O F F E R Y N N A U   S T A T U D O L
C Y M R U

2024 Rhif 742 (Cy. 103)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Adeiladu (Diwygio) (Cymru) 2024

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu 2010 ("Rheoliadau 2010") fel y maent yn gymwys o ran Cymru. Mae Rheoliadau 2010 yn cynnwys gofynion i osod systemau llethu tân awtomatig mewn cartrefi gofal i oedolion. Cyn i'r Rheoliadau hyn gael eu deddfu darparwyd y gofynion i osod systemau llethu tân awtomatig mewn cartrefi gofal i blant yng Nghymru ym Mesur Diogelwch Tân Domestig (Cymru) 2011 (mccc 2) ("Mesur 2011"). Bydd y Rheoliadau hyn yn symud y gofyniad mewn cysylltiad â chartrefi gofal i blant i Reoliadau 2010.

Mae rheoliad 2(2) yn diwygio paragraff (b) o'r diffiniad o "institution" yn rheoliad 2 (dehongli) o Reoliadau 2010 i ddarparu bod sefydliad a ddefnyddir ar gyfer personau o dan 18 oed yn dod o fewn y diffiniad hwnnw. Cyn i'r Rheoliadau hyn gael eu deddfu, dim ond personau o dan bump oed a oedd wedi eu cynnwys yn y diffiniad o "institution".

Mae rheoliad 2(3)(a) yn diwygio rheoliad 37A (darparu systemau llethu tân awtomatig) o Reoliadau 2010 i fewnosod gofyniad i osod systemau llethu tân awtomatig mewn cartrefi gofal i blant pan fyddant newydd eu codi, neu pan fo gwaith adeiladu yn arwain at newid defnydd sylweddol. Mae'r gofyniad hwn yn atgynhyrchu'r ddarpariaeth bresennol ym Mesur 2011.

W E L S H   S T A T U T O R Y
I N S T R U M E N T S

2024 No. 742 (W. 103)

BUILDING AND BUILDINGS, WALES

The Building (Amendment) (Wales) Regulations 2024

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.

Mae rheoliad 2(3)(b) yn darparu bod newid defnydd sylweddol mewn adeilad, at ddibenion rheoliad 37A, yn cynnwys newid defnydd sylweddol o gartref gofal i blant i gartref gofal i oedolion neu o gartref gofal i oedolion i gartref gofal i blant. Mae paragraff (2A) sydd newydd ei fewnosod yn cadarnhau na fydd y gofynion a osodir gan reoliad 6 o Reoliadau 2010 yn gymwys i newid defnydd sylweddol o'r fath.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar y wefan ar https://www.llyw.cymru.

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.

OFFERYNNAU STATUDOL CYMRU

2024 Rhif 742 (Cy. 103)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Adeiladu (Diwygio) (Cymru) 2024

Gwnaed	*7 Mehefin 2024*
Gosodwyd gerbron Senedd Cymru	*11 Mehefin 2024*
Yn dod i rym	*17 Rhagfyr 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984(**1**), a pharagraffau 7, 8 a 10 o Atodlen 1 iddi, sydd bellach yn arferadwy ganddynt hwy(**2**).

Wrth wneud y Rheoliadau hyn mae Gweinidogion Cymru yn rhoi sylw i'r materion yn adran 1A(**3**) o'r Ddeddf honno a chyn gwneud y Rheoliadau hyn gwnaethant ymgynghori â Phwyllgor Cynghori Cymru ar Reoliadau Adeiladu a'r personau eraill hynny yr

(**1**) 1984 p. 55; diwygiwyd adran 1 gan adran 1 o Ddeddf Adeiladau Cynaliadwy a Diogel 2004 (p. 22) ("Deddf 2004") ac adran 55(a) o Ddeddf Diogelwch Adeiladau 2022 (p. 30) ("Deddf 2022"), a pharagraffau 1 a 2 o Ran 1 o Atodlen 5 iddi. Diwygiwyd paragraff 7 o Atodlen 1 gan adran 3 o Ddeddf 2004 a chan adran 11 o Ddeddf Newid Hinsawdd ac Ynni Cynaliadwy 2006 (p. 19). Diwygiwyd paragraff 8 o Atodlen 1 gan adran 3 o Ddeddf 2004, adran 40 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29) ac adran 55(a) o Ddeddf 2022, a pharagraffau 1 a 83(6) o Ran 1 o Atodlen 5 iddi. Amnewidiwyd paragraff 10 o Atodlen 1 gan adran 55(a) o Ddeddf 2022, a pharagraffau 1 a 83(1) ac (8) o Ran 1 o Atodlen 5 iddi.

(**2**) Trosglwyddwyd y swyddogaethau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984, a pharagraffau 7, 8 a 10 o Atodlen 1 iddi, i'r graddau y maent yn arferadwy o ran Cymru, i Weinidogion Cymru gan erthygl 2 o Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009 (O.S. 2009/3019) ("Gorchymyn 2009").

(**3**) Mewnosodwyd adran 1A gan adran 2 o Ddeddf 2004 ac fe'i diwygiwyd gan adran 55(a) o Ddeddf 2022, a pharagraffau 1 a 3 o Ran 1 o Atodlen 5 iddi.

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 1A(**3**) of that Act and before making these Regulations the Welsh Ministers consulted the Building Regulations Advisory Committee for Wales and such other persons as

(**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.

oedd yn ymddangos iddynt eu bod yn briodol yn unol ag adran 14(7) o Ddeddf Adeiladu 1984(**1**).

Enwi, cymhwyso, a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladu (Diwygio) (Cymru) 2024.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 17 Rhagfyr 2024.

Diwygio Rheoliadau Adeiladu 2010

2.—(1) Mae Rheoliadau Adeiladu 2010(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli) yn y diffiniad o "institution", ym mharagraff (b), yn lle "under the age of five years" rhodder "under the age of 18".

(3) Yn rheoliad 37A(**3**) (darparu systemau llethu tân awtomatig)—

(a) ym mharagraff (1), ar ôl is-baragraff (a) mewnosoder—

"(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(**4**), 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(**5**);

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

(aa) a holiday;

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

appeared to them to be appropriate in accordance with section 14(7) of the Building Act 1984(**1**).

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(**2**) are amended as follows.

(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(**3**) (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(**4**), 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(**5**);

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

(aa) a holiday;

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

(**1**) Mewnosodwyd adran 14(7) gan erthygl 8 o Orchymyn 2009 ac fe'i diwygiwyd gan adran 55(a) o Ddeddf 2022, a pharagraffau 1 a 17(1) a (3) o Ran 1 o Atodlen 5 iddi.

(**2**) O.S. 2010/2214, a ddiwygiwyd gan O.S. 2013/2730 (Cy. 264), O.S. 2018/48 (Cy. 15) ac O.S. 2019/48 (Cy. 275); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**3**) Mewnosodwyd rheoliad 37A gan O.S. 2013/2730 (Cy. 264) ac fe'i diwygiwyd gan O.S. 2017/1274 (Cy. 296), O.S. 2018/48 (Cy. 15) ac O.S. 2019/1499 (Cy. 275). Mewn perthynas ag adeiladau ynni a eithrir yng Nghymru, mewnosodwyd rheoliad 37A gan O.S. 2018/558 (Cy. 97).

(**4**) 2016 dccc 2. Gweler Atodlen 1 am y diffiniad o "gwasanaeth cartref gofal".

(**5**) 1992 p. 13. Diwygiwyd adran 91(3) gan adran 125 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), a pharagraffau 1 a 13(1) a (2) o Atodlen 8 iddi.

(**1**) Section 14(7) was inserted by article 8 of the 2009 Order and was amended by section 55(a) of, and paragraphs 1 and 17(1) and (3) of Part 1 of Schedule 5 to, the 2022 Act.

(**2**) 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.

(**3**) Regulation 37A was inserted by S.I. 2013/2730 (W. 264) and amended by S.I. 2017/1274 (W. 296), S.I. 2018/48 (W. 15) and S.I. 2019/1499 (W. 275). In relation to excepted energy buildings in Wales, regulation 37A was inserted by S.I. 2018/558 (W. 97).

(**4**) 2016 anaw 2. See Schedule 1 for the definition of "care home service".

(**5**) 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).

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

(b) yn lle paragraff (2) rhodder—

“(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).”

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).”

Julie James

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
7 Mehefin 2024

Cabinet Secretary for Housing, Local Government and Planning
7 June 2024

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