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**Proposed Domestic Fire Safety (Wales)
Measure
[AS INTRODUCED]**

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Proposed Domestic Fire Safety (Wales) Measure

[AS INTRODUCED]

A Measure of the National Assembly for Wales to require the provision of automatic fire suppression systems in new residential premises in Wales.

1 Duty to provide automatic fire suppression systems

- 5 (1) Building work to which this Measure applies must, when completed, comply with the requirements of subsection (4).
- (2) Subject to subsection (3), this Measure applies to building work in Wales which comprises or includes –
- 10 (a) constructing a building for use as a residence,
(b) converting a building, or part of a building, to use as a residence,
(c) subdividing one or more existing residences so as to create one or more new residences, or
(d) amalgamating existing residences so as to create a new residence or new residences.
- (3) This Measure does not apply to building work –
- 15 (a) carried out for the purpose of discharging any function of a Minister of the Crown, or
(b) 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 1984 Act dispensing with such requirements.
- 20 (4) The requirements of this subsection are that –
(a) each residence must be provided with an automatic fire suppression system,
(b) the system is operating effectively, and
(c) the system complies with such requirements as may be prescribed.
- 25 (5) References in subsection (4) to an automatic fire suppression system also include any supply of energy, water, or other substance, necessary for the effective functioning of the system.

2 Enforcement

30 The following provisions of the 1984 Act apply to building work to which this Measure applies as if the requirement for that work, when completed, to comply with section 1(1) of this Measure were a requirement imposed by building regulations –

- (a) section 33 (tests for conformity with building regulations), and
- (b) sections 35 to 38 (breach of building regulations).

3 Provision of information

(1) Where, in accordance with building regulations, –

- (a) notice is given to a local authority of a proposal to carry out building work to which this Measure applies, or
 - (b) full plans of such work are deposited with a local authority,
- such notice or plans must include or be accompanied by such information as is required by subsection (2).

(2) The information required by this subsection is such information –

- (a) for the purpose of demonstrating that the work is capable, when completed, of complying with the requirements of section 1(4),
- (b) as is prescribed.

(3) If, upon the giving of such notice or the deposit of such plans, information required by subsection (2) –

- (a) is, in the opinion of the local authority, incomplete, or
- (b) does not, in the opinion of the local authority, demonstrate that the work is capable, when completed, of complying with the requirements of section 1(4),

the authority must, within 28 days, give notice in writing of that opinion to the person who gave that notice or, as the case may be, deposited those plans, setting out the reasons for that opinion.

4 Interpretation

(1) In this Measure –

“the 1984 Act” (“*Deddf 1994*”) means the Building Act 1984 (c.55),

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales,

“building regulations” (“*rheoliadau adeiladu*”) means regulations made under section 1 of the 1984 Act,

“prescribed” (“*rhagnodwyd*”) means prescribed by regulations made by the Welsh Ministers, and

“residence” (“*preswylfa*”) means any –

- (a) dwelling-house,
- (b) flat,
- (c) residential care home,
- (d) residential accommodation for pupils or students of a school, college, university or other educational institution, or

- (e) room or group of rooms within a building if that room or those rooms are intended to be used for living and sleeping by a person or persons other than as part of a single household which occupies the whole of that building, and

5 where a building contains one or more residences, includes any part of that building intended to be used by those occupying that residence or those residences for purposes ancillary to that occupation in common with one another or with other users of the building.

- 10 (2) The Welsh Ministers may, by order, amend the definition of “residence” in subsection (1).

5 Transitional and consequential provision etc

- (1) The Welsh Ministers may, by order, make such transitional, transitory, consequential, saving, incidental, supplementary and other provision as they think necessary or appropriate in connection with, or to give full effect to, this Measure.
- 15 (2) Provision that may be made under this section includes, but is not limited to, provision that amends, repeals or otherwise modifies an enactment.

6 Regulations and orders

- (1) Regulations or orders made by the Welsh Ministers under this Measure –
- (a) are to be made by statutory instrument,
- 20 (b) may make different provision for different cases,
- (c) may make such incidental, supplementary, saving or transitional provision as the Welsh Ministers think fit,
- (d) may, in the case of regulations prescribing matters for the purposes of sections 1(4)(c) or 3(2)(b), only be made after the Welsh Ministers have undertaken
- 25 such consultation as they consider appropriate,
- (e) may only, in the case of –
- (i) orders made under section 4(2), and
- (ii) orders made under section 5(1) which amend, repeal or otherwise modify any Assembly Measure, Act of the Assembly or Act of
- 30 Parliament,

be made if a draft of the order has been laid before, and approved by resolution of, the Assembly, and

- (f) with the exception of –
 - (i) those referred to in paragraph (e), and
 - (ii) those made under section 7(3),are subject to annulment in pursuance of a resolution of the Assembly.

5 **7 Short title and commencement**

- (1) This Measure may be referred to as the Domestic Fire Safety (Wales) Measure 201-.
- (2) The following provisions of this Measure come into force on the day after Royal Approval –
 - 10 (a) sections 1 and 3, but only for the purpose of enabling matters to be prescribed under sections 1(4)(c) and 3(2)(b), respectively,
 - (b) sections 4, 5 and 6, and
 - (c) this section.
- (3) The remaining provisions of this Measure come into force on such day or days as the Welsh Ministers by order appoint.