

SL(6)492 – The Building (Amendment) (Wales) Regulations 2024

Background and Purpose

The Building Regulations 2010 (“the **2010 Regulations**”) include requirements for automatic fire suppression systems to be installed in new or converted care homes for adults. The Domestic Fire Safety (Wales) Measure 2011 (“the **2011 Measure**”) contains similar requirements for automatic fire suppression systems to be installed in care homes for children.

These Regulations amend the 2010 Regulations to include, with amendments, the requirements for the installation of automatic fire systems in care homes for children contained in the 2011 Measure.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The Explanatory Note to these Regulations states that their effect will be to “move” the provisions requiring the installation of automatic fire suppression systems in care homes for children contained in the 2011 Measure to the 2010 Regulations.

The provisions in the 2011 Measure containing those obligations are not repealed by these Regulations. However, section 1(3)(b) of the 2011 Measure specifies that its provisions do not apply to building work if building regulations imposing requirements as to the provision of automatic fire suppression systems apply to that work (or would apply but for a direction under section 8 of the Building Act 1984 dispensing with such requirements).

Regulation 37A(5) of the 2010 Regulations (as amended by these Regulations) provides that the requirement to install an automatic fire suppression system in a care home for children does not apply to temporary buildings with a planned time of use of two years or less. A



similar exemption does not seem to appear in the corresponding provisions in the 2011 Measure requiring the installation of such a system.

The Government is therefore asked to clarify whether it intended to preserve a requirement to install an automatic fire suppression system in a care home for children comprised within temporary buildings with a planned time of use of two years or less in accordance with section 1 of the 2011 Measure.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Explanatory Note to the Regulations confirms that a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. However, the Explanatory Memorandum accompanying the Regulations states (at paragraph 6.1) that *“an RIA has not been undertaken”*.

The Government is therefore asked to explain whether a regulatory impact assessment has been made in relation to these Regulations.

Welsh Government response

Technical Scrutiny point 1: It was not the intention to replicate a requirement to install an automatic fire suppression system in a care home for children comprised within temporary buildings with a planned time of use of two years or less as required by section 1 of the 2011 Measure. As the Committee notes the Building Regulations 2010 do not make any repeals to the 2011 Measure and the requirements in section 1 are only disapplied if building regulations imposing requirements as to the provision of automatic fire suppression systems apply to that work (or would apply but for a direction under section 8 of the Building Act 1984 dispensing with such requirements).

Merit Scrutiny point 2: A Regulatory Impact Assessment was not required for the reasons set out at paragraph 6.1 of the Explanatory Memorandum. The Welsh Government is grateful to the Committee for bringing this point to our attention.

Committee Consideration

The Committee considered the instrument and Welsh Government response at its meeting on 24 June 2024 and reports to the Senedd in line with the reporting points above.

