OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 1274 (Cy. 296)

2017 No. 1274 (W. 296)

ADEILADU AC ADEILADAU, CYMRU

BUILDING AND BUILDINGS, WALES

Rheoliadau Adeiladu (Diwygio) (Cymru) 2017

The Building (Amendment) (Wales) Regulations 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu 2010 ("y Rheoliadau Adeiladu") o ran Cymru.

Mae rheoliad 2(2) yn diwygio rheoliad 37A(1) o'r Rheoliadau Adeiladu. Mae rheoliad 37A o'r Rheoliadau Adeiladu yn gymwys pan fo gwaith adeiladu yn cynnwys adeiladu'r mathau o adeiladau a restrir ym mharagraff (1), neu newid eu defnydd yn sylweddol. Pan fo'r rheoliad hwnnw'n gymwys, rhaid darparu system llethu tân awtomatig yn yr adeiladau hynny. Mae'r mathau o adeiladau y mae'n ofynnol darparu system llethu tân awtomatig ynddynt yn cynnwys ystafelloedd at ddibenion preswyl ac eithrio'r rhai a restrir fel eithriadau. Roedd hostelau wedi eu heithrio o'r gofyniad yn flaenorol. Effaith y diwygiad yn rheoliad 2(2) yw ei bod yn ofynnol bellach i systemau llethu tân awtomatig gael eu darparu mewn ystafelloedd mewn hostelau, ac eithrio'r ystafelloedd hynny sy'n darparu llety dros dro i'r rheini sy'n preswylio fel arfer yn rhywle arall.

Mae rheoliad 2(3) yn diweddaru'r rhestr o gynlluniau personau cymwys yn Atodlen 3 i'r Rheoliadau Adeiladu (cynlluniau hunanardystio ac esemptiadau o'r gofyniad i roi hysbysiad adeiladu neu adneuo planiau llawn). Cynllun person cymwys yw cynllun y gall gosodwyr gofrestru arno i hunanardystio bod eu gwaith adeiladu yn cydymffurfio â'r Rheoliadau Adeiladu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

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.

OFFERYNNAU STATUDOL CYMRU

2017 Rhif 1274 (Cy. 296)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Adeiladu (Diwygio) (Cymru) 2017

Gwnaed *12 Rhagfyr 2017*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *15 Rhagfyr 2017*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984(**1**), a pharagraffau 2, 4, 4A, 7, 8 a 10 o Atodlen 1 iddi, sydd bellach yn arferadwy ganddynt hwy(**2**), ar ôl ymgynghori â Phwyllgor Cynghori Cymru ar Reoliadau Adeiladu a'r cyrff eraill hynny yr ymddengys iddynt eu bod yn cynrychioli'r buddiannau o dan sylw yn unol ag adran 14(7) o'r Ddeddf honno(**3**), yn gwneud y Rheoliadau a ganlyn.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladu (Diwygio) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym ar y dyddiadau a ganlyn—

(**1**) 1984 p. 55; diwygiwyd adran 1 gan adran 1 o Ddeddf Adeiladau Cynaliadwy a Diogel 2004 (p. 22) ("Deddf 2004"); mewnosodwyd paragraff 4A yn Atodlen 1 gan adran 8(1) o Ddeddf 2004; diwygiwyd paragraff 7 o Atodlen 1 gan adran 3 o Ddeddf 2004 a chan adran 11 o Ddeddf Newid yn yr Hinsawdd ac Ynni Cynaliadwy 2006 (p. 19); a diwygiwyd paragraff 8 o Atodlen 1 gan adran 3 o Ddeddf 2004 a chan adran 40 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29).

(**2**) Cafodd y swyddogaethau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984, a pharagraffau 2, 4, 4A, 7, 8 a 10 o Atodlen 1 iddi, i'r graddau yr oeddent yn arferadwy o ran Cymru, eu trosglwyddo i Weinidogion Cymru gan Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009 (O.S. 2009/3019) ("Gorchymyn 2009") yn ddarostyngedig i erthyglau 3 a 4 o'r Gorchymyn hwnnw.

(**3**) Ychwanegwyd adran 14(7) gan Orchymyn 2009.

WELSH STATUTORY INSTRUMENTS

2017 No. 1274 (W. 296)

BUILDING AND BUILDINGS, WALES

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—

(**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.

(a) y rheoliad hwn, rheoliad 2(1), 2(3)(a), 2(3)(b)(i) a 2(3)(b)(iii) ar 15 Ionawr 2018;

(b) rheoliad 2(3)(b)(ii) ar 28 Chwefror 2018;

(c) rheoliadau 2(2) a 3 ar 1 Ebrill 2018.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ond nid ydynt yn gymwys mewn perthynas ag adeiladau ynni a eithrir yng Nghymru.

(4) Yn y rheoliad hwn mae i "adeilad ynni a eithrir" yr ystyr a roddir i "excepted energy building" gan yr Atodlen i Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009(**1**).

Diwygio Rheoliadau Adeiladu 2010

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

(2) Yn rheoliad 37A(1) (darparu systemau llethu tân awtomatig)(**3**) yn lle is-baragraff (b)(i) rhodder—

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

(3) Yn Atodlen 3 (cynlluniau hunanardystio ac esemptiadau i'r gofyniad i roi hysbysiad adeiladu neu adneuo planiau llawn)(**4**)—

(a) ym mharagraffau 4, 8, 9, 12, 13, 14 a 15 o golofn 2, hepgorer "Benchmark Certification Limited,";

(b) ym mharagraffau 10 ac 11 o golofn 2—

(i) o flaen "BM Trada Certification Limited" mewnosoder "Assure Certification Limited(**5**),";

(ii) hepgorer "BM Trada Certification Limited,"; a

(iii) hepgorer ", Network VEKA Limited".

(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(**1**).

Amendment to the Building Regulations 2010

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

(2) In regulation 37A(1) (provision of automatic fire suppression systems)(**3**) 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)(**4**)—

(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(**5**),";

(ii) omit "BM Trada Certification Limited,"; and

(iii) omit ", Network VEKA Limited".

(**1**) O.S. 2009/3019. Trosglwyddodd y Gorchymyn swyddogaethau penodol a roddwyd i'r Ysgrifennydd Gwladol gan Ddeddf Adeiladu 1984, neu oddi tani, i Weinidogion Cymru, i'r graddau yr oeddent yn arferadwy o ran Cymru. Roedd erthygl 3(a) o'r Gorchymyn yn darparu nad oedd swyddogaethau wedi eu trosglwyddo i'r graddau yr oeddent yn arferadwy mewn perthynas ag adeilad ynni a eithrir fel y'i diffinnir gan yr Atodlen i'r Gorchymyn.

(**2**) O.S. 2010/2214.

(**3**) Mewnosodwyd rheoliad 37A gan reoliad 4 o Reoliadau Rheoliadau Adeiladu etc. (Diwygio Rhif 3) a Diogelwch Tân Domestig (Cymru) 2013 (O.S. 2013/2730 (Cy. 264)).

(**4**) Amnewidiwyd Atodlen 3 gan O.S. 2015/1486 (Cy. 165) ac mae paragraffau 8 a 10 wedi eu diwygio gan O.S. 2016/611 (Cy. 168).

(**5**) Cwmni a ffurfiwyd ac a gofrestrwyd o dan y Deddfau Cwmnïau gyda'r rhif cofrestru 10675430.

(**1**) 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.

(**2**) S.I. 2010/2214.

(**3**) 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)).

(**4**) 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).

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

Darpariaeth drosiannol

3. Nid yw'r diwygiad a wneir gan reoliad 2(2) yn gymwys mewn unrhyw achos pan fo, cyn y dyddiad y daw'r rheoliad hwnnw i rym—

(a) hysbysiad adeiladu, hysbysiad cychwynnol, hysbysiad diwygio neu hysbysiad corff cyhoeddus yn cael ei roi i awdurdod lleol, neu gynlluniau llawn yn cael eu hadneuo gydag awdurdod lleol; neu

(b) gwaith adeiladu yn cael ei wneud neu wedi ei wneud yn unol ag unrhyw hysbysiad neu gynlluniau o'r fath, boed unrhyw wyro oddi wrth yr hysbysiad neu gynlluniau hynny ai peidio.

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.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
12 Rhagfyr 2017

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
12 December 2017

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