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WELSH STATUTORY INSTRUMENTS

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**2013 No. 2723 (W. 261)**

**BUILDING AND BUILDINGS, WALES**

**The Domestic Fire Safety (Definition  
of Residence) (Wales) Order 2013**

*Made* - - - - - *22 October 2013*

*Coming into force* - - - - - *30 April 2014*

The Welsh Ministers, in exercise of the powers conferred on them by sections 6(2) and 8(1) of the Domestic Fire Safety (Wales) Measure 2011(1) (“the Measure”), make the following Order:

**Title and commencement**

1.—(1) The title of this Order is the Domestic Fire Safety (Definition of Residence) (Wales) Order 2013.

(2) It comes into force on 30 April 2014.

**Classes of residential premises**

2.—(1) Section 6(1) of the Measure is amended as follows.

(2) At the appropriate places insert—

““dwelling-house” (“*tŷ annedd*”) has the meaning given in regulation 2(1) of the Building Regulations 2010(2)

““flat” (“*fflat*”) has the meaning given in regulation 2(1) of the Building Regulations 2010”;

(3) In the definition of “residence”—

(a) for paragraphs (d) and (e) substitute—

“(d) hall of residence;

(e) a room or suite of rooms, which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel or a boarding house, but does not include—

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(1) 2011 nawm 3.

(2) S.I. 2010/2214, to which there are amendments not relevant to this Order.

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- (i) a room in an hotel;
  - (ii) a room in a hostel provided for temporary accommodation to those who are ordinarily resident elsewhere;
  - (iii) a room in a hospital or other similar establishment used for patient accommodation;
  - (iv) rooms in a prison or young offender institution;
  - (v) premises for the accommodation of persons remanded on bail;
  - (vi) premises for the accommodation of persons who may be required to reside there by a probation order, or”
- (b) insert after paragraph (e)—
- “(f) children’s home, where “children’s home” has the meaning given in section 1 of the Care Standards Act 2000(3) but which does not include—
    - (i) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(4);
    - (ii) an establishment used to accommodate children only for the purposes of any one or more of the following—
      - (aa) a holiday;
      - (bb) a leisure, sporting, cultural or educational activity;so long as no one child is accommodated there for more than 28 days in any twelve month period;
    - (iii) a young offender institution, and”

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

22 October 2013

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(3) 2000 (c. 14). Section 1 was amended by section 95 and paragraphs 1 and 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14); section 18 of the Criminal Justice and Public Order Act 1994 (c. 33).

(4) 1992 (c. 13). There are amendments to section 91(3) which are not relevant to this Order.

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## EXPLANATORY NOTE

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

This Order amends the description of classes of residential premises contained in the definition of “residence” in section 6(1) of the Domestic Fire Safety (Wales) Measure 2011 (“the Measure”). It adds children’s homes as a class of residential premises.

Section 1 of the Measure requires residences to be provided with an automatic fire suppression system when they are completed or when they are first occupied as a residence.

An impact assessment has been prepared in relation to this Order. 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](http://www.wales.gov.uk).