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STATUTORY INSTRUMENTS

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**2013 No. 1959**

**BUILDINGS AND BUILDINGS,  
ENGLAND AND WALES**

**The Building Regulations  
&c. (Amendment) (No.2) Regulations 2013**

*Made - - - - 3rd August 2013*

*Laid before Parliament 8th August 2013*

*Coming into force in accordance with Regulation 1*

In accordance with section 14(3) of the Building Act 1984<sup>(1)</sup>, the Secretary of State has consulted the Building Regulations Advisory Committee for England<sup>(2)</sup> and such other bodies as appear to him to be representative of the interests concerned.

The Secretary of State, in exercise of the powers conferred by section 1 of and paragraphs 1, 4, 7, 10 and 11(1)(c) of Schedule 1 to the Building Act 1984 and being satisfied that certain provisions of local Acts are unnecessary in consequence of building regulations, makes the following Regulations:

**PART 1**

**General**

**Citation, extent, application and commencement**

1.—(1) These Regulations may be cited as the Building Regulations &c. (Amendment) (No.2) Regulations 2013.

(2) These Regulations extend to England and Wales.

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- (1) 1984 c.55. Section 4 was repealed by section 5 of the Sustainable and Secure Buildings Act 2004 (c.22), but section 5 of that Act has not yet been commenced. Section 4(1)(a)(i) to (iv) was substituted by paragraph 59 of Schedule 37 to the Education Act 1996 (c.56); subsection(1)(a)(ii) was substituted by paragraph 6 of Schedule 21 to the Education Act 2002 (c.32); subsection (1)(a)(iii) and (iv) was repealed by Schedule 31 to the Schools Standards and Framework Act 1998 (c.31); subsection (1)(b) was amended by Schedule 6 to the Airports Act 1986 (c.31); subsection (1)(b)(ii) was amended by S.I. 2011/2491 and subsection (1)(c) was amended by S.I. 2001/4050. There are other amendments to section 4 and the Act that are not relevant to these Regulations.
- (2) Existing members of the Building Regulations Advisory Committee as at 31st December 2011 were transferred on that date to the Building Regulations Advisory Committee for England pursuant to article 9 of the Welsh Ministers (Transfer of Functions) (No.2) Order 2009.

(3) These Regulations do not apply in relation to any building in Wales other than an excepted energy building and “excepted energy building” shall have the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009(3).

(4) Parts 1 and 4 of these Regulations shall come into force on 30<sup>th</sup> August 2013.

(5) Parts 2 and 3 of these Regulations shall come into force on 6th April 2014.

## PART 2

### Amendment of the Building Regulations 2010

#### Amendment of the Building Regulations 2010

2. The Building Regulations 2010(4) are amended as set out in this Part.

#### Interpretation

3. In regulation 2(1), in the definition of “energy efficiency requirements”, after “26” insert “26A”.

#### Minimum energy performance requirements for new buildings

4. For regulation 25 substitute—

“25. Minimum energy performance requirements shall be approved by the Secretary of State, in accordance with the methodology approved pursuant to regulation 24, for—

- (a) new buildings (which shall include new dwellings), in the form of target CO<sub>2</sub> emission rates; and
- (b) new dwellings, in the form of target fabric energy efficiency rates.”

#### Fabric energy efficiency rates for new dwellings

5. After regulation 26, insert—

“26A. Where a dwelling is erected, it shall not exceed the target fabric energy efficiency rate for the dwelling which have been approved pursuant to regulation 25.”

#### Fabric energy efficiency rate calculations

6. After regulation 27, insert—

##### “Fabric energy efficiency rate calculations

27A.—(1) This regulation applies where a dwelling is erected and regulation 26A applies.

(2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—

- (a) the target fabric energy efficiency rate for the dwelling;

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(3) [S.I. 2009/3019](#). The Order transferred functions under the Building Act 1984 exercised by the Secretary of State, so far as they related to Wales, to the Welsh Ministers, subject to articles 3 and 4 of the Order. Article 3(a) provides that functions so far exercisable in relation to an excepted energy building (as defined in the Order) are not transferred.

(4) [S.I. 2010/2214](#) as amended by [S.I. 2012/3119](#), [S.I. 2013/10](#), [S.I. 2013/181](#) and [S.I. 2013/1105](#).

- (b) the calculated fabric energy efficiency rate for the dwelling as designed; and
  - (c) a list of specifications to which the dwelling is to be constructed.
- (3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—
- (a) a notice which specifies—
    - (i) the target fabric energy efficiency rate for the dwelling;
    - (ii) the calculated fabric energy efficiency rate for the dwelling as constructed; and
    - (iii) whether the dwelling has been constructed in accordance with the list of specifications referred to in paragraph (2)(c), and if not a list of any changes to those specifications; or
  - (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).
- (4) A local authority is authorised to accept, as evidence that the requirements of regulation 26A have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.
- (5) In this Regulation, “specifications” means specifications used for the calculation of the fabric energy efficiency rate.”

#### **Application of building regulations to educational buildings, buildings of statutory undertakers and Crown Buildings**

7. In regulation 34, for “25” substitute “25(a)”.

#### **Interpretation of Part 6**

8. In regulation 35, after the definition of “energy assessor”, insert—
- ““fabric energy efficiency” means the space heating and cooling requirements per square metre of floor area of a new dwelling;”.

#### **Transitional provisions**

- 9.—(1) The amendment made by regulation 5 does not apply in any case where on the date these Regulations come into force—
- (a) building work has started in accordance with any relevant notification provision; or
  - (b) a relevant notification provision has been complied with in relation to proposed building work and the building work is started within the period of twelve months beginning on the day this Part of these Regulations come into force.
- (2) In this regulation, “relevant notification provision” means regulation 12(2) of the Building Regulations 2010 and sections 47(1), 50, 51A(2) and 54 of the Building Act 1984.

## PART 3

### Amendment of the Building (Approved Inspectors etc) Regulations 2010

#### **Amendment of the Building (Approved Inspectors etc) Regulations 2010**

- 10.** In regulation 20 of the Building (Approved Inspectors etc) Regulations 2010<sup>(5)</sup>—
- (a) in the heading, after “27”, insert “27A,”; and
  - (b) in sub-paragraph (1), after “27 (CO<sub>2</sub> emission rate calculations),” insert “27A (fabric energy efficiency rate calculations),”.

## PART 4

### Repeal of provisions of a local Act

#### **Repeal of provisions in the Croydon Corporation Act 1960**

**11.** Subject to regulation 13, sections 93 and 94 of the Croydon Corporation Act 1960<sup>(6)</sup> are repealed.

#### **Existing conditions**

**12.** Subject to regulation 13, any condition imposed before the date on which these Regulations come into force under a provision repealed by regulation 11 shall cease to have effect from that date and no proceedings or other action may be begun or continued on or after that date to enforce such condition or conditions.

#### **Saving**

**13.—**(1) Where any premises or facilities, equipment or devices are provided in respect of premises in connection with general fire precautions to safeguard the safety of relevant persons pursuant to a provision repealed by regulation 11, the responsible person must comply with article 17 of the Regulatory Reform (Fire Safety) Order 2005<sup>(7)</sup> (“the 2005 Order”) as if a reference to enactments repealed or revoked by the 2005 Order included a reference to enactments repealed by regulation 11.

(2) “General fire precautions”, “relevant persons” and “responsible person” have the same meanings as in the 2005 Order.

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<sup>(5)</sup> [S.I. 2010/2215](#) as amended by [S.I. 2012/3119](#).

<sup>(6)</sup> 1960 c.xl..

<sup>(7)</sup> [S.I. 2005/1541](#).

Signed by authority of the Secretary of State for Communities and Local Government

3rd August 2013

*Don Foster*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 2 of the Regulations amends the Building Regulations 2010 (“the 2010 Regulations”) to insert provisions relating to target fabric energy efficiency (“TFEE”) rates and new dwellings. Regulation 4 amends regulation 25 of the 2010 Regulations requiring the Secretary of State to approve TFEE rates; regulation 5 inserts regulation 26A requiring that new dwellings must not exceed the TFEE rate; regulation 6 inserts regulation 27A setting out the procedure to be followed by the person carrying out the work to submit evidence regarding the TFEE rates to the local authority; regulation 8 inserts a definition of fabric energy efficiency into regulation 35 of the 2010 Regulations and regulation 9 sets out the transitional provisions for the amendments to the 2010 Regulations

Part 3 sets out the amendment to the Building (Approved Inspectors etc) Regulations 2010 required as a consequence to the amendments to the 2010 Regulations.

Part 4 repeals two sections of the Croydon Corporation Act 1960 that deal with building control matters which are no longer required because of the provisions of the 2010 Regulations (regulation 11). Regulation 12 provides for circumstances when conditions have been imposed relying upon the repealed provisions and regulation 13 makes savings in circumstances where article 17 of the Regulatory Reform (Fire Safety) Order 2005 applies.