



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 552 (Cy. 94)

2018 No. 552 (W. 94)

**ADEILADU AC ADEILADAU,
CYMRU**

**BUILDING AND BUILDINGS,
WALES**

**Rheoliadau Adeiladu (Diwygio)
(Cymru) 2018**

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

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu 2010 ("Rheoliadau 2010").

These Regulations amend the Building Regulations 2010 ("the 2010 Regulations").

Mae rheoliad 3(1) yn diwygio rheoliad 36 (effeithlonrwydd dŵr anheddau newydd) er mwyn cyflwyno gofyniad newydd sef pan fo annedd yn cael ei chodi, ni chaniateir i'r defnydd posibl o ddŵr dihalog gan bersonau sy'n meddiannu'r annedd fod yn fwy na 110 o litrau y person y dydd. Mae'r gofyniad presennol o 125 o litrau yn parhau pan fo newid defnydd sylweddol megis adeilad yn cael ei ddefnyddio fel annedd neu'n cynnwys fflat, pan nad oedd o'r blaen yn y naill achos neu'r llall.

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.

Mae rheoliad 3(3) yn ychwanegu paragraff G2A (effeithlonrwydd dŵr adeiladau newydd ac eithrio anheddau ac adeiladau gofal iechyd) i Ran G (glanweithdra, diogelwch dŵr poeth ac effeithlonrwydd dŵr) o Atodlen 1 (gofynion mewn perthynas â gwaith adeiladu). Nid yw'r gofyniad newydd yn gymwys i anheddau nac adeiladau gofal iechyd.

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.

Effaith rheoliad 4 yw dynodi rheoliadau 23 (gofynion ar gyfer adnewyddu neu ailosod elfennau thermol), 25B (gofynion bron di-ynni ar gyfer adeiladau newydd) a 26 (cyfraddau allyriadau CO2 ar gyfer adeiladau newydd) at ddibenion adran 35 o Ddeddf Adeiladu 1984 (cosb am dorri rheoliadau adeiladu) i'r graddau y mae'r rheoliadau hynny yn gymwys i adeiladau'r Goron neu i waith adeiladu a wnaed gan awdurdodau'r Goron neu y bwriedir ei wneud ganddynt.

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.

Mae rheoliad 5 yn ychwanegu Rhan Q (diogelwch) at Atodlen 1. Mae'r gofyniad newydd hwn yn gymwys i godi anheddau yn unig.

Mae rheoliad 6 yn cynnwys darpariaeth drosiannol.

Gwneir rhai mân ddiwygiadau drafftio a chanlyniadol yn ogystal.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ar www.llyw.cymru.

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.

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Regulations 2018**

Gwnaed 30 Ebrill 2018

Made 30 April 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 4 Mai 2018

*Laid before the National Assembly
for Wales* 4 May 2018

Yn dod i rym 1 Tachwedd 2018

Coming into force 1 November 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 1, 3, 34 a 35 o Ddeddf Adeiladu 1984(1), a pharagraffau 1, 2, 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 ac unrhyw gorff arall yr ymddengys iddynt ei fod yn cynrychioli'r buddiannau o dan sylw yn unol ag adran 14(7) o Ddeddf Adeiladu 1984(3), yn gwneud y Rheoliadau a ganlyn:

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(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 the Building Act 1984(3), make the following Regulations:

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- (1) 1984 p. 55. Diwygiwyd adran 1 gan adran 1 o Ddeddf Adeiladu Cynaliadwy a Diogel 2004 (p. 22) ("Deddf 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 ac adran 40 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29).
 - (2) Cafodd y swyddogaethau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1, 3 a 34 o Ddeddf Adeiladu 1984 ("Deddf 1984") a pharagraffau 1, 2, 7, 8 a 10 o Atodlen 1 iddi, i'r graddau yr oeddent yn arferadwy o ran Cymru, eu trosglwyddo i Weiniogion 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. Roedd erthygl 3(a) o Orchymyn 2009 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 hwnnw. Mae adran 54 o Ddeddf Cymru 2017 (p. 4) yn dileu'r eithriad hwn drwy wneud y ddarpariaeth angenrheidiol ar gyfer trosglwyddo swyddogaethau o dan Ddeddf 1984 ar gyfer y categori hwnnw o adeiladau.
 - (3) Ychwanegwyd adran 14(7) gan Orchymyn 2009.

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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.

Enwi, cymhwyso, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladu (Diwygio) (Cymru) 2018.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 1 Tachwedd 2018.

(4) Yn y Rheoliadau hyn ystyr "Rheoliadau 2010" ("*the 2010 Regulations*") yw Rheoliadau Adeiladu 2010(1).

Diwygio Rheoliadau 2010

2. Mae Rheoliadau 2010 wedi eu diwygio fel a nodir yn rheoliadau 3 i 5.

Effeithlonrwydd dŵr

3.—(1) Yn lle rheoliad 36 (effeithlonrwydd dŵr anheddau newydd) rhodder—

“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) Yn rheoliad 37 (cyfrifo'r defnydd o ddŵr dihalog) yn lle paragraff (1) rhodder—

“(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.”

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(1).

Amendments to the 2010 Regulations

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

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.”

(1) O.S. 2010/2214, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

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

(3) Yn Atodlen 1 (gofynion sy'n ymwneud â gwaith adeiladu) yn Rhan G (glanweithdra, diogelwch dŵr poeth ac effeithlonrwydd dŵr)—

- (a) yn lle pennawd paragraff G2 (effeithlonrwydd dŵr) rhodder “Water efficiency of new dwellings”;
- (b) ar ôl paragraff G2 mewnosoder y paragraff a ganlyn—

(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—

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

G2A

Reasonable provision must be made in the design and installation of any sanitary convenience⁽¹⁾, 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⁽²⁾;
- (c) a building used for the provision of dental services by a person who under the Dentists Act 1984⁽³⁾ 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 Health Service Act 2006⁽⁴⁾ or the National Health Service (Wales) Act 2006⁽⁵⁾;
- (e) a building at which a

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- (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 Health Service Act 2006⁽⁴⁾ or the National Health Service (Wales) Act 2006⁽⁵⁾;
- (e) a building at which a

(1) Gweler adran 126 (dehongli cyffredinol) o Ddeddf 1984 ar gyfer diffiniad o “sanitary convenience”.

(2) Gweler Atodlen 1 o Ddeddf Dehongli 1978 (p. 30) ar gyfer y diffiniad o “registered medical practitioner”.

(3) 1984 p. 24.

(4) 2006 p. 41.

(5) 2006 p. 42.

(1) See section 126 (general interpretation) of the 1984 Act for definition of “sanitary convenience”.

(2) See Schedule 1 of the Interpretation Act 1978 (c. 30) for definition of “registered medical practitioner”.

(3) 1984 c. 24.

(4) 2006 c. 41.

(5) 2006 c. 42.

care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(1) is provided.”

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Torri rheoliadau penodol yn peidio â bod yn drosedd

4. Yn lle rheoliad 47 rhodder—

“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.”

Diogelwch

5. Yn Atodlen 1 ar ôl Rhan P (diogelwch o ran trydan) mewnosoder y Rhan a ganlyn—

“PART Q SECURITY

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.

Darpariaeth drosiannol

6.—(1) Nid yw'r diwygiadau a wneir gan reoliadau 3 i 5 yn gymwys mewn unrhyw achos pan fo, ar y diwrnod y daw'r Rheoliadau hyn i rym—

(1) 2016 dccc. 2.

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—

“PART Q SECURITY

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.

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—

(1) 2016 anaw. 2.

- (a) gwaith adeiladu wedi cychwyn yn unol ag unrhyw ddarpariaeth hysbysu berthnasol; neu
- (b) pan gydymffurfir â darpariaeth hysbysu berthnasol mewn perthynas â gwaith adeiladu arfaethedig a bod y gwaith adeiladu wedi ei ddechrau o fewn y cyfnod o ddeuddeg mis sy'n dechrau ar y diwrnod y daw'r Rheoliadau hyn i rym.

(2) Yn y rheoliad hwn, ystyr “darpariaeth hysbysu berthnasol” (“*relevant notification provision*”) yw rheoliad 12(2) o Reoliadau 2010 ac adrannau 47(1), 50, 51A(2) a 54 o Ddeddf Adeiladu 1984.

- (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.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
30 Ebrill 2018

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
30 April 2018

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