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WELSH STATUTORY  
INSTRUMENTS

**2023 Rhif 1210 (Cy. 213)**

**2023 No. 1210 (W. 213)**

**ADEILADU AC ADEILADAU,  
CYMRU**

**BUILDING AND BUILDINGS,  
WALES**

**Rheoliadau Diogelwch Adeiladau  
(Disgrifiad o Adeilad Risg Uwch)  
(Cyfnod Dylunio ac Adeiladu)  
(Cymru) 2023**

**The Building Safety (Description of  
Higher-Risk Building) (Design and  
Construction Phase) (Wales)  
Regulations 2023**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diffinio'r hyn yw adeilad risg uwch at ddibenion adran 120I o Ddeddf Adeiladu 1984 ("Deddf 1984"). Mae Rhan 3 o Ddeddf Diogelwch Adeiladau 2022 ("Deddf 2022"), a fewnosododd adran 120I yn Neddf 1984, yn gwneud darpariaeth ar gyfer adeiladau risg uwch i fod yn ddarostyngedig i drefn reoleiddiol fanylach yn ystod y cyfnod dylunio ac adeiladu.

Mae rheoliad 3 yn diffinio adeilad risg uwch yn adeilad sydd naill ai'n o leiaf 18 metr o uchder neu sydd ag o leiaf 7 llawr, pan fo hefyd yn cynnwys o leiaf un uned breswyl neu pan fo'n ysbty, yn gartref gofal neu'n gartref plant. Mae rheoliad 4 yn manylu ar sut y dylid mesur uchder adeilad. Mae rheoliad 5 yn gwneud darpariaeth ynghylch sut y dylid cyfrifo nifer y lloriau sydd mewn adeilad. Mae rheoliad 6 yn rhestru adeiladau sydd wedi eu heithrio o'r diffiniad yn rheoliad 3 ac nad ydynt felly yn adeiladau risg uwch at ddibenion y drefn reoleiddiol fanylach.

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 oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

**EXPLANATORY NOTE**

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

These Regulations define what constitutes a higher-risk building for the purposes of section 120I of the Building Act 1984 ("the 1984 Act"). Part 3 of the Building Safety Act 2022 ("the 2022 Act"), which inserted section 120I into the 1984 Act, makes provision for higher-risk buildings to be subject to an enhanced regulatory regime during the design and construction phase.

Regulation 3 defines a higher-risk building as a building that is either at least 18 metres in height or has at least 7 storeys, where it also contains at least one residential unit or is a hospital, care home or children's home. Regulation 4 details how the height of a building is to be measured. Regulation 5 makes provision about how the number of storeys that a building has is to be calculated. Regulation 6 lists buildings that are excluded from the definition in regulation 3 and are therefore not higher-risk buildings for the purposes of the enhanced regulatory regime.

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 from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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**The Building Safety (Description of  
Higher-Risk Building) (Design and  
Construction Phase) (Wales)  
Regulations 2023**

*Gwnaed* 15 Tachwedd 2023

*Made* 15 November 2023

*Yn dod i rym* 1 Ionawr 2024

*Coming into force* 1 January 2024

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 120A(3) a 120I(2), (4) a (5)(a) o Ddeddf Adeiladu 1984(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on them by sections 120A(3) and 120I(2), (4) and (5)(a) of the Building Act 1984(1), make the following Regulations.

Yn unol ag adran 120C(2)(2) o Ddeddf Adeiladu 1984 mae Gweinidogion Cymru wedi ymgynghori â Phwyllgor Cynghori Cymru ar Reoliadau Adeiladu ac unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

In accordance with section 120C(2)(2) of the Building Act 1984 the Welsh Ministers have consulted the Building Regulations Advisory Committee for Wales and such other persons as they consider appropriate.

Yn unol ag adran 120A(9) o Ddeddf Adeiladu 1984 gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

In accordance with section 120A(9) of the Building Act 1984 a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.

**Enwi a dod i rym**

**Title and coming into force**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelwch Adeiladau (Disgrifiad o Adeilad Risg Uwch) (Cyfnod Dylunio ac Adeiladu) (Cymru) 2023.

1.—(1) The title of these Regulations is the Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ionawr 2024.

(2) These Regulations come into force on 1 January 2024.

(1) 1984 p. 55. Mewnosodwyd adran 120A gan baragraff 77 o Atodlen 5 i Ddeddf Diogelwch Adeiladau 2022 (p. 30) a mewnosodwyd adran 120I gan adran 31 o'r Ddeddf honno.  
(2) Mewnosodwyd adran 120C gan baragraff 77 o Atodlen 5 i Ddeddf Diogelwch Adeiladau 2022.

(1) 1984 c. 55. Section 120A was inserted by paragraph 77 of Schedule 5 to, and section 120I was inserted by section 31 of, the Building Safety Act 2022 (c. 30).  
(2) Section 120C was inserted by paragraph 77 of Schedule 5 to the Building Safety Act 2022.

## Dehongli

### 2. Yn y Rheoliadau hyn—

mae “annedd” (“*dwelling*”) yn cynnwys fflat;

ystyr “cartref gofal” (“*care home*”) yw man lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) yn cael ei ddarparu yn gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn;

ystyr “cartref plant” (“*children’s home*”) yw man lle y mae gwasanaeth cartref gofal neu wasanaeth llety diogel o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu yn gyfan gwbl neu’n bennaf i bersonau sydd o dan 18 oed, ond nad yw’n—

- (a) sefydliad o fewn y sector addysg bellach fel y’i diffinnir gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992(2);
- (b) man lle y darperir llety at ddibenion—
  - (i) gwyliau;
  - (ii) gweithgareddau hamdden, adloniadol, chwaraeon, diwylliannol neu addysgol; oni bai bod person o dan 18 oed wedi ei letya yno am fwy na 28 o ddiwrnodau mewn unrhyw gyfnod o 12 mis;

ystyr “fflat” (“*flat*”) yw mangre ar wahân a hunangynhwysol sydd wedi ei hadeiladu neu ei haddasu i’w defnyddio at ddibenion preswyl ac sy’n ffurfio rhan o adeilad y caiff ei rhannu yn llorweddol o ryw ran arall ohono;

ystyr “hostel” (“*hostel*”) yw hostel sy’n darparu llety dros dro i’r rheini nad ydynt yn preswyl fel arfer yn rhywle arall;

ystyr “lefel y ddaear” (“*ground level*”), mewn perthynas ag adeilad, yw—

- (a) pan fo lefel arwyneb y ddaear y lleolir yr adeilad arno yn unffurf, lefel arwyneb y ddaear yn union gyfagos i’r adeilad, neu
- (b) pan nad yw lefel arwyneb y ddaear y lleolir yr adeilad arno yn unffurf, lefel y rhan isaf o arwyneb y ddaear yn union gyfagos i’r adeilad;

mae i “llu ar ymweliad” yr un ystyr â “visiting force” at ddibenion unrhyw ddarpariaeth yn Rhan 1 o Ddeddf Lluoedd ar Ymweliad 1952(3);

## Interpretation

### 2. In these Regulations—

“care home” (“*cartref gofal*”) means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(1) is provided wholly or mainly to persons aged 18 or over;

“children’s home” (“*cartref plant*”) means a place at which a care home service or a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged under 18, but not—

- (a) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(2);
- (b) a place at which accommodation is provided for the purposes of—
  - (i) a holiday;
  - (ii) a leisure, recreational, sporting, cultural or educational activity;

unless a person under 18 is accommodated there for more than 28 days in any 12 month period;

“dwelling” (“*annedd*”) includes a flat;

“flat” (“*fflat*”) means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

“ground level” (“*lefel y ddaear*”), in relation to a building, means—

- (a) where the level of the surface of the ground on which the building is situated is uniform, the level of the surface of the ground immediately adjacent to the building, or
- (b) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground immediately adjacent to the building;

“His Majesty’s forces” (“*lluoedd Ei Fawrhydi*”) has the same meaning as in the Armed Forces Act 2006(3);

(1) 2016 decc 2.

(2) 1992 p. 13. Diwygiwyd adran 91(3) gan baragraff 13(2) o Atodlen 8 i Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22).

(3) 1952 p. 67. Gweler adran 12 o’r Ddeddf honno.

(1) 2016 anaw 2.

(2) 1992 c. 13. Section 91(3) was amended by paragraph 13(2) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(3) 2006 c. 52. See section 374 of that Act.

mae i “lloedd Ei Fawrhydi” yr un ystyr â “His Majesty’s forces” yn Neddf y Lloedd Arfog 2006(1);

ystyr “sefydliad preswyl diogel” (“*secure residential institution*”) yw sefydliad a ddefnyddir ar gyfer darparu llety preswyl diogel, gan gynnwys defnydd ohono fel carchar, sefydliad troseddwyd ifanc, canolfan gadw, canolfan hyfforddi ddiogel, dalfa, canolfan aros tymor byr, ysbyty diogel neu lety diogel awdurdod lleol ar gyfer personau sy’n 18 oed neu’n hŷn;

ystyr “uned breswyl” (“*residential unit*”) yw—

- (a) annedd, neu
- (b) unrhyw uned llety byw arall sydd, er enghraifft, yn cynnwys ystafell mewn hostel, ystafell mewn neuadd breswyl neu lety arall ar gyfer myfyrwyr neu ddisgyblion;

ystyr “ysbyty” (“*hospital*”) yw ysbyty gwasanaeth iechyd o fewn ystyr Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2) (gweler adran 206(1) o’r Ddeddf honno) neu ysbyty annibynnol o fewn ystyr Deddf Safonau Gofal 2000(3).

“hospital” (“*ysbyty*”) means a health service hospital within the meaning of the National Health Service (Wales) Act 2006(1) (see section 206(1) of that Act) or an independent hospital within the meaning of the Care Standards Act 2000(2);

“hostel” (“*hostel*”) means a hostel providing temporary accommodation to those who are not ordinarily resident elsewhere;

“residential unit” (“*uned breswyl*”) means—

- (a) a dwelling, or
- (b) any other unit of living accommodation which, for example, includes a room in a hostel, a room in a hall of residence or other accommodation for students or pupils;

“secure residential institution” (“*sefydliad preswyl diogel*”) means an institution used for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital or secure local authority accommodation for persons aged 18 or over;

“visiting force” (“*llu ar ymweliad*”) has the same meaning as it does for the purposes of any provision of Part 1 of the Visiting Forces Act 1952(3).

### Disgrifiad o adeilad risg uwch

3. At ddibenion adran 120I(2) o Ddeddf Adeiladu 1984 adeilad risg uwch yw adeilad (gan gynnwys strwythur)—

- (a) sy’n—
  - (i) o leiaf 18 metr o uchder (pan gaiff ei fesur yn unol â rheoliad 4), neu
  - (ii) sydd ag o leiaf 7 llawr (pan gânt eu cyfrifo yn unol â rheoliad 5), a
- (b) sy’n cynnwys—
  - (i) o leiaf un uned breswyl,
  - (ii) ysbyty sydd ag o leiaf un gwely y bwriedir iddo gael ei ddefnyddio gan berson sydd wedi ei dderbyn i’r fangre ar gyfer arhosiad dros nos,
  - (iii) cartref gofal, neu
  - (iv) cartref plant, ac
- (c) nad yw’n adeilad a eithrir (gweler rheoliad 6).

### Description of higher-risk building

3. A higher-risk building for the purposes of section 120I(2) of the Building Act 1984 is a building (including a structure) that—

- (a) is—
  - (i) at least 18 metres in height (when measured in accordance with regulation 4), or
  - (ii) has at least 7 storeys (when calculated in accordance with regulation 5), and
- (b) contains—
  - (i) at least one residential unit,
  - (ii) a hospital that has at least one bed intended for use by a person admitted to the premises for an overnight stay,
  - (iii) a care home, or
  - (iv) a children’s home, and
- (c) is not an excluded building (see regulation 6).

(1) 2006 p. 52. Gweler adran 374 o’r Ddeddf honno.  
(2) 2006 p. 42.  
(3) 2000 p. 14. Gweler adran 2 o’r Ddeddf honno.

(1) 2006 c. 42.  
(2) 2000 c. 14. See section 2 of that Act.  
(3) 1952 c. 67. See section 12 of that Act.

## Mesur uchder adeilad

4.—(1) Mesurir uchder adeilad o lefel y ddaear hyd at ben uchaf arwyneb llawr llawr uchaf yr adeilad.

(2) Ond anwybyddir unrhyw lawr sy'n ardal peiriannau pen to neu gyfarpar pen to neu sy'n cynnwys ystafelloedd peiriannau pen to neu gyfarpar pen to yn unig.

## Cyfrifo lloriau mewn adeilad

5.—(1) Cyfrifir nifer y lloriau mewn adeilad yn y safle sy'n rhoi'r nifer mwyaf o loriau, yn ddarostyngedig i—

- (a) anwybyddir unrhyw lawr sydd o dan lefel y ddaear;
- (b) anwybyddir unrhyw lawr sy'n ardal peiriannau pen to neu gyfarpar pen to neu sy'n cynnwys ystafelloedd peiriannau pen to neu gyfarpar pen to yn unig;
- (c) ystyrir unrhyw lawr mesanîn yn llawr os yw ei arwynebeddau llawr mewnol yn o leiaf hanner arwynebedd llawr mewnol y llawr mwyaf yn yr adeilad nad yw o dan lefel y ddaear.

(2) Mae llawr o dan lefel y ddaear os yw arwyneb gorffonedig nenfwd y llawr o dan lefel y ddaear.

## Adeiladau a eithrir

6. Mae adeilad yn adeilad a eithrir—

- (a) os yw'n cynnwys yn gyfan gwbl—
  - (i) sefydliad preswyl diogel,
  - (ii) gwesty,
  - (iii) barics milwrol,
  - (iv) llety byw a ddarperir gan y Weinyddiaeth Amddiffyn, neu
  - (v) llety byw ar gyfer—
    - (aa) lluoedd ei Fawrhydi, neu
    - (bb) unrhyw lu ar ymweliad neu bencadlys rhyngwladol neu sefydliad amddiffyn a ddynodir at ddiben Deddf Pencadlys Rhyngwladol a Sefydliadau Amddiffyn 1964(1);
- (b) os yw'n cynnwys defnydd preswyl a defnydd amhreswyl, lle y darperir yr holl lety byw gan y Weinyddiaeth Amddiffyn.

## Measuring height of a building

4.—(1) The height of a building is to be measured from ground level to the top of the floor surface of the top storey of the building.

(2) But any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms is to be ignored.

## Calculating storeys in a building

5.—(1) The number of storeys a building has is to be calculated at the position that gives the greatest number of storeys, subject to—

- (a) any storey that is below ground level is to be ignored;
- (b) any storey which is a roof-top machinery or roof-top plant area or consists exclusively of roof-top machinery or roof-top plant rooms is to be ignored;
- (c) any mezzanine floor is to be regarded as a storey if its internal floor areas is at least half of the internal floor area of the largest storey in the building that is not below ground level.

(2) A storey is below ground level if the finished surface of the ceiling of the storey is below ground level.

## Excluded buildings

6. A building is an excluded building if it—

- (a) is comprised entirely of—
  - (i) a secure residential institution,
  - (ii) a hotel,
  - (iii) military barracks,
  - (iv) living accommodation provided by the Ministry of Defence, or
  - (v) living accommodation for—
    - (aa) His Majesty's forces, or
    - (bb) any visiting force or international headquarters or defence organisation designated for the purpose of the International Headquarters and Defence Organisations Act 1964(1);
- (b) comprises residential and non-residential uses, in which all the living accommodation is provided by the Ministry of Defence.

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(1) 1964 p. 5. Gellir gwneud dynodiadau o dan adran 1(1).

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(1) 1964 c. 5. Designations can be made under section 1(1).

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
15 Tachwedd 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

The Minister for Climate Change, one of the Welsh  
Ministers  
15 November 2023

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