

Government Response: The Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024

Technical Scrutiny point 1: The Government acknowledges the error to the preamble of the English version of the Regulations.

The Government agrees that a formatting error has affected the preamble references but does not consider the error alters the effect of the instrument, which remains *intra vires*. The Government relies upon the principles set out in *Inco Europe Ltd v First Choice Distribution* [2000] 1 WLR 586 in support of their view. It is noted that the footnotes in both language versions of the Regulations direct the reader to the correct provisions. Additionally, the preamble of the Welsh language version of the Regulations is correctly set out.

Technical Scrutiny point 2: The Government acknowledges the incorrect footnotes in Schedule 1, Forms 1(W) and 4(W). The body of the forms are, however, clear and should avoid incorrect information being entered.

Technical Scrutiny point 3: The Government acknowledges that the reference to regulation 7A(3) of the Energy Performance of Buildings (England and Wales) Regulations 2012 in regulation 5(12) of these Regulations should be to regulation 7A more generally. However, the drafting of regulation 5(12)(a) and regulation 5(12)(b) taken together makes the intended reference clear.

Technical Scrutiny point 4: The Government acknowledges the word “*apelydd*” in the fourth line of paragraph 9 of Schedule 3 to the Regulations should be “*cymeradwywr*”, but in the context of the Schedule consider this will not cause confusion.

Merit Scrutiny point 1: Thank you for the point. The Government considers that those likely to use the forms in question will have a good understanding of the meaning of the phrase “higher-risk building work”. However, it is accepted that the accessibility of the forms could be improved by adding a footnote explaining the term where it appears. The Government will consider inclusion of such an explanation in future.