OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 207 (Cy. 39) (C. 10)

2024 No. 207 (W. 39) (C. 10)

ADEILADU AC ADEILADAU, CYMRU

BUILDING AND BUILDINGS, WALES

Rheoliadau Deddf Diogelwch Adeiladau 2022 (Cychwyn Rhif 4, Darpariaethau Trosiannol a Darpariaethau Arbed) (Cymru) 2024

The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn cynnwys darpariaethau cychwyn, darpariaethau trosiannol a darpariaethau arbed a wneir o dan Ddeddf Diogelwch Adeiladau 2022 (p. 30) ("Deddf 2022").

Mae rheoliad 2 yn dwyn i rym ddarpariaethau penodol o Ran 3 o Ddeddf 2022, ac Atodlenni 4, 5 a 6 iddi, ar 6 Ebrill 2024. Mae'r darpariaethau hyn yn ymwneud â'r drefn reoleiddio newydd ar gyfer y proffesiwn rheolaeth adeiladu.

Mae rheoliad 3 yn gwneud darpariaeth drosiannol i ddarparu y caiff arolygydd cymeradwy, sy'n dod yn gymeradwywr cofrestredig rheolaeth adeiladu cyn 6 Ebrill 2024, barhau i oruchwylio gwaith adeilad risg uwch ar 6 Ebrill 2024 neu ar ôl hynny.

Mae rheoliad 4 yn cynnwys darpariaeth drosiannol sy'n darparu na chaiff arolygydd cymeradwy nad yw'n dod yn gymeradwywr cofrestredig rheolaeth adeiladu oruchwylio gwaith adeilad risg uwch ar 6 Ebrill 2024 neu ar ôl hynny. Fodd bynnag, mae'r rheoliad hwn yn darparu y caiff arolygydd cymeradwy barhau i oruchwylio gwaith adeiladu nad yw'n waith adeilad risg uwch am gyfnod cyfyngedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain commencement, transitional and saving provisions made under the Building Safety Act 2022 (c. 30) ("the 2022 Act").

Regulation 2 brings into force certain provisions of Part 3 of, and Schedules 4, 5 and 6 to, the 2022 Act on 6 April 2024. These provisions relate to the new regulatory regime for the building control profession.

Regulation 3 makes a transitional provision to provide that an approved inspector, who becomes a registered building control approver before 6 April 2024, may continue overseeing higher-risk building work on or after 6 April 2024.

Regulation 4 contains a transitional provision which provides that an approved inspector who does not become a registered building control approver must not oversee higher-risk building work on or after 6 April 2024. This regulation does, however, provide that an approved inspector may continue to oversee building work that is not higher-risk building work, for a limited time.

Mae rheoliadau 5 i 7 yn gwneud darpariaethau trosiannol i sicrhau y caniateir darllen cyfeiriadau at gymeradwywyr cofrestredig rheolaeth adeiladu, a fewnosodwyd yn Neddf Adeiladu 1984 (p. 55) ("Deddf 1984") gan adran 46 o Ddeddf 2022, ac Atodlenni 4 a 6 iddi, fel cyfeiriadau at arolygwyr cymeradwy hyd at 1 Hydref 2024.

Regulations 5 to 7 make transitional provisions to ensure that references to registered building control approvers, inserted into the Building Act 1984 (c. 55) ("the 1984 Act") by section 46 of, and Schedules 4 and 6 to, the 2022 Act, may be read as references to approved inspectors until 1 October 2024.

Mae rheoliad 8 yn cynnwys darpariaeth drosiannol sy'n ymwneud â chychwyn gwaith adeilad risg uwch. Mae'r rheoliad hwn yn darparu y bydd yr hysbysiad cychwynnol a'r dystysgrif planiau sy'n gysylltiedig â gwaith adeilad risg uwch yn peidio â bod mewn grym ar 1 Hydref 2024 pan na fydd gwaith o'r fath yn cael ei gychwyn cyn 1 Hydref 2024 gan gymeradwywr cofrestredig rheolaeth adeiladu.

Regulation 8 contains a transitional provision related to the commencement of higher-risk building work. This regulation provides that where higher-risk building work is not commenced before 1 October 2024 by a registered building control approver, the initial notice and plans certificate related to such work will cease to be in force on 1 October 2024.

Mae rheoliadau 9 a 10 yn gwneud darpariaethau trosiannol sy'n ymwneud â hysbysiadau cychwynnol sy'n cael eu canslo cyn 1 Hydref 2024 mewn cysylltiad â gwaith adeiladu, gan gynnwys gwaith adeilad risg uwch.

Regulations 9 and 10 make transitional provisions related to initial notices which are cancelled before 1 October 2024 in respect of building work, including higher-risk building work.

Mae rheoliad 11 yn cynnwys darpariaeth drosiannol ar gyfer gwaith adeilad risg uwch newydd. Mae'r rheoliad hwn yn darparu y bydd gwaith adeilad risg uwch newydd, ar 6 Ebrill 2024 neu ar ôl hynny, yn cael ei oruchwylio gan awdurdod lleol.

Regulation 11 contains a transitional provision for new higher-risk building work. This regulation provides that, on or after 6 April 2024, new higher-risk building work will be overseen by a local authority.

Mae rheoliad 12 yn gwneud darpariaeth drosiannol i anwybyddu'r dosbarthau gwahanol o arolygydd adeiladu ar y gofrestr ac i ganiatáu i berson barhau i weithio ar adeiladau, gan gynnwys adeiladau risg uwch, hyd at 1 Hydref 2024. Nid yw'r rheoliad hwn ond yn gymwys pan fo person wedi cofrestru yn arolygydd adeiladu a phan fo yn y broses o gael asesiad o'i gymhwysedd, neu pan fo ei gymhwysedd wedi ei asesu'n llwyddiannus, ar y lefel ofynnol sy'n briodol i'r gwaith y mae'n bwriadu ei wneud.

Regulation 12 makes a transitional provision to disregard the different classes of building inspector on the register and allows a person to continue working on buildings, including higher-risk buildings, until 1 October 2024. This regulation only applies where a person has registered as a building inspector and is in the process of having their competence assessed, or has successfully had their competence assessed, at the required level appropriate to the work they intend to carry out.

Mae rheoliad 13 yn gwneud darpariaeth arbed sy'n deillio o hepgor adran 49 o Ddeddf 1984 i sicrhau bod adran 49, hyd at 1 Hydref 2024, yn dal i fod yn gymwys i arolygwyr cymeradwy pan fodlonir yr amodau yn rheoliad 4(1) a (3).

Regulation 13 makes a saving provision arising from the omission of section 49 of the 1984 Act to ensure that, until 1 October 2024, section 49 still applies to approved inspectors where the conditions in regulation 4(1) and (3) are met.

Mae rheoliad 14 yn gwneud darpariaeth arbed sy'n deillio o hepgor paragraffau 2 i 4B o Atodlen 1 i Ddeddf 1984.

Regulation 14 makes a saving provision arising from the omission of paragraphs 2 to 4B of Schedule 1 of the 1984 Act.

NODYN AM Y RHEOLIADAU CYCHWYN CYNHARACH

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

Mae'r darpariaethau a ganlyn o Ddeddf 2022 wedi eu dwyn i rym o ran Cymru drwy reoliadau cychwyn a wnaed cyn dyddiad y Rheoliadau hyn.

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 2(2) ac Atodlen 1	28 Mehefin 2022	2022/561 (C. 28)
Adran 31 (yn rhannol)	9 Rhagfyr 2022	2022/1287 (Cy. 261) (C. 104)
Adran 32(1) a 32(4)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 32(3) (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 33 (yn rhannol)	6 Ebrill 2023	2023/362 (C. 15)
Adran 33 (at yr holl ddibenion sy'n weddill)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 34	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 35	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 36 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 37 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 38 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 39 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 41	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 42 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 42 (yn rhannol)	1 Ionawr 2024	2023/914 (Cy. 141) (C. 50)

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the 2022 Act have been brought into force in relation to Wales by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 2(2) and Schedule 1	28 June 2022	2022/561 (C. 28)
Section 31 (partially)	9 December 2022	2022/1287 (W. 261) (C. 104)
Section 32(1) and 32(4)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 32(3) (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 33 (partially)	6 April 2023	2023/362 (C. 15)
Section 33 (for all remaining purposes)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 34	5 September 2023	2023/914 (W. 141) (C. 50)
Section 35	5 September 2023	2023/914 (W. 141) (C. 50)
Section 36 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 37 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 38 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 39 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 41	5 September 2023	2023/914 (W. 141) (C. 50)
Section 42 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 42 (partially)	1 January 2024	2023/914 (W. 141) (C. 50)

Adran 44 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 46 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 47	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 48	28 Gorffennaf 2022	2022/774 (Cy. 169) (C. 47)
Adran 49 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 50 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 51 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 52 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 55	9 Rhagfyr 2022	2022/1287 (Cy. 261) (C. 104)
Adran 56	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adran 57	5 Medi 2023	2023/914 (Cy. 141) (C. 50)
Adrannau 130 a 131	28 Mehefin 2022	2022/561 (C. 28)
Adran 132 (yn rhannol)	28 Mai 2022	2022/561 (C. 28)
Adran 132 (at yr holl ddibenion sy'n weddill)	28 Mehefin 2022	2022/561 (C. 28)
Adran 156 ac eithrio is-adran (4) (ac is-adran (8) i'r graddau y mae'n ymwneud ag erthygl 22B o Orchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005)	1 Hydref 2023	2023/914 (Cy. 141) (C. 50)

Section 44 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 46 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 47	5 September 2023	2023/914 (W. 141) (C. 50)
Section 48	28 July 2022	2022/774 (W. 169) (C. 47)
Section 49 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 50 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 51 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 52 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)
Section 55	9 December 2022	2022/1287 (W. 261) (C. 104)
Section 56	5 September 2023	2023/914 (W. 141) (C. 50)
Section 57	5 September 2023	2023/914 (W. 141) (C. 50)
Sections 130 and 131	28 June 2022	2022/561 (C. 28)
Section 132 (partially)	28 May 2022	2022/561 (C. 28)
Section 132 (for all remaining purposes)	28 June 2022	2022/561 (C. 28)
Section 156 except sub-section (4) (and sub-section (8) so far as relating to article 22B of the Regulatory Reform (Fire Safety) Order 2005)	1 October 2023	2023/914 (W. 141) (C. 50)

Atodlen 5, paragraffau 1, 77 (yn rhannol), 78 ac 81 (yn rhannol)	9 Rhagfyr 2022	2022/1287 (Cy. 261) (C. 104)	Schedule 5, paragraphs 1, 77 (partially), 78 and 81 (partially)	9 December 2022	2022/1287 (W. 261) (C. 104)
Atodlen 5, paragraffau 2, 3, 4(1) a 4(2), 5(1) a 5(2), 6, 9, 10, 11(1), 11(2) ac 11(3), 12(1) a 12(2), 13(1), 13(2), 13(5) a 13(6), 14(1), 14(2), 14(3)(b) a 14(4)(b), 15(1) i 15(5) a 15(9), 16, 17, 22(1) a 22(8), 40(1) a 40(3), 42(1) a 42(3), 46(1) a 46(2), 50, 51, 53, 55(1), 55(4)(a) a 55(6), 57(1) a 57(3), 67, 71, 74(1) a 74(2), 75, 76(1) ac 76(3), 80 (yn rhannol), 81 (yn rhannol), 82, 83(1), 83(2), 83(3) (yn rhannol), 83(7), 83(8) a 83(9), 84(1) a 84(3)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)	Schedule 5, paragraphs 2, 3, 4(1) and 4(2), 5(1) and 5(2), 6, 9, 10, 11(1), 11(2) and 11(3), 12(1) and 12(2), 13(1), 13(2), 13(5) and 13(6), 14(1), 14(2), 14(3)(b) and 14(4)(b), 15(1) to 15(5) and 15(9), 16, 17, 22(1) and 22(8), 40(1) and 40(3), 42(1) and 42(3), 46(1) and 46(2), 50, 51, 53, 55(1), 55(4)(a) and 55(6), 57(1) and 57(3), 67, 71, 74(1) and 74(2), 75, 76(1) and 76(3), 80 (partially), 81 (partially), 82, 83(1), 83(2), 83(3) (partially), 83(7), 83(8) and 83(9), 84(1) and 84(3)	5 September 2023	2023/914 (W. 141) (C. 50)
Atodlen 6, paragraff 30 (yn rhannol)	5 Medi 2023	2023/914 (Cy. 141) (C. 50)	Schedule 6, paragraph 30 (partially)	5 September 2023	2023/914 (W. 141) (C. 50)

2024 Rhif 207 (Cy. 39) (C. 10)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Deddf Diogelwch Adeiladau 2022 (Cychwyn Rhif 4, Darpariaethau Trosiannol a Darpariaethau Arbed) (Cymru) 2024

Gwnaed *22 Chwefror 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir iddynt gan adran 170(4)(a)(ii), (4)(a)(iii), (4)(a)(iv), (4)(a)(v), (4)(b)(iii), (4)(b)(iv), (4)(b)(v), (4)(b)(vi), (4)(b)(viii), (4)(b)(ix), (7) ac (8) o Ddeddf Diogelwch Adeiladau 2022(**1**).

Enwi a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Diogelwch Adeiladau 2022 (Cychwyn Rhif 4, Darpariaethau Trosiannol a Darpariaethau Arbed) (Cymru) 2024.

(2) Yn y Rheoliadau hyn—

ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Adeiladu 1984(**2**);

ystyr "Deddf 2022" ("*the 2022 Act*") yw Deddf Diogelwch Adeiladau 2022;

mae i "gwaith adeiladu" ("*building work*") yr un ystyr ag a roddir yn rheoliad 3 o Reoliadau Adeiladu 2010(**3**).

(**1**) 2022 p. 30.
(**2**) 1984 p. 55.
(**3**) O.S. 2010/2214.

2024 No. 207 (W. 39) (C. 10)

BUILDING AND BUILDINGS, WALES

The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024

Made *22 February 2024*

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 170(4)(a)(ii), (4)(a)(iii), (4)(a)(iv), (4)(a)(v), (4)(b)(iii), (4)(b)(iv), (4)(b)(v), (4)(b)(vi), (4)(b)(viii), (4)(b)(ix), (7) and (8) of the Building Safety Act 2022(**1**).

Title and interpretation

1.—(1) The title of these Regulations is the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024.

(2) In these Regulations—

"the 1984 Act" ("*Deddf 1984*") means the Building Act 1984(**2**);

"the 2022 Act" ("*Deddf 2022*") means the Building Safety Act 2022;

"building work" ("*gwaith adeiladu*") has the same meaning given in regulation 3 of the Building Regulations 2010(**3**).

(**1**) 2022 c. 30.
(**2**) 1984 c. 55.
(**3**) S.I. 2010/2214.

(3) At ddibenion rheoliadau 3 a 4 o'r Rheoliadau hyn, mae cymeradwywr cofrestredig rheolaeth adeiladu yn meddu ar gymwysterau addas os yw'r gwaith y mae'n bwriadu ei wneud o fewn cwmpas cofrestriad y cymeradwywr cofrestredig rheolaeth adeiladu(**1**).

(4) Yn ddarostyngedig i baragraffau (2) a (3), mae i ymadroddion Cymraeg yn y Rheoliadau hyn sy'n cyfateb i ymadroddion Saesneg a ddefnyddir yn Neddf 1984 yr un ystyr â'r ymadroddion hynny yn y Ddeddf honno.

(3) For the purposes of regulations 3 and 4 of these Regulations, a registered building control approver is suitably qualified if the work they intend to carry out is within the scope of the registration of the registered building control approver(**1**).

(4) Subject to paragraphs (2) and (3), expressions used in these Regulations and in the 1984 Act have the same meaning as in that Act.

Y darpariaethau sy'n dod i rym ar 6 Ebrill 2024

2. Daw'r darpariaethau a ganlyn o Ddeddf 2022 i rym ar 6 Ebrill 2024—

(a) adran 32(3) (awdurdodau rheolaeth adeiladu) at yr holl ddibenion sy'n weddill, i'r graddau y mae'n ymwneud ag adran 91ZD o Ddeddf 1984(**2**);

(b) adran 42 (rheoleiddio'r proffesiwn rheolaeth adeiladu), i'r graddau y mae'n ymwneud â mewnosod adran 58Z2 yn Neddf 1984(**3**);

(c) paragraff 56 o Atodlen 5 (mân ddiwygiadau a diwygiadau canlyniadol mewn cysylltiad â Rhan 3 o Ddeddf 2022);

(d) o ran Cymru—

(i) adran 40 (atebolrwydd swyddogion corff corfforedig);

(ii) adran 42 (rheoleiddio'r proffesiwn rheolaeth adeiladu) at yr holl ddibenion sy'n weddill, ac eithrio i'r graddau y mae'n ymwneud ag adrannau 58Z7 a 58Z10 o Ddeddf 1984 a mewnosod adran 58Z2 yn Neddf 1984;

(iii) adran 43 (trosglwyddo swyddogaethau arolygwyr cymeradwy i gymeradwywyr cofrestredig rheolaeth adeiladu);

(iv) adran 44 (swyddogaethau nad ydynt yn arferadwy ond drwy arolygwyr cofrestredig adeiladu, neu gyda eu cyngor) at yr holl ddibenion sy'n weddill;

Provisions coming into force on 6 April 2024

2. The following provisions of the 2022 Act come into force on 6 April 2024—

(a) section 32(3) (building control authorities) for all remaining purposes, so far as it relates to section 91ZD of the 1984 Act(**2**);

(b) section 42 (regulation of building control profession), so far as it relates to inserting section 58Z2 into the 1984 Act(**3**);

(c) paragraph 56 of Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act);

(d) in relation to Wales—

(i) section 40 (liability of officers of body corporate);

(ii) section 42 (regulation of building control profession) for all remaining purposes, except so far as it relates to sections 58Z7 and 58Z10 of the 1984 Act and inserting section 58Z2 into the 1984 Act;

(iii) section 43 (transfer of approved inspectors' functions to registered building control approvers);

(iv) section 44 (functions exercisable only through, or with advice of, registered building inspectors) for all remaining purposes;

(**1**) Gweler y diffiniad o "initial notice" yn adran 47(1) o Ddeddf Adeiladu 1984. Gweler hefyd y diffiniad o "registered building control approver" yn adran 58N o'r un Ddeddf.

(**2**) I'r graddau y mae adran 32(2) o Ddeddf Diogelwch Adeiladau 2022 yn ymwneud ag adran newydd 91ZD o Ddeddf Adeiladu 1984, nid yw pŵer Gweinidogion Cymru i benodi diwrnod ar gyfer dod i rym wedi ei gyfyngu i fod o ran Cymru yn unig.

(**3**) I'r graddau y mae adran 42 o Ddeddf Diogelwch Adeiladau 2022 yn ymwneud ag adran 58Z2 newydd o Ddeddf Adeiladu 1984, nid yw pŵer Gweinidogion Cymru i benodi diwrnod ar gyfer dod i rym wedi ei gyfyngu i fod o ran Cymru yn unig.

(**1**) See the definition of "initial notice" in section 47(1) of the Building Act 1984. Also see the definition of "registered building control approver" in section 58N of the same Act.

(**2**) So far as section 32(2) of the Building Safety Act 2022 relates to new section 91ZD of the Building Act 1984, the Welsh Ministers' power to appoint a day for coming into force is not limited to being only in relation to Wales.

(**3**) So far as section 42 of the Building Safety Act 2022 relates to new section 58Z2 of the Building Act 1984, the Welsh Ministers' power to appoint a day for coming into force is not limited to being only in relation to Wales.

(v) adran 46 (gwaith adeilad risg uwch: cymeradwywyr cofrestredig rheolaeth adeiladu) at yr holl ddibenion sy'n weddill;

(vi) adran 50 (canslo hysbysiad cychwynnol) at yr holl ddibenion sy'n weddill;

(vii) adran 51 (hysbysiadau cychwynnol newydd) at yr holl ddibenion sy'n weddill;

(viii) adran 52 (casglu gwybodaeth) at yr holl ddibenion sy'n weddill;

(ix) adran 53(2) a (3)(a)(ii) a (iii) a (3)(b) (gwybodaeth);

(x) Atodlen 4 (trosglwyddo swyddogaethau arolygwyr cymeradwy i gymeradwywyr cofrestredig rheolaeth adeiladu);

(xi) Atodlen 5 (mân ddiwygiadau a diwygiadau canlyniadol mewn cysylltiad â Rhan 3 o Ddeddf 2022) ac eithrio'r paragraffau a restrir yn yr Atodlen i'r Rheoliadau hyn ac yn ddarostyngedig i'r eithriadau yn adran 170(4)(b)(viii)(A) a (B) o Ddeddf 2022;

(xii) Atodlen 6 (apelau a phenderfyniadau eraill) at yr holl ddibenion sy'n weddill, yn ddarostyngedig i'r eithriadau yn adran 170(4)(b)(ix) o Ddeddf 2022.

Darpariaeth drosiannol: arolygwyr cymeradwy sy'n dod yn gymeradwywyr cofrestredig rheolaeth adeiladu

3.—(1) Mae'r rheoliad hwn yn gymwys pan fo arolygydd cymeradwy(**1**) wedi dod yn gymeradwywr cofrestredig rheolaeth adeiladu sy'n meddu ar gymwysterau addas cyn 6 Ebrill 2024 ac wedi cyflwyno hysbysiad cychwynnol sydd wedi ei dderbyn, neu y bernir ei fod wedi ei dderbyn, cyn 6 Ebrill 2024.

(2) Gydag effaith o 6 Ebrill 2024, bydd unrhyw hysbysiad cychwynnol a gyflwynwyd gan yr arolygydd cymeradwy cyn 6 Ebrill 2024 yn cael ei drin fel pe bai wedi ei roi yn lle hynny gan y person hwnnw yn rhinwedd ei swydd fel cymeradwywr cofrestredig rheolaeth adeiladu.

(3) Mae'r rheoliad hwn yn gymwys i hysbysiadau cychwynnol sy'n ymwneud â gwaith adeiladu a gwaith adeilad risg uwch(**2**).

(**1**) Gweler y diffiniad o "approved inspector" yn adran 49 o Ddeddf Adeiladu 1984.

(**2**) Gweler y diffiniad o "higher-risk building work" yn adran 120I o Ddeddf Adeiladu 1984.

(v) section 46 (higher-risk building work: registered building control approvers) for all remaining purposes;

(vi) section 50 (cancellation of initial notice) for all remaining purposes;

(vii) section 51 (new initial notices) for all remaining purposes;

(viii) section 52 (information gathering) for all remaining purposes;

(ix) section 53(2) and (3)(a)(ii) and (iii) and (3)(b) (information);

(x) Schedule 4 (transfer of approved inspectors' functions to registered building control approvers);

(xi) Schedule 5 (minor and consequential amendments in connection with Part 3 of the 2022 Act) except for the paragraphs listed in the Schedule to these Regulations and subject to the exceptions in section 170(4)(b)(viii)(A) and (B) of the 2022 Act;

(xii) Schedule 6 (appeals and other determinations) for all remaining purposes, subject to the exceptions in section 170(4)(b)(ix) of the 2022 Act.

Transitional provision: approved inspectors who become registered building control approvers

3.—(1) This regulation applies where an approved inspector(**1**) has become a suitably qualified registered building control approver before 6 April 2024 and has submitted an initial notice which has been accepted, or is deemed to be accepted, before 6 April 2024.

(2) With effect from 6 April 2024, any initial notice submitted by the approved inspector before 6 April 2024 is treated as if it were given instead by that person in their capacity as a registered building control approver.

(3) This regulation applies to initial notices relating to building work and higher-risk building work(**2**).

(**1**) See the definition of "approved inspector" in section 49 of the Building Act 1984.

(**2**) See the definition of "higher-risk building work" in section 120I of the Building Act 1984.

(4) Caiff arolygydd cymeradwy barhau i oruchwylio gwaith adeilad risg uwch ar yr amod—

(a) bod y gwaith adeilad risg uwch yn cael ei gychwyn cyn 1 Hydref 2024, a

(b) y bydd arolygydd cymeradwy yn parhau i fod yn gymeradwywr cofrestredig rheolaeth adeiladu sy'n meddu ar gymwysterau addas hyd nes y bydd y gwaith adeilad risg uwch hwnnw wedi ei gwblhau.

(5) Caiff arolygydd cymeradwy barhau i oruchwylio gwaith adeiladu nad yw'n waith adeilad risg uwch.

(6) At ddibenion y rheoliad hwn, rhaid i'r arolygydd cymeradwy a'r cymeradwywr cofrestredig rheolaeth adeiladu fod yr un person cyfreithiol.

Darpariaeth drosiannol: arolygwyr cymeradwy nad ydynt yn dod yn gymeradwywyr cofrestredig rheolaeth adeiladu

4.—(1) Mae'r rheoliad hwn yn gymwys pan nad yw arolygydd cymeradwy wedi dod yn gymeradwywr cofrestredig rheolaeth adeiladu sy'n meddu ar gymwysterau addas cyn 6 Ebrill 2024.

(2) Pan fo arolygydd cymeradwy yn goruchwylio gwaith adeilad risg uwch cyn 6 Ebrill 2024, yna—

(a) ni chaiff arolygydd cymeradwy barhau i oruchwylio gwaith adeilad risg uwch ar 6 Ebrill 2024 neu ar ôl hynny;

(b) bydd unrhyw hysbysiad cychwynnol a gyflwynwyd gan yr arolygydd cymeradwy mewn cysylltiad â gwaith adeilad risg uwch yn cael ei ganslo;

(c) bydd cyfrifoldeb am oruchwylio gwaith adeilad risg uwch yn trosglwyddo i'r awdurdod lleol.

(3) Pan fo arolygydd cymeradwy yn goruchwylio gwaith adeiladu nad yw'n waith adeilad risg uwch, yna—

(a) caiff arolygydd cymeradwy, hyd at 1 Hydref 2024, ond heb gynnwys y dyddiad hwnnw, barhau i oruchwylio gwaith adeiladu;

(b) bydd unrhyw hysbysiadau cychwynnol a gyflwynir gan yr arolygydd cymeradwy yn peidio â bod mewn grym ar 1 Hydref 2024;

(c) bydd unrhyw waith adeiladu nad yw'n cael ei gwblhau cyn 1 Hydref 2024 yn trosglwyddo i'r awdurdod lleol oni bai bod cymeradwywr cofrestredig rheolaeth adeiladu, nad yw yr un person â'r arolygydd cymeradwy, wedi cyflwyno hysbysiad cychwynnol newydd ar gyfer y gwaith hwnnw a bod yr hysbysiad yn cael ei dderbyn neu y bernir ei fod wedi ei dderbyn;

(4) An approved inspector may continue to oversee higher-risk building work provided that—

(a) the higher-risk building work is commenced before 1 October 2024, and

(b) an approved inspector will continue to be a suitably qualified registered building control approver until completion of that higher-risk building work.

(5) An approved inspector may continue to oversee building work that is not higher-risk building work.

(6) For the purposes of this regulation, the approved inspector and registered building control approver must be the same legal person.

Transitional provision: approved inspectors who do not become registered building control approvers

4.—(1) This regulation applies where an approved inspector has not become a suitably qualified registered building control approver before 6 April 2024.

(2) Where an approved inspector is overseeing higher-risk building work before 6 April 2024, then—

(a) an approved inspector must not continue to oversee higher-risk building work on or after 6 April 2024;

(b) any initial notice submitted by the approved inspector in respect of higher-risk building work is cancelled;

(c) responsibility for overseeing higher-risk building work will transfer to the local authority.

(3) Where an approved inspector is overseeing building work that is not higher-risk building work, then—

(a) until but not including 1 October 2024, an approved inspector may continue to oversee building work;

(b) any initial notices submitted by the approved inspector will cease to be in force on 1 October 2024;

(c) any building work that is not completed before 1 October 2024 will transfer to the local authority unless a registered building control approver, who is not the same person as the approved inspector, has submitted a new initial notice for that work and the notice is accepted or is deemed to be accepted;

(d) caiff arolygydd cymeradwy, hyd at 1 Hydref 2024 ond heb gynnwys y dyddiad hwnnw, barhau i ddyroddi tystysgrif planiau(**1**), tystysgrif derfynol(**2**), a hysbysiad diwygio(**3**) mewn cysylltiad â gwaith adeiladu.

(4) Pan gyhoeddir hysbysiad diwygio cyn 1 Hydref 2024 a phan fo'r hysbysiad hwnnw'n newid natur y gwaith adeiladu a bennir yn yr hysbysiad cychwynnol fel ei fod yn dod yn waith adeilad risg uwch, rhaid trosglwyddo gwaith o'r fath i'r awdurdod lleol.

Darpariaethau trosiannol: arolygwyr cymeradwy

5. Hyd at 1 Hydref 2024 ond heb gynnwys y dyddiad hwnnw, er gwaethaf diwygiadau a wnaed gan adran 46 o Ddeddf 2022, mae adrannau 52A a 55(2A) a (2E) o Ddeddf 1984 yn cael effaith fel pe bai unrhyw gyfeiriad at gymeradwywr cofrestredig rheolaeth adeiladu yn gyfeiriad at arolygydd cymeradwy.

6. Hyd at 1 Hydref 2024 ond heb gynnwys y dyddiad hwnnw, er gwaethaf diwygiadau a wnaed gan baragraffau 2 i 4 a 6 i 13 o Atodlen 4 i Ddeddf 2022, mae adrannau 42(1), 47(1) a (5)(b), 50(7), 51(1), 51A(2)(a)(ii), 51C(2)(a), 52(1) a (2)(a), 56(5), 57(3), a 58(3) o Ddeddf 1984 yn cael effaith fel pe bai unrhyw gyfeiriad at gymeradwywr cofrestredig rheolaeth adeiladu yn gyfeiriad at arolygydd cymeradwy.

7. Hyd at 1 Hydref 2024 ond heb gynnwys y dyddiad hwnnw, er gwaethaf diwygiadau a wnaed gan baragraff 8 o Atodlen 6 i Ddeddf 2022, mae adran 50(2) o Ddeddf 1984 yn cael effaith fel pe bai unrhyw gyfeiriad at gymeradwywr cofrestredig rheolaeth adeiladu yn gyfeiriad at arolygydd cymeradwy.

Darpariaeth drosiannol: gwaith adeilad risg uwch nad yw wedi ei gychwyn erbyn 1 Hydref 2024

8. Pan fo rheoliad 3(1) o'r Rheoliadau hyn yn gymwys ac nid yw gwaith adeilad risg uwch wedi ei gychwyn cyn 1 Hydref 2024, yna—

(a) bydd yr hysbysiad cychwynnol sy'n ymwneud â'r gwaith adeilad risg uwch yn peidio â bod mewn grym ar 1 Hydref 2024 at ddibenion adran 47(4)(b)(ii) o Ddeddf 1984, a

(b) bydd unrhyw dystysgrif planiau sy'n ymwneud â'r hysbysiad cychwynnol hwnnw yn peidio â bod mewn grym ar 1 Hydref 2024.

(**1**) Gweler y diffiniad o "plans certificate" yn adran 50 o Ddeddf Adeiladu 1984.
(**2**) Gweler y diffiniad o "final certificate" yn adran 51 o Ddeddf Adeiladu 1984.
(**3**) Gweler y diffiniad o "amendment notice" yn adran 51A o Ddeddf Adeiladu 1984.

(d) until but not including 1 October 2024, an approved inspector may continue to issue a plans certificate(**1**), a final certificate(**2**), and an amendment notice(**3**) in respect of building work.

(4) Where an amendment notice is issued before 1 October 2024 and that notice changes the nature of the building work specified in the initial notice so that it becomes higher-risk building work, such work must be transferred to the local authority.

Transitional provisions: approved inspectors

5. Until but not including 1 October 2024, despite amendments made by section 46 of the 2022 Act, sections 52A and 55(2A) and (2E) of the 1984 Act have effect as if any reference to a registered building control approver were a reference to an approved inspector.

6. Until but not including 1 October 2024, despite amendments made by paragraphs 2 to 4 and 6 to 13 of Schedule 4 to the 2022 Act, sections 42(1), 47(1) and (5)(b), 50(7), 51(1), 51A(2)(a)(ii), 51C(2)(a), 52(1) and (2)(a), 56(5), 57(3), and 58(3) of the 1984 Act have effect as if any reference to a registered building control approver were a reference to an approved inspector.

7. Until but not including 1 October 2024, despite amendments made by paragraph 8 of Schedule 6 to the 2022 Act, section 50(2) of the 1984 Act has effect as if any reference to a registered building control approver were a reference to an approved inspector.

Transitional provision: higher-risk building work not commenced by 1 October 2024

8. Where regulation 3(1) of these Regulations applies and higher-risk building work is not commenced before 1 October 2024, then—

(a) the initial notice related to the higher-risk building work will cease to be in force on 1 October 2024 for the purposes of section 47(4)(b)(ii) of the 1984 Act, and

(b) any plans certificate related to that initial notice will cease to be in force on 1 October 2024.

(**1**) See the definition of "plans certificate" in section 50 of the Building Act 1984.
(**2**) See the definition of "final certificate" in section 51 of the Building Act 1984.
(**3**) See the definition of "amendment notice" in section 51A of the Building Act 1984.

Darpariaethau trosiannol: hysbysiadau cychwynnol

9. Pan fo gwaith adeilad risg uwch wedi cychwyn cyn 1 Hydref 2024, a phan fo'r hysbysiad cychwynnol ar gyfer y gwaith hwnnw'n cael ei ganslo gan y cymeradwywr cofrestredig rheolaeth adeiladu cyn 1 Hydref 2024, ar y dyddiad hwnnw neu ar ôl hynny, bydd cyfrifoldeb am y gwaith adeilad risg uwch yn trosglwyddo i'r awdurdod lleol ar y diwrnod y caiff yr hysbysiad cychwynnol ei ganslo.

10. Pan fo hysbysiad cychwynnol ar gyfer gwaith adeiladu nad yw'n waith adeilad risg uwch, yn cael ei ganslo gan arolygydd cymeradwy neu gymeradwywr cofrestredig rheolaeth adeiladu cyn 1 Hydref 2024, caiff cymeradwywr cofrestredig rheolaeth adeiladu gwahanol gyflwyno hysbysiad cychwynnol ar gyfer y gwaith hwnnw.

Darpariaeth drosiannol: gwaith adeilad risg uwch newydd

11.—(1) Rhaid i unrhyw waith adeilad risg uwch newydd gael ei oruchwylio gan yr awdurdod lleol ar 6 Ebrill 2024 neu ar ôl hynny.

(2) Ni chaiff arolygydd cymeradwy nac awdurdod rheolaeth adeiladu cofrestredig gyflwyno hysbysiadau cychwynnol ar gyfer gwaith adeilad risg uwch i awdurdod lleol ar 6 Ebrill 2024 neu ar ôl hynny.

(3) At ddibenion paragraff (1), ystyr gwaith adeilad risg uwch newydd yw gwaith adeilad risg uwch nad yw wedi ei nodi eisoes mewn hysbysiad cychwynnol a gyflwynwyd ac a dderbyniwyd, neu y bernir ei fod wedi ei dderbyn, cyn 6 Ebrill 2024.

Darpariaeth drosiannol: arolygydd cofrestredig adeiladu

12.—(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff person barhau i weithio ar adeiladau, neu ar adeiladau risg uwch, hyd at ond heb gynnwys 1 Hydref 2024.

(2) Rhaid bod person yn arolygydd cofrestredig adeiladu cyn 6 Ebrill 2024(**1**)

(3) Rhaid bod person—

(a) yn y broses o gael asesu ei gymhwysedd—

(i) gan gynllun asesu cymhwysedd cymeradwy, a

(ii) i'r lefel ofynnol sy'n briodol i'r gwaith y mae'n bwriadu ei wneud, neu

(**1**) Gweler y diffiniad o "registered building inspector" yn adran 58B o Ddeddf Adeiladu 1984.

Transitional provisions: initial notices

9. Where higher-risk building work has commenced before 1 October 2024, and the initial notice for that work is cancelled by the registered building control approver before, on or after 1 October 2024, responsibility for the higher-risk building work will transfer to the local authority on the day on which the initial notice is cancelled.

10. Where an initial notice for building work that is not higher-risk building work, is cancelled by an approved inspector or a registered building control approver before 1 October 2024, a different registered building control approver may submit an initial notice for that work.

Transitional provision: new higher-risk building work

11.—(1) Any new higher-risk building work must be overseen by the local authority on or after 6 April 2024.

(2) Initial notices for higher-risk building work must not be submitted to a local authority by an approved inspector or a registered building control authority on or after 6 April 2024.

(3) For the purposes of paragraph (1), new higher-risk building work means higher-risk building work which is not already detailed in an initial notice submitted and accepted, or deemed to be accepted, before 6 April 2024.

Transitional provision: registered building inspector

12.—(1) Subject to paragraphs (2) and (3), a person may continue to work on buildings, or higher-risk buildings, until but not including 1 October 2024.

(2) A person must be a registered building inspector before 6 April 2024(**1**).

(3) A person—

(a) must be in the process of having their competence assessed—

(i) by an approved competence assessment scheme, and

(ii) to the required level appropriate to the work they intend to carry out, or

(**1**) See the definition of "registered building inspector" in section 58B of the Building Act 1984.

(b) wedi cael asesu ei gymhwysedd i'r lefel ofynnol sy'n briodol i'r gwaith y mae'n bwriadu ei wneud ac wedi gwneud cais i'w gofrestriad gael ei amrywio.

(4) Pan fo'r gofrestr yn darparu ar gyfer dosbarthau gwahanol yn rhinwedd adran 58C(2) o Ddeddf 1984, a phan fo paragraffau (2) a (3) yn gymwys, mae'r dosbarthau hynny i'w hanwybyddu hyd at ond heb gynnwys 1 Hydref 2024.

(5) Nid yw paragraff (1) yn gymwys pan fo person, ar ôl cwblhau asesiad cymhwysedd, wedi methu ei asesiad ar y lefel ofynnol sy'n briodol i'r gwaith yr oedd yn bwriadu ei wneud.

Darpariaeth arbed: arolygwyr cymeradwy

13. Hyd at 1 Hydref 2024, ond heb gynnwys y dyddiad hwnnw, er bod adran 49 o Ddeddf 1984 wedi ei hepgor gan baragraff 5 o Atodlen 4 i Ddeddf 2022, mae adran 49 yn parhau i fod yn gymwys pan fo rheoliad 4(1) yn gymwys ac am y cyfnod pryd y caiff arolygydd cymeradwy barhau i oruchwylio gwaith adeiladu yn unol â rheoliad 4(3)(a) o'r Rheoliadau hyn.

Darpariaeth arbed: diddymu pwerau i wneud rheoliadau

14. Er bod paragraffau 2 i 4B o Atodlen 1 i Ddeddf 1984(**1**) wedi eu hepgor gan baragraff 83(3) o Atodlen 5 i Ddeddf 2022, mae unrhyw ddarpariaethau yn y rheoliadau a ganlyn a wnaed o dan baragraffau 2 i 4B o Atodlen 1 i Ddeddf 1984 yn parhau i fod mewn grym ac yn cael effaith fel pe baent wedi eu gwneud o dan baragraffau 1A, 1B, 1C, 1D, 1F ac 1G o Atodlen 1 i Ddeddf 1984 a chaniateir iddynt gael eu hamrywio neu eu dirymu yn unol â hynny—

(a) Rheoliadau Adeiladu (Taliadau Awdurdodau Lleol) 2010(**2**);

(b) Rheoliadau Adeiladu 2010;

(c) Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010(**3**).

(b) has had their competence assessed to the required level appropriate to the work they intend to carry out and has applied to have their registration varied.

(4) Where the register provides for different classes by virtue of section 58C(2) of the 1984 Act, and paragraphs (2) and (3) apply, those classes are to be disregarded until but not including 1 October 2024.

(5) Paragraph (1) does not apply where, following the completion of a competence assessment, a person has failed their assessment at the required level appropriate to the work they intended to carry out.

Saving provision: approved inspectors

13. Until but not including 1 October 2024, despite the omission of section 49 of the 1984 Act by paragraph 5 of Schedule 4 to the 2022 Act, section 49 continues to apply where regulation 4(1) applies and for the period during which an approved inspector may continue to oversee building work in accordance with regulation 4(3)(a) of these Regulations.

Saving provision: repeal of powers to make regulations

14. Despite the omission of paragraphs 2 to 4B of Schedule 1 to the 1984 Act(**1**) by paragraph 83(3) of Schedule 5 to the 2022 Act, any provisions of the following regulations made under paragraphs 2 to 4B of Schedule 1 to the 1984 Act continue in force and have effect as if made under paragraphs 1A, 1B, 1C, 1D, 1F and 1G of Schedule 1 to the 1984 Act and may be varied or revoked accordingly—

(a) the Building (Local Authority Charges) Regulations 2010(**2**);

(b) the Building Regulations 2010;

(c) the Building (Approved Inspectors etc.) Regulations 2010(**3**).

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru
22 Chwefror 2024

Minister for Climate Change, one of the Welsh Ministers
22 February 2024

(**1**) Mewnosodwyd paragraffau 4A a 4B yn Atodlen 1 i Ddeddf Adeiladu 1984 gan adrannau 8 a 9 o Ddeddf Adeiladau Cynaliadwy a Diogel 2004 (p. 22).
(**2**) O.S. 2010/404.
(**3**) O.S. 2010/2215.

(**1**) Paragraphs 4A and 4B were inserted into Schedule 1 to the Building Act 1984 by sections 8 and 9 of the Sustainable and Secure Buildings Act 2004 (c. 22).
(**2**) S.I. 2010/404.
(**3**) S.I. 2010/2215.

YR ATODLEN

Rheoliad 2(d)(xi)

Ni ddaw'r darpariaethau a ganlyn o Atodlen 5 i Ddeddf 2022 i rym ar 6 Ebrill 2024 yn unol â rheoliad 2(d)(xi)—

1. Paragraff 14(8).

2. Paragraff 15(10).

3. Paragraff 20.

4. Paragraff 21(3), (4), a (5).

5. Paragraff 22(3), (4), (5) a (6).

6. Paragraff 23(3) a (4).

7. Paragraff 24(3).

8. Paragraff 26(3) a (4).

9. Paragraff 27(3), (4) a (5).

10. Paragraff 28.

11. Paragraff 29.

12. Paragraff 31.

13. Paragraff 32.

14. Paragraff 40(2).

15. Paragraff 41(3).

16. Paragraff 42(2).

17. Paragraff 43.

18. Paragraff 45.

19. Paragraff 46(3).

20. Paragraff 55(3).

21. Paragraff 79.

22. Paragraff 90.

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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.

SCHEDULE

Regulation 2(d)(xi)

The following provisions of Schedule 5 to the 2022 Act will not come into force on 6 April 2024 in accordance with regulation 2(d)(xi)—

1. Paragraph 14(8).

2. Paragraph 15(10).

3. Paragraph 20.

4. Paragraph 21(3), (4), and (5).

5. Paragraph 22(3), (4), (5) and (6).

6. Paragraph 23(3) and (4).

7. Paragraph 24(3).

8. Paragraph 26(3) and (4).

9. Paragraph 27(3), (4) and (5).

10. Paragraph 28.

11. Paragraph 29.

12. Paragraph 31.

13. Paragraph 32.

14. Paragraph 40(2).

15. Paragraph 41(3).

16. Paragraph 42(2).

17. Paragraph 43.

18. Paragraph 45.

19. Paragraph 46(3).

20. Paragraph 55(3).

21. Paragraph 79.

22. Paragraph 90.

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