



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 767 (Cy. 167)

2022 No. 767 (W. 167)

**ADEILADU AC ADEILADAU,
CYMRU**

**BUILDING AND BUILDINGS,
WALES**

**Rheoliadau Deddf Diogelwch
Adeiladau 2022 (Diwygiadau
Canlyniadol) (Arolygwyr
Cymeradwy) (Cymru) 2022**

**The Building Safety Act 2022
(Consequential Amendments)
(Approved Inspectors) (Wales)
Regulations 2022**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010 ("y Rheoliadau Arolygwyr Cymeradwy"). Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn ganlyniadol ar adran 48 o Ddeddf Diogelwch Adeiladau 2022. Mae'r adran honno yn gwneud diddymiaidau i Ddeddf Adeiladu 1984 mewn perthynas â gofynion yswiriant arolygwyr cymeradwy.

Mae rheoliad 2(2) yn hepgor rheoliad 5A (yswiriant arolygydd cymeradwy) o'r Rheoliadau Arolygwyr Cymeradwy, gan ddileu'r gofyniad i ddatganiad o yswiriant fod ym meddiant y person a gymeradwyodd yr arolygydd. Mae rheoliad 2(3) yn gwneud diwygiadau canlyniadol i reoliad 7 ac mae rheoliad 2(4) yn gwneud diwygiadau canlyniadol i reoliad 9. Mae rheoliad 2(5) yn diwygio'r ffurflenni yn Atodlen 1 i'r Rheoliadau Arolygwyr Cymeradwy fel nad yw'r ffurflenni yn cyfeirio mwyach at y datganiad o yswiriant. Mae rheoliad 2(6) hyd at (8) yn diwygio Atodlenni 2, 3 a 4 i'r Rheoliadau Arolygwyr Cymeradwy er mwyn dileu o bob un o'r Atodlenni hyn y sail dros wrthod sy'n ymwneud â'r datganiad o yswiriant.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Approved Inspectors etc.) Regulations 2010 ("the Approved Inspectors Regulations"). The amendments made by these Regulations are consequential on section 48 of the Building Safety Act 2022. That section makes repeals to the Building Act 1984 in respect of insurance requirements for approved inspectors.

Regulation 2(2) omits regulation 5A (approved inspector's insurance) from the Approved Inspectors Regulations, removing the requirement for a declaration of insurance to be in the possession of the person who approved the inspector. Regulations 2(3) and (4) make consequential amendments to regulations 7 and 9 respectively. Regulation 2(5) amends the forms in Schedule 1 to the Approved Inspectors Regulations so the forms no longer refer to the declaration of insurance. Regulation 2(6) to (8) amends Schedules 2, 3 and 4 to the Approved Inspectors Regulations to remove from each of the Schedules the ground of rejection relating to the declaration of insurance.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**ADEILADU AC ADEILADAU,
CYMRU**

**BUILDING AND BUILDINGS,
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**Rheoliadau Deddf Diogelwch
Adeiladau 2022 (Diwygiadau
Canlyniadol) (Arolygwyr
Cymeradwy) (Cymru) 2022**

**The Building Safety Act 2022
(Consequential Amendments)
(Approved Inspectors) (Wales)
Regulations 2022**

Gwnaed am 4.04 p.m. ar 5 Gorffennaf 2022

Made at 4.04 p.m. on 5 July 2022

*Gosodwyd gerbron Senedd
Cymru 7 Gorffennaf 2022*

Laid before Senedd Cymru 7 July 2022

Yn dod i rym 28 Gorffennaf 2022

Coming into force 28 July 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 167(1) a (2) o Ddeddf Diogelwch Adeiladau 2022(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on them by section 167(1) and (2) of the Building Safety Act 2022(1), make the following Regulations.

Enwi, cymhwyso a chychwyn

Title, application and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Diogelwch Adeiladau 2022 (Diwygiadau Canlyniadol) (Arolygwyr Cymeradwy) (Cymru) 2022.

1.—(1) The title of these Regulations is the Building Safety Act 2022 (Consequential Amendments) (Approved Inspectors) (Wales) Regulations 2022.

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

(2) These Regulations apply in relation to Wales.

(3) Daw'r Rheoliadau hyn i rym ar 28 Gorffennaf 2022.

(3) These Regulations come into force on 28 July 2022.

**Diwygio Rheoliadau Adeiladu (Arolygwyr
Cymeradwy etc.) 2010**

**Amendment of the Building (Approved Inspectors
etc.) Regulations 2010**

2.—(1) Mae Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010(2) wedi eu diwygio fel a ganlyn.

2.—(1) The Building (Approved Inspectors etc.) Regulations 2010(2) are amended as follows.

(1) 2022 p. 30.

(2) O.S. 2010/2215, yr offerynnau diwygio perthnasol yw O.S. 2012/3119, 2013/747 (Cy. 89), 2014/58 (Cy. 5), 2015/767 a 2018/558 (Cy. 97).

(1) 2022 c. 30.

(2) S.I. 2010/2215, relevant amending instruments are S.I. 2012/3119, 2013/747 (W. 89), 2014/58 (W. 5), 2015/767 and 2018/558 (W. 97).

(2) Hepgorer rheoliad 5A (yswiriant arolygydd cymeradwy)(1).

(3) Yn rheoliad 7 (rhestrau o gymeradwyaethau a dynodiadau)(2)—

(a) yn lle paragraff (1)(c) rhodder—

“(c) in relation to Wales, in respect of each approved inspector listed, keep a copy of the approval certificate.”;

(b) yn lle paragraff (3)(b) rhodder—

“(b) in relation to Wales, in respect of each approved inspector listed, keep a copy of the approval certificate.”.

(4) Yn rheoliad 9 (annibyniaeth arolygwyr cymeradwy) yn lle paragraff (4)(c) rhodder—

“(c) in relation to Wales, potential liability to pay any sum if a claim is made under any insurance cover.”.

(5) Yn Atodlen 1(3) (ffurflenni)—

(a) Yn Ffurflen 1 (hysbysiad cychwynnol) yn lle paragraff 13 rhodder—

“**13.** A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this initial notice is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

(b) Yn Ffurflen 2 (hysbysiad diwygio) yn lle paragraff 13 rhodder—

“**13.** A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in the initial notice (as varied by this amendment notice) is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

(c) Yn Ffurflen 3 (tystysgrif planiau) yn lle paragraff 3 rhodder—

(2) Omit regulation 5A (approved inspector’s insurance)(1).

(3) In regulation 7 (lists of approvals and designations)(2)—

(a) for paragraph (1)(c) substitute—

“(c) in relation to Wales, in respect of each approved inspector listed, keep a copy of the approval certificate.”;

(b) for paragraph (3)(b) substitute—

“(b) in relation to Wales, in respect of each approved inspector listed, keep a copy of the approval certificate.”.

(4) In regulation 9 (independence of approved inspectors) for paragraph (4)(c) substitute—

“(c) in relation to Wales, potential liability to pay any sum if a claim is made under any insurance cover.”.

(5) In Schedule 1(3) (forms)—

(a) In Form 1 (initial notice) for paragraph 13 substitute—

“**13** A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this initial notice is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

(b) In Form 2 (amendment notice) for paragraph 13 substitute—

“**13** A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in the initial notice (as varied by this amendment notice) is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

(c) In Form 3 (plans certificate) for paragraph 3 substitute—

(1) Mewnosodwyd rheoliad 5A gan O.S. 2012/3119 mewn perthynas ag adeiladau ynni a eithrir yng Nghymru a chan O.S. 2014/58 o ran Cymru heblaw mewn perthynas ag adeiladau ynni a eithrir. Diwygiodd O.S. 2018/558 rheoliad 5A i'r graddau y mae'n gymwys i adeiladau ynni a eithrir yng Nghymru.

(2) Diwygiwyd rheoliad 7 mewn perthynas ag adeiladau ynni a eithrir yng Nghymru gan O.S. 2012/3119 a 2018/558 ac o ran Cymru heblaw mewn perthynas ag adeiladau ynni a eithrir gan O.S. 2014/58.

(3) Yr offerynnau diwygio perthnasol yw O.S. 2014/58 ac, mewn perthynas ag adeiladau ynni a eithrir yng Nghymru, rheoliad 22 o O.S. 2018/558 a amnewidiodd ffurflenni 1 hyd at 12 fel y maent yn gymwys i adeiladau yng Nghymru heblaw adeiladau ynni a eithrir fel bod y ffurflenni hynny hefyd yn gymwys i adeiladau ynni a eithrir yng Nghymru.

(1) Regulation 5A was inserted by S.I. 2012/3119 in relation to excepted energy buildings in Wales and by S.I. 2014/58 in relation to Wales other than in relation to excepted energy buildings. S.I. 2018/558 made amendments to regulation 5A so far as it applies to excepted energy buildings in Wales.

(2) Regulation 7 was amended in relation to excepted energy buildings in Wales by S.I. 2012/3119 and 2018/558 and in relation to Wales other than in relation to excepted energy building by S.I. 2014/58.

(3) Relevant amend instruments are S.I. 2014/58 and, in relation to excepted energy buildings in Wales regulation 22 of S.I. 2018/558, which substituted forms 1 to 12 as they apply to buildings in Wales other than to excepted energy buildings so that those forms also apply to excepted energy buildings in Wales.

“3. A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this plans certificate is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

- (d) Yn Ffurflen 4 (hysbysiad cychwynnol a thystysgrif planiau cyfunol) yn lle paragraff 17 rhodder—

“17. A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this initial notice is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

- (e) Yn Ffurflen 5 (tystysgrif derfynol) yn lle paragraff 6 rhodder—

“6. A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this final certificate is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

(6) Yn Atodlen 2 (y seiliau dros wrthod hysbysiad cychwynnol, hysbysiad diwygio, neu dystysgrif planiau wedi ei chyfuno â hysbysiad cychwynnol) hepgorer paragraff 6(1).

(7) Yn Atodlen 3 (y seiliau dros wrthod tystysgrif planiau etc.) hepgorer paragraff 6.

(8) Yn Atodlen 4 (y seiliau dros wrthod tystysgrif derfynol) hepgorer paragraff 5.

“3 A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this plans certificate is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

- (d) In Form 4 (combined initial notice and plans certificate) for paragraph 17 substitute—

“17 A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this initial notice is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”;

- (e) In Form 5 (final certificate) for paragraph 6 substitute—

“6 A copy of the notice of approval as an approved inspector under regulation 5 of the 2010 Regulations in relation to the work described in this final certificate is on the register kept by the body designated under regulation 3 of the 2010 Regulations.”

(6) In Schedule 2 (grounds for rejecting an initial notice, an amendment notice, or a plans certificate combined with an initial notice) omit paragraph 6(1).

(7) In Schedule 3 (grounds for rejecting a plans certificate etc.) omit paragraph 6.

(8) In Schedule 4 (grounds for rejecting a final certificate) omit paragraph 5.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
Am 4.04 p.m. ar 5 Gorffennaf 2022

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(1) Diwygiwyd paragraffau 6 o Atodlenni 2 a 3 a paragraff 5 o Atodlen 4 mewn perthynas ag adeiladau ynni a eithrir yng Nghymru gan O.S. 2012/3199 a 2018/558 ac o ran Cymru heblaw adeiladau ynni a eithrir gan O.S. 2014/58.

The Minister for Climate Change, one of the Welsh
Ministers
At 4.04 p.m. on 5 July 2022

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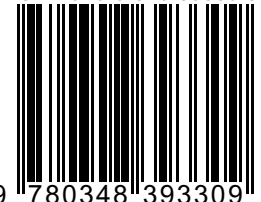
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(1) Paragraphs 6 of Schedules 2 and 3 and paragraph 5 of Schedule 4 were amended in relation to excepted energy building in Wales by S.I. 2012/3199 and 2018/558 and in relation to Wales other than to excepted energy buildings by S.I. 2014/58.

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