
WELSH STATUTORY INSTRUMENTS

2016 No. 361

The Building (Amendment) (Wales) Regulations 2016

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(1) are amended in accordance with the following paragraphs.

(2) In regulation 9 (exempt buildings and work)—

- (a) in paragraph (1) for “and (3)” substitute “, (3) and (4)”;
- and
- (b) after paragraph (3) insert the following paragraph—

“(4) The requirements of paragraph R1 of Schedule 1 apply to buildings controlled under other legislation falling within class 1 in Schedule 2.”

(3) In regulation 11(3) (power to dispense with or relax requirements), for “and 29A” substitute “, 29A and paragraph R1 of Schedule 1”.

(4) After regulation 44 (commissioning) insert the following Part heading and regulations—

“PART 9A

Physical infrastructure for high speed electronic communications networks

Application of paragraph R1 of Schedule 1 to educational buildings, buildings of statutory undertakers and Crown buildings

44A. The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 apply to—

- (a) educational buildings and buildings of statutory undertakers, falling within paragraphs (a), (b) or (c) of section 4(1) of the Act (notwithstanding section 4(1) of the Act);
- (b) Crown buildings; and
- (c) building work carried out or proposed to be carried out by Crown authorities.

Exemptions from paragraph R1 of Schedule 1

44B. The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 do not apply to the following types of building or building work—

- (a) buildings which are—
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990,
 - (ii) in a conservation area designated in accordance with section 69 of that Act, or

(1) [S.I. 2010/2214](#), as amended as described in the footnotes following. There are other amendments, but they are not relevant.

- (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979, where compliance with paragraph R1 of Schedule 1 would unacceptably alter their character or appearance;
- (b) buildings—
 - (i) occupied by the Ministry of Defence or the armed forces of the Crown, or
 - (ii) otherwise occupied for purposes connected to national security;
- (c) buildings situated in isolated areas where the prospect of high-speed connection is considered too remote to justify equipping the building with high-speed ready in-building physical infrastructure or an access point;
- (d) major renovation works in cases in which the cost of compliance with paragraph R1 of Schedule 1 would be disproportionate to the benefit gained.

Interpretation of Part R of Schedule 1

44C. In Part R of Schedule 1—

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed ready in-building physical infrastructure is made available;

“high-speed electronic communications network” means an electronic communications network which is capable of delivering broadband access services at speeds of at least 30 Mbps;

“high-speed ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

“major renovation works” means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it;

“network termination point” means a physical point at which an occupier is provided with access to high-speed electronic communications networks.”

(5) In Schedule 1 (requirements) after Part Q (security) insert the following Part—

Part R PHYSICAL INFRASTRUCTURE FOR HIGH SPEED ELECTRONIC COMMUNICATIONS NETWORKS

In-building physical infrastructure

R1

(1) Building work must be carried out so as to ensure that the building is equipped with a high-speed ready in-building physical infrastructure, up to a network termination

Requirement R1 applies to building work that consists of—

- (a) the erection of a building; or

point for high-speed electronic communications (b) major renovation works to a building.”
networks.

(2) Where the work concerns a building containing more than one dwelling, the work must be carried out so as ensure that the building is equipped in addition with a common access point for high-speed electronic communications networks.