
WELSH STATUTORY INSTRUMENTS

2017 No. 1274 (W. 296)

BUILDING AND BUILDINGS, WALE

The Building (Amendment) (Wales) Regulations 2017

Made - - - - 12 December 2017

Laid before the National

Assembly for Wales - - 15 December 2017

Coming into force in accordance with regulation 1(2)

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 1 and 34 of, and paragraphs 2, 4, 4A, 7, 8 and 10 of Schedule 1 to, the Building Act 1984⁽¹⁾, now exercisable by them⁽²⁾, having consulted the Building Regulations Advisory Committee for Wales and such other bodies as appear to them to be representative of the interests concerned in accordance with section 14(7) of that Act⁽³⁾, make the following Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Building (Amendment) (Wales) Regulations 2017.

(2) These Regulations come into force on the following dates—

- (a) this regulation, regulation 2(1), 2(3)(a), 2(3)(b)(i) and 2(3)(b)(iii) on 15 January 2018;
- (b) regulation 2(3)(b)(ii) on 28 February 2018;
- (c) regulations 2(2) and 3 on 1 April 2018.

(3) These Regulations apply in relation to Wales but do not apply in relation to excepted energy buildings in Wales.

(4) In this regulation “excepted energy building” (“*adeilad ynni a eithrir*”) has the meaning given by the Schedule to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009⁽⁴⁾.

(1) 1984 c. 55; section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c. 22) (“the 2004 Act”); Paragraph 4A was inserted into Schedule 1 by section 8(1) of the 2004 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); and paragraph 8 of Schedule 1 was amended by section 3 of the 2004 Act and section 40 of the Flood and Water Management Act 2010 (c. 29).

(2) The functions conferred on the Secretary of State by sections 1 and 34 of and paragraphs 2, 4, 4A, 7, 8 and 10 of Schedule 1 to the Building Act 1984 were, so far as exercisable in relation to Wales, transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019) (“the 2009 Order”) subject to articles 3 and 4 of that Order.

(3) Section 14(7) was added by the 2009 Order.

(4) S.I. 2009/3019. The Order transferred certain functions conferred on the Secretary of State by or under the Building Act 1984, so far as exercisable in relation to Wales, to the Welsh Ministers. Article 3(a) of the Order provided that functions were not transferred so far as they were exercisable in relation to an excepted energy building as defined by the Schedule to the Order.

Amendment to the Building Regulations 2010

2.—(1) The Building Regulations 2010⁽⁵⁾ are amended as follows.

(2) In regulation 37A(1) (provision of automatic fire suppression systems)⁽⁶⁾ for sub-paragraph (b)(i) substitute—

“(i) a hostel providing temporary accommodation to those who are ordinarily resident elsewhere;”.

(3) In Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans)⁽⁷⁾—

(a) in paragraphs 4, 8, 9, 12, 13, 14 and 15 of column 2, omit “Benchmark Certification Limited,”;

(b) in paragraphs 10 and 11 of column 2—

(i) before “BM Trada Certification Limited” insert “Assure Certification Limited⁽⁸⁾,”;

(ii) omit “BM Trada Certification Limited,”; and

(iii) omit “, Network VEKA Limited”.

Transitional provision

3. The amendment made by regulation 2⁽²⁾ does not apply in any case where before the date that regulation comes into force—

(a) a building notice, an initial notice, an amendment notice or a public body’s notice is given to, or full plans are deposited with, a local authority; or

(b) building work is being or has been carried out in accordance with any such notice or plans, whether with or without any departure from such notice or plans.

12 December 2017

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

(5) [S.I. 2010/2214](#).

(6) Regulation 37A was inserted by regulation 4 of the Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013 ([S.I. 2013/2730 \(W. 264\)](#)).

(7) Schedule 3 was substituted by [S.I. 2015/1486 \(W. 165\)](#) and paragraphs 8 and 10 have been amended by [S.I. 2016/611 \(W. 168\)](#).

(8) A company formed and registered under the Companies Acts with the registration number 10675430.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2010 (“the Building Regulations”) in relation to Wales.

Regulation 2(2) amends regulation 37A(1) of the Building Regulations. Regulation 37A of the Building Regulations applies where building work consists of the erection or material change of use of the types of building listed in paragraph (1). Where that regulation applies, those buildings must be provided with an automatic fire suppression system. The types of building required to be provided with an automatic fire suppression system include rooms for residential purposes other than those listed as exceptions. Hostels were previously excepted from the requirement. The effect of the amendment in regulation 2(2) is that automatic fire suppression systems are now required to be provided in hostel rooms, other than those rooms which provide temporary accommodation to those who are ordinarily resident elsewhere.

Regulation 2(3) updates the list of competent person schemes that appear in Schedule 3 of the Building Regulations (self-certification schemes and exemptions from requirement to give a building notice or deposit full plans). A competent person scheme is a scheme that installers can register with to self-certify that their building work complies with the Building Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.