
WELSH STATUTORY INSTRUMENTS

2024 No. 742 (W. 103)

BUILDING AND BUILDINGS, WALES

The Building (Amendment) (Wales) Regulations 2024

Made - - - - 7 June 2024
Laid before Senedd Cymru 11 June 2024
Coming into force - - 17 December 2024

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 1 and 34 of, and paragraphs 7, 8 and 10 of Schedule 1 to, the Building Act 1984(1), now exercisable by them(2).

In making these Regulations the Welsh Ministers have regard to the matters in section 1A3 of that Act and before making these Regulations the Welsh Ministers consulted the Building Regulations Advisory Committee for Wales and such other persons as appeared to them to be appropriate in accordance with section 14(7) of the Building Act 1984(3).

Title, application, and coming into force

- 1.—(1) The title of these Regulations is the Building (Amendment) (Wales) Regulations 2024.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 17 December 2024.

Amendment of the Building Regulations 2010

- 2.—(1) The Building Regulations 2010(4) are amended as follows.

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- (1) 1984 c. 55; section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c. 22) (“the 2004 Act”) and section 55(a) of, and paragraphs 1 and 2 of Part 1 of Schedule 5 to, the Building Safety Act 2022 (c. 30) (“the 2022 Act”). Paragraph 7 of Schedule 1 was amended by section 3 of the 2004 Act and by section 11 of the Climate Change and Sustainable Energy Act 2006 (c. 19). Paragraph 8 of Schedule 1 was amended by section 3 of the 2004 Act, section 40 of the Flood and Water Management Act 2010 (c. 29) and section 55(a) of, and paragraphs 1 and 83(6) of Part 1 of Schedule 5 to, the 2022 Act. Paragraph 10 of Schedule 1 was substituted by section 55(a) of, and paragraphs 1 and 83(1) and (8) of Part 1 of Schedule 5 to, the 2022 Act.
 - (2) The functions conferred on the Secretary of State by sections 1 and 34 of, and paragraphs 7, 8 and 10 of Schedule 1 to, the Building Act 1984 were, insofar as exercisable in relation to Wales, transferred to the Welsh Ministers by article 2 of the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019) (“the 2009 Order”).
 - (3) Section 1A was inserted by section 2 of the 2004 Act and has been amended by section 55(a) of, and paragraphs 1 and 3 of Part 1 of Schedule 5 to, the 2022 Act.
 - (4) Section 1A was inserted by section 2 of the 2004 Act and has been amended by section 55(a) of, and paragraphs 1 and 3 of Part 1 of Schedule 5 to, the 2022 Act.

(2) In regulation 2 (interpretation) in the definition of “institution”, in paragraph (b), for “under the age of five years” substitute “under the age of 18”.

(3) In regulation 37A(5) (provision of automatic fire suppression systems)—

(a) in paragraph (1), after sub-paragraph (a) insert—

“(aa) care homes for children, which means places at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(6), is provided wholly or mainly to persons aged under 18, but not—

(i) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(7);

(ii) a place at which accommodation is provided for the purposes of—

(aa) a holiday;

(bb) a leisure, recreational, sporting, cultural or educational activity;

unless a person under 18 is accommodated there for more than 28 days in any 12 month period;”

(b) for paragraph (2) substitute—

“(2) For the purposes of this regulation a material change of use comprises or includes—

(a) a change of use within regulation 5(a), (b), (c), (d), (g), (h) or (i);

(b) a change in the purposes for which or the circumstances in which a building is used, so that after that change the building is used—

(i) as a building described in paragraph (1)(a) where previously it was used as a building described in paragraph (1)(aa), or

(ii) as a building described in paragraph (1)(aa) where previously it was used as a building described in paragraph (1)(a).

(2A) Regulation 6 does not apply to the material change of use described in paragraph (2)(b).”

7 June 2024

Julie James
Cabinet Secretary for Housing, Local
Government and Planning

(5) S.I. 2010/2214, amended by S.I. 2013/2730 (W. 264), S.I. 2018/48 (W. 15) and S.I. 2019/48 (W. 275); there are other amending instruments, but none are relevant.

(6) 2016 anaw 2. See Schedule 1 for the definition of “care home service”.

(7) 1992 c. 13. Section 91(3) was amended by section 125 of, and paragraphs 1 and 13(1) and (2) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2010 (“the 2010 Regulations”) as they apply in relation to Wales. The 2010 Regulations include requirements for automatic fire suppression systems to be installed in care homes for adults. Prior to the enactment of these Regulations the requirements for automatic fire suppression systems to be installed in care homes for children in Wales were provided in the Domestic Fire Safety (Wales) Measure 2011 (nawm 3) (“the 2011 Measure”). These Regulations will move the requirement in respect of care homes for children to the 2010 Regulations.

Regulation 2(2) amends paragraph (b) of the definition of “institution” in regulation 2 (interpretation) of the 2010 Regulations to provide that an institution which is used for persons under the age of 18 falls within that definition. Prior to the enactment of these Regulations, only persons under the age of five years were included in the definition of “institution”.

Regulation 2(3)(a) amends regulation 37A (provision of automatic fire suppression systems) of the 2010 Regulations to insert a requirement for automatic fire suppression systems to be installed in care homes for children when they are newly erected, or where building work results in a material change of use. This requirement replicates the existing provision in the 2011 Measure.

Regulation 2(3)(b) provides that for the purposes of regulation 37A a material change of use in a building includes a material change of use from a care home for children to a care home for adults or from a care home for adults to a care home for children. The newly inserted paragraph (2A) confirms the requirements set by regulation 6 of the 2010 Regulations will not apply to such a material change of use.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the website at www.gov.wales.