
WELSH STATUTORY INSTRUMENTS

2013 No. 2730 (W. 264)

BUILDING AND BUILDINGS, WALES

**The Building Regulations &c. (Amendment No. 3)
and Domestic Fire Safety (Wales) Regulations 2013**

Made - - - - 22 October 2013
*Laid before the National
Assembly for Wales* - - 25 October 2013
Coming into force in accordance with regulation 1(2)

The Welsh Ministers, in exercise of the powers conferred on them by sections 1(4) and 8(1) of the Domestic Fire Safety (Wales) Measure 2011⁽¹⁾ (“the Measure”) and conferred on the Secretary of State by sections 1(1), 1A, 2, 3, 34 and 47(1) of, and paragraphs 1, 7, 8 and 10 of Schedule 1 to, the Building Act 1984⁽²⁾ (“the Act”), now exercisable by them⁽³⁾, having consulted as they consider appropriate in accordance with section 8(1)(d) of the Measure and 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 the Act, make the following Regulations:

Title, application and commencement

1. (1) The title of these Regulations is the Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013.

(2) These Regulations come into force on—

(a) 30 April 2014 in relation to—

(i) care homes as defined in section 3 of the Care Standards Act 2000⁽⁴⁾;

(ii) rooms for residential purposes other than rooms in—

⁽¹⁾ 2011 nawm 3.

⁽²⁾ 1984 c.55. Section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c.22). Section 1A was inserted by section 2 of that Act. Section 47(1) was amended by section 8 of that Act and S.I. 1996/1905. Paragraph 7 of Schedule 1 was amended by section 3 of that 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 Sustainable and Secure Buildings Act 2004 and by section 40 of the Flood and Water Management Act 2010 (c.29). There are other amendments to this Act which are not relevant to these Regulations.

⁽³⁾ The functions conferred on the Secretary of State by 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), subject to articles 3 and 4 of that Order.

⁽⁴⁾ 2000 c. 14.

- (aa) a hostel;
- (bb) an hotel;
- (cc) a prison or young offender institution;
- (dd) a hospital, and

(b) 1 January 2016 in relation to dwelling-houses and flats.

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

Interpretation

2. In these Regulations—

“Approved Inspectors Regulations” (“*Rheoliadau Arolygwyr Cymeradwy*”) means the Building (Approved Inspectors etc.) Regulations 2010(5);

“excepted energy building” (“*adeilad ynni a eithrir*”) has the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009(6);

“occupant” (“*meddiannydd*”) means a person occupying a residence;

“residence” (“*preswylfa*”) has the meaning set out in section 6(1) of the Measure(7);

“the Principal Regulations” (“*y Prif Reoliadau*”) means the Building Regulations 2010(8).

Prescribed Requirements for the purposes of the Measure

3. An automatic fire suppression system complies with the requirements of section 1(4) of the Measure if the system complies with Part 7A of the Principal Regulations.

Amendments to the Principal Regulations

4. (1) The Principal Regulations are amended as follows.

(2) Insert after Part 7—

“PART 7A

Automatic fire suppression systems

Provision of automatic fire suppression systems

37A. (1) This regulation applies where building work consists of the erection or material change of use of a building in relation to—

- (a) care homes as defined in section 3 of the Care Standards Act 2000;
- (b) rooms for residential purposes other than rooms in—
 - (i) a hostel;
 - (ii) an hotel;

(5) [S.I. 2010/2215](#), to which there are amendments not relevant to these Regulations.

(6) [S.I. 2009/3019](#). Article 3(a) of this Order, which transferred certain functions conferred on the Secretary of State by the Building Act 1984 to the Welsh Ministers, provided that functions were not transferred so far as they were exercisable in relation to excepted energy buildings as defined in the Schedule to the Order.

(7) Section 6(1) is amended by the Domestic Fire Safety (Definition of Residence) (Wales) Order 2013 ([S.I. 2013/2723 \(W. 261\)](#)).

(8) [S.I. 2010/2214](#) as amended by [S.I. 2011/1515](#), [S.I. 2011/3058](#), [S.I. 2012/718](#), [S.I. 2012/3119](#), [S.I. 2013/10](#), [S.I. 2013/181](#), [S.I. 2013/747](#) and [S.I. 2013/1105](#).

- (iii) a prison or young offender institution; and
 - (iv) a hospital
 - (c) dwelling-houses and flats,
- subject to paragraphs (4) and (5).

(2) For the purposes of this regulation a material change of use comprises or includes a change of use within regulation 5 (a), (b), (c), (d), (g), (h) or (i).

(3) A building to which this regulation applies must be provided with an automatic fire suppression system which is installed and operates in accordance with the requirements set in regulation 37B.

(4) This regulation does not apply to buildings which are—

- (a) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽⁹⁾;
- (b) in a conservation area designated in accordance with section 69 of that Act; or
- (c) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979⁽¹⁰⁾,

where installation of a fire suppression system would unacceptably alter their character or appearance.

(5) This regulation does not apply to temporary buildings with a planned time of use of two years or less.

Requirements of automatic fire suppression systems

37B. For the purposes of regulation 37A(3), the requirements of an automatic fire suppression system are the requirements set out in any document approved and issued under section 6 of the Building Act 1984 for the purpose of providing practical guidance as to the requirements of regulation 37A.”.

Amendments to the Approved Inspectors Regulations

5. In regulation 8(1)(a) of the Approved Inspectors Regulations after “36 (water efficiency of new dwellings),” insert “37A (provision of automatic fire suppression systems),”.

Transitional provisions

- 6.** (1) This regulation applies in relation to—
- (a) care homes as defined in section 3 of the Care Standards Act 2000;
 - (b) rooms for residential purposes other than rooms in—
 - (i) a hostel;
 - (ii) an hotel;
 - (iii) a prison or young offender institution; and
 - (iv) a hospital.

(2) Subject to paragraph (4), the Principal Regulations and the Approved Inspectors Regulations continue to apply in relation to any building work as if these Regulations had not been made where before 30 April 2014—

⁽⁹⁾ 1990 c. 9.

⁽¹⁰⁾ 1979 c. 46. There are amendments to section 1 which are not relevant to these Regulations.

- (a) a building notice, an initial notice, an amendment notice or a public body's notice⁽¹¹⁾ has been given to a local authority, or full plans have been deposited with a local authority in accordance with the Principal Regulations; and
 - (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 plans.
- (3) Subject to paragraph (4), the Principal Regulations and the Approved Inspectors Regulations continue to apply in relation to any building work as if these Regulations had not been made where—
- (a) before 30 April 2014 a building notice, an initial notice, an amendment notice or a public body's notice has been given to a local authority, or full plans have been deposited with a local authority in accordance with the Principal Regulations; and
 - (b) the building work to be carried out in accordance with any such notice or plans is commenced on or after 30 April 2014 but before 30 April 2015, whether with or without any departure from such plans.
- (4) Where an initial notice given before 30 April 2014 is varied by an amendment notice given on or after that date, the Principal Regulations continue to apply as if these Regulations had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

7. (1) This regulation applies in relation to dwelling-houses and flats.

- (2) Subject to paragraph (4), the Principal Regulations and the Approved Inspectors Regulations continue to apply in relation to any building work as if these Regulations had not been made where before 1 January 2016—
- (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; and
 - (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 plans.
- (3) Subject to paragraph (4), the Principal Regulations and the Approved Inspectors Regulations continue to apply in relation to any building work as if these Regulations had not been made where—
- (a) before 1 January 2016 a building notice, an initial notice, an amendment notice or a public body's notice has been given to a local authority, or full plans have been deposited with a local authority in accordance with the Principal Regulations; and
 - (b) the building work to be carried out in accordance with any such notice or plans is commenced on or after 1 January 2016 but on or before 1 January 2017, whether with or without any departure from such plans.
- (4) Where—
- (a) an initial notice given before 1 January 2016 is varied by an amendment notice given on or after that date, and
 - (b) the building work the subject of that notice is commenced on or before 1 January 2017,
- the Principal Regulations continue to apply as if these Regulations had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(11) "building notice", "initial notice", "amendment notice" and "public body's notice" are all defined in the Principal Regulations, see Regulation 2(1).

22 October 2013

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert into the Building Regulations 2010 (“the Building Regulations”) a requirement to fit automatic fire suppression systems. They prescribe the requirements of such systems for the purposes of the Building Regulations and the Domestic Fire Safety (Wales) Measure 2011 (“the Measure”).

Under the Building Act 1984, the Welsh Ministers have the function of making Building Regulations for the purpose, amongst other things, of securing the health and safety of people in buildings.

The Measure provides that residences must be provided with an automatic fire suppression system which complies with requirements prescribed by the Welsh Ministers when the residence is completed or when it is first occupied as a residence.

Regulation 3 prescribes requirements for the purposes of the Measure. It does this by referring to the equivalent requirements contained in the Building Regulations.

Regulation 4 amends the Building Regulations to require certain buildings to be provided with automatic fire suppression systems. These buildings are care homes, certain rooms for residential purposes and dwellings (houses and flats). The requirements will apply to care homes and certain rooms for residential purposes from 30 April 2014 and to dwellings from 1 January 2016.

Listed buildings, buildings in conservation areas and scheduled ancient monuments need not comply with the requirements where installation of an automatic fire suppression system would unacceptably alter their character or appearance.

Temporary buildings with a planned time of use of two years or less also need not comply with the requirements.

Regulation 5 makes a consequential amendment to the Building (Approved Inspectors etc.) Regulations 2010.

Regulations 6 and 7 are transitional provisions.

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government’s website at www.wales.gov.uk.