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WELSH STATUTORY INSTRUMENTS

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**2024 No. 742**

**The Building (Amendment) (Wales) Regulations 2024**

**Amendment of the Building Regulations 2010**

2.—(1) The Building Regulations 2010(1) 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(2) (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(3), 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(4);

(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).”

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

(4) 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).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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