
WELSH STATUTORY INSTRUMENTS

2019 No. 1499

The Building (Amendment) (Wales) Regulations 2019

Amendments to the 2010 Regulations

- 2.—(1) The 2010 Regulations are amended as follows.
- (2) In regulation 2 (interpretation) after paragraph (5) insert—
- “(6) In these Regulations—
- (a) any reference to an “external wall” of a building includes a reference to—
- (i) anything located within any space forming part of the wall;
- (ii) any decoration or other finish applied to any external (but not internal) surface forming part of the wall;
- (iii) any windows and doors in the wall; and
- (iv) any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access, but not access only for the purpose of carrying out repairs or maintenance; and
- (b) “specified attachment” means—
- (i) a balcony attached to an external wall; or
- (ii) a solar panel attached to an external wall.”
- (3) In regulation 4(2) (requirements relating to building work) after “Schedule 1” insert “(in addition to the requirements of regulation 7)”.
- (4) In regulation 5 (meaning of material change of use)—
- (a) after paragraph (i) omit “or”; and
- (b) after paragraph (j) insert—
- “; or
- (k) the building is a building described in regulation 7(4)(a), where previously it was not”.
- (5) In regulation 6 (requirements relating to material change of use) after paragraph (2) insert—
- “(3) Subject to paragraph (4), where there is a material change of use described in regulation 5(k), such work, if any, must be carried out as is necessary to ensure that any external wall, or specified attachment, of the building only contains materials of a minimum European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 95726 0) published by the British Standards Institution on 14th January 2019.
- (4) Paragraph (3) does not apply to the items listed in regulation 7(3).”
- (6) Regulation 7 (materials and workmanship) is amended as follows—
- (a) regulation 7 is renumbered as paragraph (1) of that regulation.

(b) after regulation 7(1) (as renumbered) insert—

“(2) Subject to paragraph (3), building work must be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of a minimum European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 95726 0) published by the British Standards Institution on 14th January 2019.

(3) Paragraph (2) does not apply to—

- (a) cavity trays when used between two leaves of masonry;
- (b) any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulation 2(6)) if that part is connected to an external wall;
- (c) door frames and doors;
- (d) electrical installations;
- (e) insulation and water proofing materials used below ground level;
- (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;
- (g) membranes;
- (h) seals, gaskets, fixings, sealants and backer rods;
- (i) thermal break materials where the inclusion of the materials is necessary to meet the thermal bridging requirements of Part L of Schedule 1; or
- (j) window frames and glass.

(4) In this regulation—

- (a) a “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which—
 - (i) contains one or more dwellings;
 - (ii) contains an institution; or
 - (iii) contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house);
- (b) “above ground level” in relation to a storey means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey.”

(7) In regulation 37A (provision of automatic fire suppression systems), in paragraph (1)(a)—

- (a) after “care homes” insert “, which”;
- (b) after “2016”, for “are” substitute “is”.