
WELSH STATUTORY INSTRUMENTS

2015 No. 1486 (W. 165)

BUILDING AND BUILDINGS, WALES

The Building (Amendment) (Wales) Regulations 2015

Made - - - - - 7 July 2015

Laid before the National

Assembly for Wales - - - 9 July 2015

Coming into force in accordance with regulation 1(3)

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1 and 34 of and paragraphs 1, 2, 4, 4A, 7, 8 and 10 of Schedule 1 to the Building Act 1984⁽¹⁾, now exercisable by them⁽²⁾, having consulted, in accordance with section 14(7) of that Act, the Building Regulations Advisory Committee for Wales and such other bodies as appear to them to be representative of the interests concerned, make the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the Building (Amendment) (Wales) Regulations 2015.

(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 the following dates—

(a) this regulation, regulations 2, 3, 4(a) and the Schedule on 31 July 2015; and

(b) regulation 4(b) on 31 December 2015.

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

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- (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) and paragraph 8 of Schedule 1 was amended by section 3 of the Sustainable and Secure Buildings Act 2004 and 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 34 of and paragraphs 1, 2, 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. The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 transferred certain functions conferred on the Secretary of State by or under the Building Act 1984, so far as exercisable in relation to Wales, to the Welsh Ministers. Article 3(a) of the Order provided that functions were not transferred so far as they were exercisable in relation to an excepted energy building as defined by the Schedule to the Order.

Amendment of the Building Regulations 2010

2. The Building Regulations 2010(4) are amended as follows.

3. For the Table in Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) substitute the Table as set out in the Schedule to these Regulations.

4. In regulation 43(4) (pressure testing)—

- (a) after “ the British Institute of Non-Destructive Testing” insert “, the Independent Airtightness Testing Scheme Limited(5)”; and
- (b) omit “the British Institute of Non-Destructive Testing,”.

7 July 2015

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Ministers

(4) S.I. 2010/2214; relevant amending instruments are S.I. 2011/1515, S.I. 2012/718, 2012/3119, S.I. 2013/747 (W. 89), S.I. 2013/1105, S.I. 2013/2621 (W. 258), S.I. 2014/2362 and S.I. 2015/767. Other amendments are not relevant to these Regulations.

(5) A company formed and registered under the Companies Acts with the registration number 09309058.

SCHEDULE

Regulation 3

<i>“Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
1. Installation of a heat-producing gas appliance. This paragraph does not apply to the provision of a masonry chimney.	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) .
2. Installation of— (a) an oil-fired combustion appliance; or (b) oil storage tanks and the pipes connecting them to combustion appliances. This paragraph does not apply to the provision of a masonry chimney.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited (7) , Blue Flame Certification Limited (8) , Building Engineering Services Competence Assessment Limited (9) , Certsure LLP (10) , NAPIT Registration Limited (11) , Oil Firing Technical Association Limited (12) or Stroma Certification Limited (13) .
3. Installation of a solid fuel-burning combustion appliance other than a biomass appliance. This paragraph does not apply to the provision of a masonry chimney.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited (14) , NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
4. Installation of a heating or hot water system, or its associated controls.	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, or a person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited (15) , Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.

(6) S.I. 1998/2451.**(7)** A company formed and registered under the Companies Acts (as defined in section 2 of the Companies Act 2006, c. 46) with the registration number 02876277.**(8)** A company formed and registered under the Companies Acts with the registration number 05182566.**(9)** A company formed and registered under the Companies Acts with the registration number 03712932.**(10)** A limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000 (c. 12) with the registration number OC379918.**(11)** A company formed and registered under the Companies Acts with the registration number 05190452.**(12)** A company formed and registered under the Companies Acts with the registration number 02739706.**(13)** A company formed and registered under the Companies Acts with the registration number 06429016.**(14)** A company formed and registered under the Companies Acts with the registration number 02117828.**(15)** A company formed and registered under the Companies Acts with the registration number 07144771.

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<i>“Column 1</i> <i>Type of Work</i>	<i>Column 2</i> <i>Person carrying out work</i>
5. Installation of a mechanical ventilation or air conditioning system or associated controls, in a building other than a dwelling, that does not involve work on a system shared with parts of the building occupied separately.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
6. Installation of an air conditioning or ventilation system in a dwelling, that does not involve work on a system shared with other dwellings.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
7. Installation of an energy efficient lighting system or electric heating system, or associated electrical controls, in buildings other than dwellings.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
8. Installation of fixed low or extra-low voltage electrical installations in dwellings.	A person registered in respect of that type of work by BSI Assurance UK Limited(16), Benchmark Certification Limited, Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
9. Installation of fixed low or extra-low voltage electrical installations in dwellings, as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
10. Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.	A person registered in respect of that type of work by BM Trada Certification Limited(17), BSI Assurance UK Limited, Blue Flame Certification Limited, CERTASS Limited(18), Certsure LLP, by Fensa Limited(19) under the Fenestration Self-Assessment Scheme, by

(16) A company formed and registered under the Companies Acts with the registration number 07805321.

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

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

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

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<i>“Column 1</i> <i>Type of Work</i>	<i>Column 2</i> <i>Person carrying out work</i>
	NAPIT Registration Limited, Network VEKA Limited ⁽²⁰⁾ or Stroma Certification Limited.
11. 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.	A person registered in respect of that type of work by BM Trada Certification Limited, Blue Flame Certification Limited, CERTASS Limited, Certsure LLP, by Fensa Limited under the Fenestration Self-Assessment Scheme, by NAPIT Registration Limited, Network VEKA Limited or Stroma Certification Limited.
12. Installation of a sanitary convenience, sink, washbasin, bidet, fixed bath, shower or bathroom in a dwelling, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited.
13. Installation of a wholesome cold water supply or a softened wholesome cold water supply.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited.
14. Installation of a supply of non-wholesome water to a sanitary convenience fitted with a flushing device, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited.
15. Installation in a building of a system to produce electricity, heat or cooling— (a) by microgeneration; or (b) from renewable sources (as defined in Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources) ⁽²¹⁾ .	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
16. Installation, as a replacement, of the covering of a pitched or flat roof and work carried out by	A person registered in respect of that type of work by NAPIT Registration Limited or

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

⁽²¹⁾ OJ No. L 140, 5.6.2009, p. 16, Article 2.

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<i>“Column 1</i>	<i>Column 2</i>
<i>Type of Work</i>	<i>Person carrying out work</i>
the registered person as a necessary adjunct to that installation. This paragraph does not apply to the installation of solar panels.	the National Federation of Roofing Contractors Limited(22).
17. Insertion of insulating material into the cavity walls of an existing building.	A person registered in respect of that type of work by Blue Flame Certification Limited, CERTASS Limited, The Cavity Insulation Guarantee Agency(23) under the Cavity Wall Insulation Self-Certification Scheme, by Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
18. Installation of insulating material to the internal walls of a building, not including the installation of flexible thermal linings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément(24), CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
19. Installation of insulating material to the external walls of a building, not including insulation of demountable-clad buildings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément, CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
20. Installation of insulating material to the external and internal walls of a building (“hybrid insulation”), not including insulation of demountable-clad buildings, and not including the installation of flexible thermal linings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément, CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2010 (“the 2010 Regulations”) in relation to Wales.

Regulation 3 substitutes the Table in Schedule 3 to the 2010 Regulations for the revised and updated Table in the Schedule to these Regulations.

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

(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 00878293.

The Table in Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) to the 2010 Regulations lists all the bodies which have been authorised to operate competent person self-certification schemes for various types of work. Installers who are registered with these schemes are authorised to certify their own work as compliant with the 2010 Regulations without having it checked by a building control body.

Regulation 4 amends regulation 43(4) (pressure testing) of the 2010 Regulations in relation to the bodies who may certify compliance with that regulation.

A regulatory impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government's website at www.wales.gov.uk.