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WELSH STATUTORY INSTRUMENTS

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**2018 No. 552 (W. 94)**

**BUILDING AND BUILDINGS, WALES**

**The Building (Amendment) (Wales) Regulations 2018**

<i>Made</i>	- - - -	<i>30 April 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 May 2018</i>
<i>Coming into force</i>	- -	<i>1 November 2018</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1, 3, 34 and 35 of, and paragraphs 1, 2, 7, 8 and 10 of Schedule 1 to, the Building Act 1984<sup>(1)</sup>, now exercisable by them<sup>(2)</sup>, 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 Building Act 1984<sup>(3)</sup>, make the following Regulations:

**Title, application, commencement and interpretation**

- 1.—(1) The title of these Regulations is the Building (Amendment) (Wales) Regulations 2018.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 1 November 2018.
- (4) In these Regulations “the 2010 Regulations” (“*Rheoliadau 2010*”) means the Building Regulations 2010<sup>(4)</sup>.

**Amendments to the 2010 Regulations**

2. The 2010 Regulations are amended as set out in regulations 3 to 5.

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(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 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, 3 and 34 and paragraphs 1, 2, 7, 8 and 10 of Schedule 1 to the Building Act 1984 (“the 1984 Act”) were, insofar 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. Article 3(a) of the 2009 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 that Order. Section 54 of the Wales Act 2017 (c. 4) removed this exclusion by making the necessary provision for the transfer of functions under the 1984 Act for that category of buildings.

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

(4) S.I. 2010/2214, to which there are amendments not relevant to these Regulations.

## Water efficiency

3.—(1) For regulation 36 (water efficiency of new dwellings) substitute—

“36.—(1) This regulation applies where a dwelling is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

(2) The potential consumption of wholesome water by persons occupying a dwelling to which this regulation applies must not exceed the requirement in paragraph (3).

(3) The requirement referred to in paragraph (2) is—

- (a) where a dwelling is erected, 110 litres per person per day; or
- (b) where a dwelling is formed by a material change of use of a building within the meaning of regulation 5(a) or (b), 125 litres per person per day,

as measured in either case in accordance with a methodology approved by the Welsh Ministers.”

(2) In regulation 37 (wholesome water consumption calculation) for paragraph (1) substitute—

“(1) Where regulation 36 applies, the person carrying out the work must give the local authority a notice which specifies the potential consumption of wholesome water per person per day in relation to the completed dwelling.”

(3) In Schedule 1 (requirements relating to building work) in Part G (sanitation, hot water safety and water efficiency) —

- (a) for the heading of paragraph G2 (water efficiency) substitute “Water efficiency of new dwellings”;
- (b) after paragraph G2 insert the following paragraph—

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*“Water efficiency of new buildings other than dwellings and healthcare buildings*

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### **G2A**

Reasonable provision must be made in the design and installation of any sanitary convenience<sup>(5)</sup>, washbasin or shower so as to prevent the undue consumption of water.

Requirement G2A applies only to building work that consists of the erection or extension of a building which is not a dwelling or a healthcare building.

“Healthcare building” means—

- (a) a hospital;
- (b) a building used for the provision of medical services by a registered medical practitioner<sup>(6)</sup>;
- (c) a building used for the provision of dental services by a person who under the Dentists Act 1984<sup>(7)</sup> is permitted to practise dentistry;
- (d) a building not falling within paragraphs (b) or (c) which is used for the provision of primary medical services or primary dental services under the National

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<sup>(5)</sup> See section 126 (general interpretation) of the 1984 Act for definition of “sanitary convenience”.

<sup>(6)</sup> See Schedule 1 of the Interpretation Act 1978 (c. 30) for definition of “registered medical practitioner”.

<sup>(7)</sup> 1984 c. 24.

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*“Water efficiency of new buildings other than dwellings and healthcare buildings*

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- Health Service Act 2006<sup>(8)</sup> or the National Health Service (Wales) Act 2006<sup>(9)</sup>;
- (e) a building at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(10)</sup> is provided.”
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#### **Contravention of certain regulations not to be an offence**

4. For regulation 47 substitute—

“47. The following regulations are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply—

- (a) regulations 17, 17A, 25A, 27, 27A, 37, 41, 42, 43 and 44; and
- (b) regulations 23, 25B and 26, in so far as these Regulations apply to Crown buildings or to building work carried out or proposed to be carried out by Crown authorities.”

#### **Security**

5. In Schedule 1 after Part P (electrical safety) insert the following Part—

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*“PART Q SECURITY*

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#### **Unauthorised access**

##### **Q1**

Reasonable provision must be made to deter and resist unauthorised access to—

- (a) any dwelling; and
- (b) any part of a building from which access can be gained to a flat within the building.
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Requirement Q1 applies only when a dwelling is erected.”

#### **Transitional provision**

6.—(1) The amendments made by regulations 3 to 5 do not apply in any case where on the date these Regulations come into force—

- (a) building work has started in accordance with any relevant notification provision; or
- (b) a relevant notification provision has been complied with in relation to proposed building work and the building work is started within the period of twelve months beginning on the date these Regulations come into force.

(2) In this regulation, “relevant notification provision” (*“darpariaeth hysbysu berthnasol”*) means regulation 12(2) of the 2010 Regulations and sections 47(1), 50, 51A(2) and 54 of the Building Act 1984.

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<sup>(8)</sup> 2006 c. 41.

<sup>(9)</sup> 2006 c. 42.

<sup>(10)</sup> 2016 anaw. 2.

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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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30 April 2018

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building Regulations 2010 (“the 2010 Regulations”).

Regulation 3(1) amends regulation 36 (water efficiency of new dwellings) to introduce a new requirement that where a dwelling is erected the potential consumption of wholesome water by persons occupying the dwelling must not exceed 110 litres per person per day. The current requirement of 125 litres remains where there is a material change of use such that a building is used as a dwelling or contains a flat, in either case where previously it did not.

Regulation 3(3) adds paragraph G2A (water efficiency of new buildings other than dwellings and healthcare buildings) to Part G (sanitation, hot water safety and water efficiency) of Schedule 1 (requirements relating to building work). The new requirement does not apply to dwellings or healthcare buildings.

Regulation 4 has the effect of designating regulations 23 (requirements for the renovation or replacement of thermal elements), 25B (nearly zero-energy requirements for new buildings) and 26 (CO2 emission rates for new buildings) for the purposes of section 35 of the Building Act 1984 (penalty for contravening building regulations) in so far as those regulations apply to Crown buildings or to building work carried out or proposed to be carried out by Crown authorities.

Regulation 5 adds Part Q (security) to Schedule 1. This new requirement only applies to the erection of dwellings.

Regulation 6 contains transitional provision.

Some minor and consequential drafting changes have also been made.

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 at [www.wales.gov](http://www.wales.gov).