
WELSH STATUTORY INSTRUMENTS

2013 No. 2621 (W. 258)

BUILDING AND BUILDINGS, WALES

The Building (Amendment No. 2) (Wales) Regulations 2013

<i>Made</i>	- - - -	<i>14 October 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 October 2013</i>
<i>Coming into force</i>	- -	<i>14 November 2013</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1 and 8(6) of and paragraphs 1, 4, 4A, 7, 8 and 10 of Schedule 1 to the Building Act 1984⁽¹⁾, now exercisable by them⁽²⁾ make the following Regulations.

The Welsh Ministers have consulted the Building Regulations Advisory Committee for Wales and such other bodies as appear to the Welsh Ministers to be representative of the interests concerned in accordance with section 14(7) of that Act.

Title, application and commencement

1.—(1) The title of these regulations is the Building (Amendment No. 2) (Wales) Regulations 2013.

(2) These Regulations apply in relation to Wales but do not apply in relation to excepted energy buildings in Wales.

(3) These Regulations come into force on 14 November 2013.

(4) In this regulation “excepted energy building” (“*adeilad ynni a eithrir*”) has the same meaning as in Article 1(3) and the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009⁽³⁾.

(1) 1984 c. 55. Section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c. 22); paragraph 4A of Schedule 1 was inserted by section 8 of that Act; paragraph 7 of Schedule 1 was amended by section 3 of that Act and by section 11 of the Climate Change and Sustainable Energy Act 2006 (c. 19); paragraph 8 of Schedule 1 was amended by section 3 of the Sustainable and Secure Buildings Act 2004 and by section 40 of the Flood and Water Management Act 2010 (c. 29).

(2) The functions conferred on the Secretary of State by sections 1 and 8(6) and paragraphs 1, 4, 4A, 7, 8 and 10 of Schedule 1 to the Building Act 1984 were, so far as exercisable in relation to Wales, transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019).

(3) S.I. 2009/3019.

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Amendment to the Building Regulations 2010

2. In the Building Regulations 2010⁽⁴⁾ for Schedule 3 (Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans)⁽⁵⁾ substitute Schedule 3 as set out in the Schedule to these Regulations.

14 October 2013

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

⁽⁴⁾ [S.I. 2010/2214](#), to which there are amendments not relevant to these regulations.

⁽⁵⁾ Schedule 3 was amended by [S.I. 2011/1515](#), [S.I. 2012/718](#), [S.I. 2012/3119](#), [S.I. 2013/747 \(W.89\)](#), [S.I. 2013/1105](#) and [S.I. 2013/1959](#).

SCHEDULE

Regulation 2

“SCHEDULE 3

Regulations 12(6)(a) and 20(1)

Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans

<i>Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
<p>1. Installation of a heat-producing gas appliance. (This paragraph does not apply to the provision of a masonry chimney.)</p>	<p>A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998⁽⁶⁾.</p>
<p>2. Installation of heating or hot water system connected to a heat-producing gas appliance, or associated controls.</p>	<p>A person registered by Certsure LLP⁽⁷⁾, Association of Plumbing and Heating Contractors (Certification) Limited⁽⁸⁾, Benchmark Certification Limited⁽⁹⁾, Building Engineering Services Competence Assessment Limited⁽¹⁰⁾, Capita Gas Registration and Ancillary Services Limited⁽¹¹⁾, HETAS Limited⁽¹²⁾, NAPIT Registration Limited⁽¹³⁾, Oil Firing Technical Association Limited⁽¹⁴⁾ or Stroma Certification Limited⁽¹⁵⁾ in respect of that type of work.</p>
<p>3. Installation of—</p> <p>(a) an oil-fired combustion appliance; or</p> <p>(b) oil storage tanks and the pipes connecting them to combustion appliances.</p> <p>(This paragraph does not apply to the provision of a masonry chimney.)</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>4. Installation of a solid fuel burning combustion appliance. (This paragraph does not apply to the provision of a masonry chimney.)</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited or NAPIT Registration Limited in respect of that type of work.</p>

⁽⁶⁾ S.I. 1998/2451.

⁽⁷⁾ A limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000 (c. 12) with the registration number OC379918.

⁽⁸⁾ A company formed and registered under the Companies Acts with the registration number 02876277.

⁽⁹⁾ A company formed and registered under the Companies Acts with the registration number 07144771.

⁽¹⁰⁾ A company formed and registered under the Companies Acts with the registration number 03712932.

⁽¹¹⁾ A company formed and registered under the Companies Acts with the registration number 05078781.

⁽¹²⁾ A company formed and registered under the Companies Acts with the registration number 02117828.

⁽¹³⁾ A company formed and registered under the Companies Acts with the registration number 05190452.

⁽¹⁴⁾ A company formed and registered under the Companies Acts with the registration number 02739706.

⁽¹⁵⁾ A company formed and registered under the Companies Acts with the registration number 06429016.

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<i>Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
<p>5. Installation of a heating or hot water system connected to an oil-fired combustion appliance or its associated controls.</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>6. Installation of a heating or hot water system connected to a solid fuel burning combustion appliance or its associated controls.</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>7. Installation of a heating or hot water system connected to an electric heat source or its associated controls.</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>8. Installation of a mechanical ventilation or air conditioning system or associated controls, which does not involve work on a system shared with parts of the building occupied separately, in a building other than a dwelling.</p>	<p>A person registered by Certsure LLP, Building Engineering Services Competence Assessment Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>9. Installation of an air conditioning or ventilation system in a dwelling, which does not involve work on systems shared with other dwellings.</p>	<p>A person registered by Certsure LLP, Building Engineering Services Competence Assessment Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>10. Installation of a lighting system or electric heating system, or associated electrical controls.</p>	<p>A person registered by Certsure LLP, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>11. Installation of fixed low or extra-low voltage electrical installations.</p>	<p>A person registered by Certsure LLP, Benchmark Certification Limited, British</p>

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<i>Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
	Standards Institution(16), Building Engineering Services Competence Assessment Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.
12. Installation of fixed low or extra-low voltage electrical installations as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of electrical work.
13. Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.	A person registered under the Fenestration Self-Assessment Scheme by Fensa Ltd(17), or a person registered by BM Trada Certification Limited(18), Benchmark Certification Limited, the British Standards Institution, CERTASS Limited(19), NAPIT Registration Limited, Network VEKA Limited(20), Stroma Certification Limited or Certsure LLP in respect of that type of work.
14. Installation of a sanitary convenience, sink, washbasin, bidet, fixed bath, shower or bathroom in a dwelling, which does not involve work on shared or underground drainage.	A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.
15. Installation of a wholesome cold water supply or a softened wholesome cold water supply.	A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited or NAPIT Registration Limited in respect of that type of work.

(16) Incorporated by Royal Charter.

(17) A company formed and registered under the Companies Acts with the registration number 03058561.

(18) A company formed and registered under the Companies Acts with the registration number 02110046.

(19) A company formed and registered under the Companies Acts with the registration number 04350234.

(20) A company formed and registered under the Companies Acts with the registration number 04029350.

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<i>Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
<p>16. Installation of a supply of non-wholesome water to a sanitary convenience fitted with a flushing device which does not involve work on shared or underground drainage.</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>17. Installation in a building of a system to produce electricity, heat or cooling—</p> <p>(a) by microgeneration, or</p> <p>(b) from renewable sources (as defined in European Parliament and Council Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources)(21).</p>	<p>A person registered by Certsure LLP, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, British Standards Institution, Building Engineering Services Competence Assessment Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited, Stroma Certification Limited or BRE Global Limited(22) in respect of that type of work.</p>
<p>18. Insertion of insulating material into the cavity walls of an existing building.</p>	<p>A person registered under the Cavity Wall Insulation Self Certification Scheme by The Cavity Insulation Guarantee Agency(23), Certsure LLP, Benchmark Certification Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>19. Installation, as a replacement, of the covering of a pitched or flat roof and work carried out by the registered person as a necessary adjunct to that installation. This paragraph does not apply to the installation of solar panels.</p>	<p>A person registered by NAPIT Registration Limited or The National Federation of Roofing Contractors Limited(24) in respect of that type of work.</p>
<p>20. Installation, as a replacement, of a window, rooflight, roof window or door in an existing building other than a dwelling. This paragraph does not apply to glass which is load bearing or structural or which forms part of glazed curtain walling or a revolving door.</p>	<p>A person registered by BM Trada Certification Limited, CERTASS Limited, Stroma Certification Limited, Certsure LLP or under the Fenestration Self-Assessment Scheme by Fensa Limited in respect of that type of work.</p>
<p>21. Installation of insulating material to the internal walls of a building.</p>	<p>A person registered by Certsure LLP, Benchmark Certification Limited, CERTASS Limited, NAPIT Registration Limited, Stroma Certification Limited or British Board of Agrément(25) in respect of that type of work.</p>

(21) OJ No. L 140, 5.6.2009, p16.

(22) A company formed and registered under the Companies Acts with the registration number 03548352.

(23) A company formed and registered under the Companies Acts with the registration number 03044131.

(24) A company formed and registered under the Companies Acts with the registration number 02591364.

(25) A company formed and registered under the Companies Acts with the registration number 00878293.

<i>Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
22. Installation of insulating material to the external walls of a building, not including insulation of demountable-clad buildings.	A person registered by Certsure LLP, Benchmark Certification Limited, CERTASS Limited, NAPIT Registration Limited, Stroma Certification Limited or British Board of Agrément in respect of that type of work.
23. Installation of insulation material to both external and internal walls of a building (“hybrid insulation”), not including insulation of demountable-clad buildings.	A person registered by Certsure LLP, Benchmark Certification Limited, NAPIT Registration Limited or British Board of Agrément in respect of that type of work.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2010 (“the 2010 Regulations”).

Regulation 2 substitutes a new Schedule 3 to the 2010 Regulations in relation to Wales.

The new Schedule 3 adds bodies to the list of bodies in paragraphs 13, 17, 21, 22, 23 and 24 which are able to register persons authorised under the self-certification scheme provided for by regulations 12 and 20 of the 2010 Regulations. The remaining paragraphs are unchanged from the Schedule as it applied in relation to Wales other than excepted energy buildings in Wales.

A regulatory impact assessment has been carried out in respect of the proposed amendments to the 2010 Regulations. The assessment was carried out by the UK Government on an England and Wales basis and is published at: <http://www.legislation.gov.uk/uksi/2013/1105/impacts>