 of the Care Standards Act 2000 (c. 14).

5 A building that is used solely for the provision of a care home service within the meaning given by Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

6 A building that is used solely as a school within the meaning given by section 4 of the Education Act 1996 (c. 56).

# SCHEDULE 2

*(introduced by section 109)*

## SPECIAL MEASURES ORDERS

### PART 1

### PROCEDURE BEFORE APPLYING FOR SPECIAL MEASURES ORDER

*Introductory*

1 (1) The building safety authority for a category 1 building may not apply to a residential property tribunal for a special measures order in relation to the building unless—

(a) it has complied with the requirements of this Part, and

(b) the fire safety authority for the building agrees to the making of the application.

(2) The fire safety authority for a category 1 building may not apply to a residential property tribunal for a special measures order in relation to the building unless—

(a) it has complied with the requirements of this Part, and

(b) the building safety authority for the building agrees to the making of the application.

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

2 (1) A building safety authority or fire safety authority that proposes to apply for a special measures order in relation to a category 1 building must give notice of the proposal to every other person who is an interested person in relation to the building.

(2) The notice of the proposal must—

(a) state that the authority proposes to apply for a special measures order in relation to the building;

(b) give the address of the building;

(c) give the authority's reasons for proposing to make the application;

(d) set out the terms of the order that the authority proposes to invite the residential property tribunal to make, including the name and address of the proposed special measures manager;

(e) specify a period in which interested persons may make representations in response to the notice;

(f) state that any representations must be made in writing and sent to a postal or email address specified in the notice.

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

3 (1) This paragraph applies where a building safety authority or fire safety authority has given a notice under paragraph 2 of a proposal to apply for a special measures order in relation to a category 1 building.

(2) After the end of the period mentioned in paragraph 2(2)(e) the authority must—

(a) decide whether to make the application, and

(b) give notice of its decision to every other person who is an interested person in relation to the building.

(3) That notice of the decision must—

(a) state whether or not the authority intends to make the application;

(b) give its reasons for reaching that decision;

(c) if the authority intends to make the application, set out the terms of the order that the authority intends to invite the residential property tribunal to make, including the name and address of the proposed special measures manager.

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

4 (1) This paragraph applies where a building safety authority or fire safety authority gives to an interested person—

(a) a notice under paragraph 2, or

(b) a notice under paragraph 3 stating that the authority intends to apply for a special measures order.

(2) If the terms set out in the notice in accordance with paragraph 2(2)(d) or 3(3)(c) include a term requiring a relevant accountable person to make payments to the special measures manager, the authority must include a financial management proposal with the notice.

(3) A financial management proposal is a document setting out—

(a) an estimate of the costs that the authority expects a special measures manager for the category 1 building to incur in connection with the exercise of the manager's functions in relation to the building (including a reasonable amount for contingencies),

(b) the measures to which the estimated costs relate, and

(c) if there is more than one relevant accountable person—

(i) the authority's proposed apportionment of the estimated costs between the relevant accountable persons, and

(ii) the reasons for that proposal (including any calculation giving rise to it).

(4) In this paragraph "relevant accountable person" means an accountable person to whose building safety functions the proposed special measures order would apply.

*Further provision about giving notices under this Part*

5 (1) Paragraphs 2 to 4 do not require a building safety authority or fire safety authority to give a notice or financial management proposal to an interested person if the authority—

(a) is not aware of the person, and

(b) has taken all reasonable steps to identify the persons who are interested persons in relation to the category 1 building to which the notice or proposal relates.

(2) The Welsh Ministers may by regulations make provision about notices under this Part, including in particular provision about—

(a) the form of a notice;

(b) how a notice must be given.

PART 2

FURTHER PROVISION ABOUT EFFECT AND IMPLEMENTATION OF SPECIAL MEASURES ORDER

*Functions to be carried out by special measures manager*

6 (1) This paragraph applies while a special measures order is in force in relation to the building safety functions of an accountable person for a category 1 building.

(2) Those functions, except any functions relating to the making of an application or appeal to a residential property tribunal, are to be treated as functions of the special measures manager appointed by the order (and may not be exercised by the accountable person).

(3) Any building safety functions of the accountable person relating to the making of an application or appeal to a residential property tribunal are to be treated as functions of the accountable person and the special measures manager (and may be exercised by either of them).

*Effect of special measures order on compliance notices*

7 Where a special measures order is made in relation to the building safety functions of an accountable person for a category 1 building, any compliance notice given to that accountable person ceases to have effect (but this does not affect any liability incurred as a result of a failure to comply with the notice that took place before the order was made).

*Effect of special measures order on relevant contracts*

8 (1) This paragraph applies where—

(a) a special measures order provides that the building safety functions of an accountable person for a category 1 building are to be carried out by a special measures manager, and

(b) the manager gives to the parties to a relevant contract a notice stating that this paragraph is to apply to the contract.

(2) While the order is in force the relevant contract has effect as if relevant rights and liabilities of the accountable person arising under the contract were rights and liabilities of the manager.

(3) A "relevant contract" means a contract (including a lease) in respect of which the following conditions are met—

(a) the contract is effective on the day the special measures order is made,

(b) the accountable person is a party to the contract,

(c) one or more rights or liabilities of the accountable person under the contract are relevant rights or liabilities, and

(d) the special measures order provides that—

(i) the contract is a relevant contract, or

(ii) contracts of a description that includes it are relevant contracts.

(4) A right or liability of the accountable person is a "relevant right or liability" if it relates to a building safety function of the accountable person in relation to the category 1 building.

(5) The notice under sub-paragraph (1)(b) must state which rights or liabilities of the accountable person under the relevant contract are relevant rights or liabilities.

*Effect of special measures order on legal proceedings*

9 (1) This paragraph applies where—

(a) a special measures order provides that the building safety functions of an accountable person for a category 1 building are to be carried out by a special measures manager, and

(b) the manager gives to any person whom the manager considers would have an interest in a relevant cause of action a notice stating that this paragraph is to apply to the cause of action.

(2) While the order is in force the manager may bring, continue or defend the relevant cause of action.

(3) A cause of action is a "relevant cause of action" if—

(a) it accrued to or against the accountable person before the day the special measures order was made,

(b) it relates to a building safety function of the accountable person in relation to the building, and

(c) the special measures order provides that—

(i) the cause of action is a relevant cause of action, or

(ii) causes of action of a description that includes it are relevant causes of action.

*Reimbursement of damages paid by special measures manager*

10 (1) This paragraph applies where—

(a) a special measures manager is, by virtue of paragraph 8 or 9, subject to a liability to pay damages in respect of anything that was done (or not done) by or on behalf of an accountable person before the date of the manager's appointment, and

(b) the manager pays the damages.

(2) The accountable person is liable to reimburse to the manager an amount equal to the amount of damages paid by the manager.

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

11 (1) This paragraph applies where a special measures order relating to a category 1 building requires one or more relevant accountable persons to make payments to a special measures manager.

(2) The special measures manager must hold the payments (together with any income accruing on them) either—

(a) as a single trust fund, or

(b) in two or more separate trust funds.

(3) The manager must hold any trust fund—

(a) on trust to meet costs that the manager incurs in connection with the exercise of the manager's functions in relation to the building, and

(b) subject to that, on trust for the relevant accountable person or persons for the time being.

(4) The relevant accountable person or persons for the time being are to be treated as entitled by virtue of sub-paragraph (3)(b)—

(a) if there is one relevant accountable person, to the residue of the fund or funds;

(b) otherwise, to the shares in that residue that the relevant accountable persons agree in writing or (in default of agreement) that a residential property tribunal directs.

(5) An application to a residential property tribunal for a direction under sub-paragraph (4)(b) may be made by—

(a) the building safety authority or fire safety authority on whose application the special measure order was made,

(b) a relevant accountable person for the building, or

(c) the special measures manager.

(6) In this paragraph "relevant accountable person" means an accountable person to whose building safety functions the special measures order applies.

*Power of tribunal to give further directions*

12 (1) This paragraph applies while a special measures order is in force in relation to a category 1 building.

(2) On an application by a person mentioned in sub-paragraph (3), a residential property tribunal may give directions to the special measures manager for the building or any other person with respect to—

(a) any matter relating to the exercise of the manager's functions, and

(b) any incidental or ancillary matter.

(3) The persons are—

(a) the building safety authority for the building;

(b) the fire safety authority for the building;

(c) an accountable person for the building;

(d) the special measures manager.

*Change in accountable person*

13 (1) This paragraph applies where—

(a) a special measures order is in force in relation to a category 1 building, and

(b) an accountable person to whose building safety functions the order applies ceases to be responsible for all or any part of the building.

(2) In this paragraph—

(a) "the outgoing accountable person" means the accountable person mentioned in sub-paragraph (1)(b);

(b) "the relevant time" means the time when the outgoing accountable person ceases to be responsible for all or any part of the category 1 building.

(3) From the relevant time, the special measures order ceases to apply to the outgoing accountable person in relation to the building or, as the case may be, the part of it for which the person has ceased to be responsible.

(4) Sub-paragraph (5) applies if, immediately after the relevant time, any other person (a "successor")—

(a) is an accountable person for the building, and

(b) is responsible for a part of the building ("the relevant part") for which the outgoing accountable person ceased to be responsible at the relevant time.

(5) In relation to the relevant part, the special measures order applies to the successor from the relevant time as it applied to the outgoing accountable person immediately before that time.

(6) This paragraph does not affect any liability under the order to which the outgoing accountable person became subject before the relevant time.

(7) Where an enactment requires interests, charges or other obligations affecting land to be registered, sub-paragraph (5) has effect whether or not the special measures order is registered.

(8) Nothing in this paragraph affects the powers of a residential property tribunal to vary or revoke a special measures order under paragraph 16.

PART 3

REVIEW, VARIATION AND REVOCATION OF SPECIAL MEASURES ORDER

*Duration of special measures order*

14 A special measures order continues in force until it is revoked under paragraph 16.

*Authority to keep certain matters under review*

15 (1) This paragraph applies while a special measures order is in force in relation to a category 1 building.

(2) The building safety authority or fire safety authority on whose application the order was made must from time to time (and at least once in every 12 months) review the following matters—

(a) the measures taken by the special measures manager in exercising the manager's functions;

(b) the costs incurred by the manager in connection with taking those measures;

(c) any payments made by accountable persons for the building to the manager in respect of any of those costs;

(d) any amounts received by the manager by way of commonhold building safety income in relation to the building.

(3) If, on such a review, the authority considers that any term of the special measures order should be varied, it must apply for a variation of the order under paragraph 16 (but this requirement is subject to the provisions of that paragraph).

*Variation or revocation of special measures order*

16 (1) A residential property tribunal may vary or revoke a special measures order relating to a category 1 building on an application by—

(a) the building safety authority for the building,

(b) the fire safety authority for the building,

(c) an accountable person to whose building safety functions the order applies, or

(d) the special measures manager appointed by the order.

(2) A building safety authority may not apply to vary or revoke an order unless—

(a) in the case of an application to vary an order, it has complied with the requirements of paragraph 17, and

(b) in any case, the fire safety authority for the building agrees to the making of the application.

(3) A fire safety authority may not apply to vary or revoke an order unless—

(a) in the case of an application to vary an order, it has complied with the requirements of paragraph 17, and

(b) in any case, the building safety authority for the building agrees to the making of the application.

(4) An application to vary an order by changing the identity of the special measures manager may not be made by an accountable person or the special measures manager unless it is an agreed application (see sub-paragraphs (7) and (8)).

(5) In considering whether to vary or revoke a special measures order, a residential property tribunal must have regard to—

(a) the likelihood of the variation or revocation of the order resulting in a recurrence of the circumstances that led to the order being made, and

(b) whether it is just and convenient in all the circumstances to vary or revoke the order.

(6) Sub-paragraph (5) does not apply if the application to vary or revoke the order is an agreed application.

(7) An application to vary or revoke a special measures order relating to a building is an agreed application for the purposes of this paragraph if it is made with the agreement of—

(a) the building safety authority for the building,

(b) the fire safety authority for the building,

(c) each accountable person to whose building safety functions the order applies (including, in the case of an application to vary an order, any accountable person to whose functions the order does not already apply but would apply if the variation were made), and

(d) the special measures manager appointed by the order (including, in the case of an application to vary an order by changing the identity of the manager, the person who would be appointed if the variation were made).

(8) Sub-paragraph (7)(d) does not require the agreement of the special measures manager if the manager is an individual who lacks capacity to agree to the application.

*Procedure before authority applies to vary special measures order*

17 (1) A building safety authority or fire safety authority that proposes to apply to a residential property tribunal to vary a special measures order must give notice of the proposal to every other person who is an interested person in relation to the building.

(2) The notice of the proposal must—

(a) state that the authority proposes to apply to vary the special measures order specified in the notice;

(b) give the authority's reasons for proposing to make the application;

(c) set out the terms of the order that the authority proposes to invite the residential property tribunal to make;

(d) specify a period in which interested persons may make representations in response to the notice;

(e) state that any representations must be made in writing and sent to a postal or email address specified in the notice.

(3) After the end of the period mentioned in sub-paragraph (2)(d) the authority must—

(a) decide whether to make the application, and

(b) give notice of its decision to every other person who is an interested person in relation to the building.

(4) The notice of the decision must—

(a) state whether or not the authority intends to make the application;

(b) give its reasons for reaching that decision;

(c) if the authority intends to make the application, set out the terms of the order that the authority intends to invite the residential property tribunal to make.

(5) Sub-paragraphs (1) and (3)(b) do not require an authority to give a notice to an interested person if the authority—

(a) is not aware of the person, and

(b) has taken all reasonable steps to identify the persons who are interested persons in relation to the building.

(6) The Welsh Ministers may by regulations make provision about notices under this paragraph, including in particular provision about—

(a) the form of a notice;

(b) how a notice must be given.

*Directions where special measures order is varied or revoked*

18 (1) Where a residential property tribunal varies or revokes a special measures order, it may give directions to any person with respect to—

(a) any matter relating to the variation or revocation, and

(b) any incidental or ancillary matter.

(2) Where a residential property tribunal revokes a special measures order, it must direct the outgoing special measures manager to—

(a) prepare a reconciliation account, and

(b) give a copy of the account to—

(i) the building safety authority or fire safety authority on whose application the special measures order was made, and

(ii) each relevant accountable person.

(3) Where the tribunal revokes the order, it may give a direction under sub-paragraph (1)(a) (at the time when it revokes the order or after that time) for the making of a payment—

(a) by a relevant accountable person to the outgoing special measures manager, or

(b) by the outgoing special measures manager to a relevant accountable person.

(4) In sub-paragraphs (2) and (3)—

"outgoing special measures manager" ("*rheolwr mesurau arbennig ymadawol*") means the person who was the special measures manager immediately before the special measures order was revoked;

"reconciliation account" ("*cyfrif cysoni*") means a document—

(a) setting out, in relation to the period during which the special measures order was in force, a comparison between—

(i) the receipts and costs of the manager in connection with the exercise of the manager's functions, and

(ii) the credits to, and debits from, all relevant accounts, and

(b) containing a statement explaining any differences;

"relevant account" ("*cyfrif perthnasol*") means an account in which any of the following are (or have been) held—

(a) payments made by a relevant accountable person to the manager;

(b) amounts received by the manager by way of commonhold building safety income;

"relevant accountable person" ("*person atebol perthnasol*") means an accountable person to whose building safety functions the special measures order applied immediately before it was revoked.

PART 4

SUPPLEMENTARY

*Notifications relating to special measures order*

19 (1) This paragraph applies where—

(a) a special measures order is made in relation to a category 1 building;

(b) a special measures order relating to a category 1 building is varied or revoked.

(2) The building safety authority or fire safety authority on whose application the special measures order was made must take all reasonable steps to give every other person who is an interested person in relation to the building notice that the order has been made, varied or revoked.

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

20 (1) Sub-paragraph (2) applies where—

(a) a residential property tribunal makes or varies a special measures order in relation to a category 1 building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) appointing a manager in relation to that building (a "section 24 order") is in force.

(2) The tribunal may (at the time when it makes or varies the special measures order or after that time) amend the section 24 order to ensure that the functions to be carried out by virtue of that order do not include any function that the special measures order provides is to be carried out by the special measures manager.

(3) See also—

(a) section 24(2C) of the Landlord and Tenant Act 1987 (c. 31), which prevents a section 24 order from providing for a manager to carry out a function if a special measures order provides that the function is to be carried out by a special measures manager;

(b) section 24ZA of that Act, which enables a special measures manager to apply for a section 24 order.

*Meaning of "interested person"*

21 (1) In this Schedule "interested person", in relation to a category 1 building, means—

(a) an accountable person for the building;

(b) an adult resident of the building;

(c) an owner of a residential unit in the building;

(d) an owner of the freehold estate in the building or in any part of it;

(e) any managing agent for the building, or for any part of it that does not contain premises occupied for the purposes of a business or undertaking (whether for profit or not);

(f) any recognised tenants' association (within the meaning given by section 29 of the Landlord and Tenant Act 1985 (c. 70)) for the building or any part of it;

(g) any person who is a responsible person for the purposes of the Fire Safety Order in relation to any premises that form part of the building;

(h) any manager appointed under section 24 of the Landlord and Tenant Act 1987 (c. 31) in relation to the building or any part of it;

(i) the building safety authority for the building;

(j) any county council or county borough council in Wales, other than the building safety authority for the building, in whose area any part of the building is situated;

(k) the fire safety authority for the building;

(l) where any accountable person for the building is a registered social landlord, the Welsh Ministers;

(m) where any accountable person for the building is a registered provider of social housing (within the meaning given by section 80(2) of the Housing and Regeneration Act 2008 (c. 17)), the Regulator of Social Housing.

(2) For the purposes of sub-paragraph (1)(e) a person ("A") is a managing agent for a category 1 building, or a part of a category 1 building, if—

(a) A has been appointed to discharge the obligations of a person ("B") relating to the management by B of the building or part, and

(b) B has a legal estate in the building or part which is—

(i) the freehold estate, or

(ii) a lease granted for a fixed term of more than 21 years from the date of the grant, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture.

(3) The Welsh Ministers may by regulations amend this paragraph to change the meaning of "interested person".

## SCHEDULE 3
*(introduced by section 137(1))*

## MINOR AND CONSEQUENTIAL AMENDMENTS

*Health and Safety at Work etc. Act 1974 (c. 37)*

1 In the Health and Safety at Work etc. Act 1974, after section 51A insert—

**"51B Premises to which the Building Safety (Wales) Act 2026 applies**

(1) Provision made by this Part or regulations made under it does not apply to premises forming part of an occupied regulated building or a relevant HMO to the extent that the condition in subsection (2) is met in relation to the provision.

(2) The condition is that the provision relates to any matters in relation to which requirements were or could have been imposed in relation to the premises by or under the Fire Safety Order as that order had effect immediately before the relevant time (whether or not the premises existed immediately before the relevant time).

(3) In this section—

"the Fire Safety Order" means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

"occupied" has the meaning given by section 136(1) of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act;

"the relevant time" means the time when paragraph 10 of Schedule 3 to that Act came into force (partial disapplication of the Fire Safety Order in relation to occupied regulated buildings and relevant HMOs)."

*Landlord and Tenant Act 1987 (c. 31)*

2 The Landlord and Tenant Act 1987 is amended as follows.

3 In section 24, in subsection (2D), in the definitions of "special measures manager" and "special measures order", at the end insert "or section 109 of the Building Safety (Wales) Act 2026".

4 In section 24ZA—

(a) in subsection (1), after "an occupied higher-risk building" insert "or an occupied category 1 building";

(b) in subsection (2), after "the higher-risk building" insert "or category 1 building";

(c) in subsection (3)(a)—

(i) after "an occupied higher-risk building" insert "or an occupied category 1 building";

(ii) after "the higher-risk building" insert "or category 1 building";

(d) after subsection (5) insert—

"(6) In this section "category 1 building", and "occupied" in relation to such a building, have the meanings given in section 136(1) of the Building Safety (Wales) Act 2026."

*Fire and Rescue Services Act 2004 (c. 21)*

5 The Fire and Rescue Services Act 2004 is amended as follows.

6 In section 2, after subsection (11) insert—

"(12) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

7 In section 4, after subsection (7) insert—

"(8) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

8 In section 18B(8), at the end insert "or the Building Safety (Wales) Act 2026".

*Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)*

9 The Fire Safety Order is amended as follows.

10 After article 7, insert—

"**7A Disapplication of certain provisions: occupied regulated buildings and relevant HMOs in Wales**

(1) Except where paragraph (4) or (5) applies, articles 8, 9, 12, 13, 14, 15, 16, 20, 22, 22A, 29 and 31 do not apply to premises that are or form part of an occupied regulated building or a relevant HMO.

(2) Except where paragraph (4) or (5) applies, references to "the premises" in article 17 do not include premises that are or form part of an occupied regulated building or a relevant HMO.

(3) Except where paragraph (5) applies, articles 37 and 38 do not apply to premises that are or form part of a regulated building or a relevant HMO.

(4) This paragraph applies to premises—

(a) to the extent that the premises are a workplace;

(b) to the extent that work is taking place in, on or to the premises, where the premises are not a workplace of the person carrying out the work.

(5) This paragraph applies to premises—

(a) that form part of an occupied regulated building, and

(b) for which no accountable person has been made responsible by regulations under section 16 of the Building Safety (Wales) Act 2026.

(6) In this article—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"occupied" has the meaning given by section 136(1) of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act."

11 In article 21A (provision of information to residents of domestic premises)—

(a) in paragraph (1), after "a building" insert "in England";

(b) for paragraph (6) substitute—

"(6) The "relevant authority" means the Secretary of State.";

(c) omit paragraph (9);

(d) in the heading, after "premises" insert "in England".

12 In article 22A (provision of information to new responsible person)—

(a) in paragraph (3), after sub-paragraph (d) insert—

"(da) where the premises form part of a regulated building, or are wholly or partly situated above or below such a building, the identity of any person who is an accountable person for the building (where known);";

(b) in paragraph (6)—

(i) in the definition of "accountable person", after ""accountable person"" insert ", in relation to a higher-risk building,";

(ii) after that definition insert—

""accountable person", in relation to a regulated building, has the meaning given by section 8 of the Building Safety (Wales) Act 2026;";

(iii) in the definition of "higher-risk building", for "that Act" substitute "the Building Safety Act 2022";

(iv) after that definition insert—

""regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;".

*Building Safety Act 2022 (c. 30)*

13 In section 156 of the Building Safety Act 2022—

(a) omit subsection (2);

(b) in subsection (10), omit paragraph (a);

(c) in subsection (11)—

(i) omit paragraph (a);

(ii) in paragraph (b), omit sub-paragraph (i).

## SCHEDULE 4

*(introduced by section 137(2))*

## FIRE SAFETY ORDER: TRANSITIONAL AND SAVING PROVISIONS

*Existing fire risk assessments for regulated buildings*

1 (1) This paragraph applies where—

(a) a person is the principal accountable person for an occupied regulated building,

(b) immediately before section 29 came into force, the person was the responsible person for the purposes of the Fire Safety Order in relation to premises that include all of the relevant parts of the building, and

(c) during the 6 months ending with the day on which that section came into force, the person had made or reviewed a risk assessment under article 9 of the Fire Safety Order in relation to the premises ("the existing risk assessment").

(2) The existing risk assessment is to be treated for the purposes of this Act as a fire risk assessment made under section 29 in relation to the relevant parts of the building (and as being the current fire risk assessment for the building).

(3) Section 31(1) does not apply, but the principal accountable person must ensure that a fire risk assessment for the building is made under section 29 no later than 12 months after the day on which the existing risk assessment was made or reviewed.

(4) In this paragraph, references to the relevant parts of a building have the meaning given by section 29(2).

(5) The Welsh Ministers may by regulations amend this paragraph to vary the period for making a fire risk assessment for a regulated building.

*Existing HMO fire risk assessments for relevant HMOs*

2 (1) This paragraph applies where—

(a) a person is the landlord of a relevant HMO,

(b) immediately before section 81 came into force, the person was the responsible person for the purposes of the Fire Safety Order in relation to premises that consist of or include the relevant HMO, and

(c) during the 6 months ending with the day on which that section came into force, the person had made or reviewed a risk assessment under article 9 of the Fire Safety Order in relation to the premises ("the existing risk assessment").

(2) The existing risk assessment is to be treated for the purposes of this Act as an HMO fire risk assessment made under section 81 in relation to the relevant HMO (and as being the current HMO fire risk assessment for the relevant HMO).

(3) Section 83(1) does not apply, but the landlord must ensure that an HMO fire risk assessment is made under section 81 no later than 12 months after the day on which the existing risk assessment was made or reviewed.

*Existing notices issued under the Fire Safety Order*

3 The amendment made by paragraph 10 of Schedule 3 does not apply in relation to an alteration notice, an enforcement notice or a prohibition notice that was served on a person before that paragraph came into force (and, accordingly, the Fire Safety Order continues to apply in relation to such a notice as if that amendment had not been made).