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WELSH STATUTORY INSTRUMENTS

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**2013 No. 747 (W.89)**

**BUILDING AND BUILDINGS, WALES**

**The Building Regulations &c. (Amendment)  
(Wales) Regulations 2013**

*Made* - - - - 26 March 2013  
*Laid before the National  
Assembly for Wales* - - 28 March 2013  
*Coming into force in accordance with regulation 1(4)*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1, 2A, 8(6), 16(9), 17(1) and (6), 34, 47(1), 49(5) and 51(1) of and paragraphs 1, 2, 4, 4A, 6, 7, 8 and 10 of Schedule 1 to the Building Act 1984<sup>(1)</sup>, now exercisable by them<sup>(2)</sup>, 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 Regulations &c. (Amendment) (Wales) Regulations 2013.

(2) Subject to paragraph (3), these Regulations apply in relation to Wales but do not apply in relation to excepted energy buildings in Wales.

(3) These Regulations do not apply in relation to—

- (a) educational buildings and buildings of statutory undertakers in Wales;
- (b) Crown buildings in Wales; and
- (c) building work carried out or proposed to be carried out by Crown authorities in Wales.

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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) and section 2A was inserted by section 4 of that Act; section 47(1) was amended by section 8 of that Act and S.I. 1996/1905; section 51(1) was substituted by S.I. 1996/1905; 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, 2A, 8(6), 16(9), 17(1) and (6), 34, 47(1), 49(5) and 51(1) of and paragraphs 1, 2, 4, 4A, 6, 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).

(4) Each provision of these Regulations mentioned in the second column of the Table in the Schedule to these Regulations comes into force on the date mentioned in the first column of that Table, for the purpose mentioned in the third column.

(5) In this regulation—

“excepted energy building” (“*adeilad ynni a eithrir*”) has the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009<sup>(3)</sup>;

“Crown authority” (“*awdurdod y Goron*”) means the Crown Estate Commissioners, a Minister of the Crown, a government department, any other person or body whose functions are performed on behalf of the Crown (not being a person or body whose functions are performed on behalf of Her Majesty in her private capacity), or a person acting in right of the Duchy of Lancaster or the Duchy of Cornwall;

“Crown building” (“*adeilad y Goron*”) means a building in which there is a Crown interest or Duchy interest;

“Crown interest” (“*buddiant y Goron*”) means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department;

“Duchy interest” (“*buddiant y Ddugiaeth*”) means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and

“educational buildings and buildings of statutory undertakers” (“*adeiladau addysgol ac adeiladau ymgymerwyr statudol*”) means buildings that fall within section 4(1)(a), (b) or (c) of the Building Act 1984.

## PART 1

### The Building Regulations 2010

#### Amendment of the Building Regulations 2010

2. The Building Regulations 2010<sup>(4)</sup> (“the Building Regulations”) are amended as set out in regulations 3 to 28.

#### Interpretation

3. In regulation 2(1)<sup>(5)</sup>—

(a) in the definition of “energy efficiency requirements”, after “23”, insert “25A, 25B”;

(b) after the definition of “energy efficiency requirements” insert—

““energy performance certificate” means a certificate which complies with the requirements of regulation 29 of these Regulations;” and

(c) for the definition of “fixed building services” substitute—

““fixed building services” means any part of, or any controls associated with—

(a) fixed internal or external lighting systems (but not including emergency escape lighting or specialist process lighting);

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(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 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 in the Schedule to the Order.

(4) S.I. 2010/2214 as amended by S.I. 2011/1515, S.I. 2012/718, S.I. 2012/809 and S.I. 2013/10.

(5) Amended by S.I. 2011/1515, S.I. 2012/718 and S.I. 2013/10.

- (b) fixed systems for heating, hot water, air conditioning or mechanical ventilation;  
or
- (c) any combination of systems of the kinds referred to in paragraph (a) or (b);”.

#### **Power to dispense with or relax requirements**

4. For regulation 11(3) substitute—

“(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to regulations 23(1)(a), 25A, 25B, 26, 29 (with the exception of paragraphs 4(e), 9A, 10, 11 and 12) and 29A.”.

#### **Full Plans**

5. In regulation 14, omit paragraph (5).

#### **Consultation with sewerage undertaker**

6. In regulation 15(2)(b), for “pursuant to a request under regulation 14(5)” substitute “or 17A”.

#### **Notice of commencement and completion of certain stages of work**

7. In Regulation 16(5), after the words “where a building is being erected”, add “to which the Regulatory Reform (Fire Safety) Order 2005(6) applies, or will apply after the completion of the work”.

#### **Completion certificates**

8. Regulation 17 is amended as follows—

- (a) for paragraphs (1) to (3) substitute—

“(1) A local authority shall within the specified period give a completion certificate in all cases (including a case where a certificate has already been given under regulation 17A) where they are satisfied, after taking all reasonable steps, that, following completion of building work carried out on it, a building complies with the relevant provisions.

(2) The specified period referred to in paragraph (1) is eight weeks starting from the date on which the person carrying out the building work notifies the local authority that the work has been completed.

(2A) The relevant provisions referred to in paragraph (1) are any applicable requirements of the following provisions—

- (a) regulation 25A (high-efficiency alternative systems for new buildings);
- (b) regulation 26 (target CO<sup>2</sup> emission rates for new buildings);
- (c) regulation 29 (energy performance certificates);
- (d) regulation 36 (water efficiency of new dwellings);
- (e) regulation 38 (fire safety information); and
- (f) Schedule 1.”; and

- (b) after paragraph (4), insert—

“(5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (4).”

9. After the end of regulation 17, insert—

**“Certificate for building occupied before work is completed**

**17A.—**(1) A local authority shall within the specified period give a completion certificate in respect of part or all of a building where building work is being carried out and where all of the following circumstances apply—

- (a) part or all of the building is to be occupied before the work is completed;
- (b) the building is subject to the Regulatory Reform (Fire Safety) Order 2005; and
- (c) the authority is satisfied, after taking all reasonable steps, that, regardless of completion of the current building work, those parts of the building which are to be occupied before completion of the work currently comply with regulation 38 and Part B of Schedule 1.

(2) The specified period referred to in paragraph (1) is four weeks starting from the date that notice is received by the local authority in accordance with regulation 16(5).

(3) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with, and the certificate shall contain this wording.

(4) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (3).”

**Supervision of building work otherwise than by local authorities**

10. In regulation 19(1), after “17 (completion certificates),” insert “17A (certificate for building occupied before work is completed).”

**Provisions applicable to self-certification schemes**

11. Regulation 20 is amended as follows—

(a) after the end of paragraph (3)(b)(ii) insert—

“(3A) A local authority shall store in a retrievable form copies of the notices and certificates given to it in accordance with paragraph (3)(b).

(3B) If the whole or part of the work was paid for using a green deal plan, the person carrying out the work must include—

- (a) in the certificate referred to in paragraph (2); and
- (b) in the notice given to the local authority referred to in paragraph (3)(b)(i),

a statement to that effect.

(3C) Such a statement that relates to a part of the work must specify which part was paid for using the green deal plan.

(3D) In this regulation, “green deal plan” has the meaning given in section 1 of the Energy Act 2011(7).”

(b) after the end of paragraph (4) insert—

“(5) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with, and the certificate shall contain this wording.

(6) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (5).”.

### **Application of energy efficiency requirements**

12. In regulation 21(5) for “European Parliament and Council Directive [2002/91/EC](#) of 16 December 2002 on the energy performance of buildings” substitute “European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast)”.

### **Requirements relating to thermal elements**

13. For regulation 23 (and the heading before it) substitute—

#### **“Requirements for the renovation or replacement of thermal elements**

23.—(1) Where the renovation of an individual thermal element—

- (a) constitutes a major renovation; or
- (b) amounts to the renovation of more than 50% of the element’s surface area;

the renovation must be carried out so as to ensure that the whole of the element complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.

(2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement—

- (a) constitutes a major renovation; or
- (b) (in the case of part replacement) amounts to the replacement of more than 50% of the element’s surface area;

the whole of the element must be replaced so as to ensure that it complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.”.

### **Minimum energy performance requirements for new buildings**

14. In regulation 25 for “based upon” substitute “set in accordance with”.

### **Consideration of high-efficiency alternative systems for new buildings (new regulation 25A) and nearly zero-energy requirements for new buildings (new regulation 25B)**

15. After regulation 25 (minimum energy performance requirements for new buildings), insert—

#### **“Consideration of high-efficiency alternative systems for new buildings**

25A.—(1) Before construction of a new building starts, the person who is to carry out the work must analyse and take into account the technical, environmental and economic feasibility of using high-efficiency alternative systems (such as the following systems) in the construction, if available—

- (a) decentralised energy supply systems based on energy from renewable sources;
- (b) cogeneration;

- (c) district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable sources; and
  - (d) heat pumps.
- (2) The person carrying out the work must—
- (a) not later than the beginning of the day before the day on which the work starts, give the local authority a notice which states that the analysis referred to in paragraph (1)—
    - (i) has been undertaken;
    - (ii) is documented; and
    - (iii) the documentation is available to the authority for verification purposes; and
  - (b) ensure that a copy of the analysis is available for inspection at all reasonable times upon request by an officer of the local authority.
- (3) An authorised officer of the local authority may require production of the documentation in order to verify that this regulation has been complied with.
- (4) The analysis referred to in paragraph (1)—
- (a) may be carried out for individual buildings or for groups of similar buildings or for common typologies of buildings in the same area; and
  - (b) in so far as it relates to collective heating and cooling systems, may be carried out for all buildings connected to the system in the same area.
- (5) In this regulation—
- (a) “cogeneration” means simultaneous generation in one process of thermal energy and one or both of the following—
    - (i) electrical energy;
    - (ii) mechanical energy;
  - (b) “district or block heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network of multiple buildings or sites, for the use of space or process heating or cooling;
  - (c) “energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; and
  - (d) “heat pump” means a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. (For reversible heat pumps, it may also move heat from the building to the natural surroundings.)

### **Nearly zero-energy requirements for new buildings**

**25B.** Where a building is erected, it must be a nearly zero-energy building.”.

### **Energy performance certificates**

**16.** In regulation 29(8)—

- (a) in paragraph 4(c), for “that category of building”, substitute “the category of building to which the certificate relates”;
- (b) at the end of paragraph (4)(c)—
  - (i) omit “and”; and
  - (ii) insert—
    - “(cc) include a recommendation report(9) unless there is no reasonable potential for energy performance improvements (in terms of the applicable energy efficiency requirements);
    - (cd) be valid in accordance with paragraph (9); and”;
- (c) for paragraph (4)(d)(i), substitute—
  - “the reference number under which the set of data from which the certificate may be produced has been entered onto the register in accordance with regulation 30(4);”;
- (d) omit paragraph (5); and
- (e) after paragraph (7) insert—
  - “(8) Certification for a building which consists of a single dwelling may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality, provided such correspondence is guaranteed by the energy assessor issuing the energy performance certificate.
  - (9) An energy performance certificate is only valid if—
    - (a) it was entered on the register no more than 10 years before the date on which it is made available; and
    - (b) no other energy performance certificate for the building has since been entered on the register.
  - (10) An energy performance certificate must not contain any information or data (except for the address of the building) from which a living individual (other than the energy assessor or his employer) can be identified.”.

### **Recommendation reports (new regulation 29A)**

17. After regulation 29 (energy performance certificates) insert—

#### **“Recommendation reports**

**29A.—**(1) In these Regulations a “recommendation report” means recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building.

- (2) A recommendation report must include—
  - (a) recommended cost-effective measures that could be carried out in connection with a major renovation of the building envelope or fixed building services;
  - (b) recommended cost-effective measures for individual building elements that could be carried out without the necessity for a major renovation of the building envelope or fixed building services;
  - (c) an indication as to how the owner or tenant can obtain more detailed information about improving the energy efficiency of the building, including more detailed information about the cost-effectiveness of the recommendations; and

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(9) “Recommendation report” is defined in regulation 29A.

(d) information on the steps to be taken to implement the recommendations.

(3) Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.

(4) In this regulation “building element” means a controlled service or fitting or a thermal element of the building envelope.”.

### Energy assessors

18. In regulation 30(10)—

(a) for paragraph (3)(g), substitute—

“for requiring the sets of data from which may be produced energy performance certificates and recommendation reports prepared by members of the scheme to be entered onto the relevant register referred to in paragraph (4);” and

(b) in paragraph (4) for “regulation 31 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(11)” substitute “regulation 27 of the Energy Performance of Buildings (England and Wales) Regulations 2012(12)”.

### Right to copy documents

19. In regulation 33 for “the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007” substitute “the Energy Performance of Buildings (England and Wales) Regulations 2012”.

### Interpretation of Part 6

20. In regulation 35(1)—

(a) after the definition of “building” insert—

““building envelope” in relation to a building means the walls, floor, roof, windows, doors, roof windows and roof-lights;

(b) after the definition of “energy assessor”—

(i) omit “and”; and

(ii) insert—

““major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation; and

“nearly zero-energy building” means a building that has a very high energy performance, as determined in accordance with a methodology approved under regulation 24, where the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.”; and

(c) omit the definition of “recommendation report”.

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(10) Amended by S.I. 2012/809.

(11) S.I. 2007/991. Those Regulations were amended by S.I. 2007/1669, S.I. 2007/3302, S.I. 2008/647, S.I. 2008/2363, S.I. 2009/1900, S.I. 2010/2214 and S.I. 2011/2452 and consolidated by the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118).

(12) S.I. 2012/3118.



### Pressure testing

21. In regulation 43(4), after “British Institute of Non-destructive Testing” insert “or the Air Tightness Testing and Measurement Association”(13).

### Contravention of certain regulations not to be an offence

22. In regulation 47 after “17,” insert “17A, 25A,”.

### Electronic service of documents

23. In regulation 48(1)—

- (a) in sub-paragraph (d) after “regulation 17” insert “or regulation 17A”; and
- (b) after sub-paragraph (g) insert—
  - “(ga) a notice under regulation 25A;”.

### Schedule 3 to the Building Regulations — Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans

24.—(1) In column 1 of Schedule 3, in paragraphs 1, 3 and 4, add “(This paragraph does not apply to the provision of a masonry chimney.)”.

(2) In column 2 of Schedule 3—

- (a) for “Ascertiva Group Limited” or “ECA Certification Limited” (whichever occurring), substitute “Certsure LLP(14)”, provided that, where the substitution results in a duplicate reference in the same paragraph of the table, the second reference is to be omitted;
- (b) after “Certsure LLP” omit “(in respect of work carried out in England and excepted energy buildings in Wales)”;
- (c) for “Building Engineering Services Competence Accreditation Limited”, substitute “Building Engineering Services Competence Assessment Limited”;
- (d) after “Building Engineering Services Competence Assessment Limited”, omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (e) omit “Benchmark Certification Limited(15) (other than in respect of work carried out in England or in relation to excepted energy buildings in Wales),” in paragraphs 4, 6, 8 and 9;
- (f) in paragraph 3—
  - (i) for the “or” before “Oil Firing Technical Association Limited” substitute “,”;
  - (ii) after “Oil Firing Technical Association Limited” insert “or Stroma Certification Limited(16)”; and
  - (iii) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (g) in paragraph 8—
  - (i) for the “or” before “Building Engineering Services” substitute “,”;

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(13) A company formed and registered under the Companies Acts (defined in section 2 of the Companies Act 2006 (c. 46)) with the registration number 7885199.

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

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

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

- (ii) before “in respect of that type of work” insert “, ECA Certification Limited(17), NAPIT Registration Limited(18) or Stroma Certification Limited”;
  - (iii) after “NAPIT Registration Limited” omit “(in respect of work carried out in England and excepted energy buildings in Wales)”; and
  - (iv) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (h) in paragraph 9—
- (i) for the “or” before “NAPIT Registration Limited” substitute “, ECA Certification Limited,”;
  - (ii) after “ECA Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (iii) after “NAPIT Registration Limited” insert “or Stroma Certification Limited”;
  - (iv) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (i) in paragraph 10—
- (i) before “Building Engineering Services” insert “Benchmark Certification Limited,”; and
  - (ii) after “Benchmark Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (j) in paragraph 13—
- (i) after “BM Trada Certification Limited,” insert “Benchmark Certification Limited,”;
  - (ii) after “Benchmark Certification Limited,” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (iii) after “CERTASS Limited” insert “, NAPIT Registration Limited”;
  - (iv) after “NAPIT Registration Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (v) for the “or” before “Network VEKA Limited” substitute “,”;
  - (vi) after “Network VEKA Limited” insert “or Stroma Certification Limited”;
  - (vii) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (k) in paragraph 14—
- (i) before “or NAPIT Registration Limited” insert “, ECA Certification Limited, HETAS Limited(19)”;
  - (ii) after “ECA Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (iii) after “HETAS Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (iv) for the “or” before “NAPIT Registration Limited” substitute “,”;
  - (v) after “NAPIT Registration Limited” insert “or Stroma Certification Limited”;
  - (vi) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;

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(17) A company formed and registered under the Companies Acts with the registration number 06418028.

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

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

- (l) in paragraph 15—
  - (i) before “or NAPIT Registration Limited” insert “, ECA Certification Limited, HETAS Limited”;
  - (ii) after “ECA Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (iii) after “HETAS Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (m) in paragraph 16—
  - (i) before “or NAPIT Registration Limited” insert “, ECA Certification Limited, HETAS Limited”;
  - (ii) after “ECA Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (iii) after “HETAS Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
  - (iv) for the “or” before “NAPIT Registration Limited” substitute “,”;
  - (v) after “NAPIT Registration Limited” insert “or Stroma Certification Limited”; and
  - (vi) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (n) in paragraph 18—
  - (i) after “Cavity Insulation Guarantee Agency Limited” insert “, Ascertiva Group Limited<sup>(20)</sup>, Benchmark Certification Limited, NAPIT Registration Limited or Stroma Certification Limited”;
  - (ii) after “Ascertiva Group Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (iii) after “Benchmark Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (iv) after “NAPIT Registration Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (v) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”;
- (o) in paragraph 19—
  - (i) after “registered by” insert “NAPIT Registration Limited or”; and
  - (ii) after “NAPIT Registration Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
- (p) in paragraph 21—
  - (i) after “BM Trada Certification Limited” insert “, CERTASS Limited<sup>(21)</sup>, Stroma Certification Limited”;
  - (ii) after “CERTASS Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”; and
  - (iii) after “Stroma Certification Limited” omit “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)”.

**25. Omit paragraph 20 of Schedule 3.**

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<sup>(20)</sup> A company formed and registered under the Companies Acts with the registration number 02513162.

<sup>(21)</sup> A company formed and registered under the Companies Acts with the registration number 04350234.

26. After paragraph 21 of Schedule 3, add the following paragraphs—

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<p>“22. Installation of insulating material to the internal walls of a building.</p>	<p>A person registered by Ascertiva Group Limited, Benchmark Certification Limited, CERTASS Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>23. Installation of insulating material to the external walls of a building, not including insulation of demountable-clad buildings.</p>	<p>A person registered by Ascertiva Group Limited, Benchmark Certification Limited, CERTASS Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>24. Installation of insulation material to both external and internal walls of a building (“hybrid insulation”), not including insulation of demountable-clad buildings.</p>	<p>A person registered by Ascertiva Group Limited, Benchmark Certification Limited or NAPIT Registration Limited in respect of that type of work.”</p>

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27. In paragraphs 22, 23 and 24 omit the words “In respect of work carried out in England or in relation to excepted energy buildings in Wales”.

**Schedule 4 to the Building Regulations — Descriptions of work where no building notice or deposit of full plans required**

28. In Schedule 4, after paragraph 3 insert—

- “(3A) Installation of thermal insulation to suspended timber floors where the work—
- (a) consists of the installation of such insulation only; and
  - (b) the work is not carried out in order to comply with any requirements of these Regulations.”.

## PART 2

### The Building (Approved Inspectors etc.) Regulations 2010

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

29. The Building (Approved Inspectors etc.) Regulations 2010(22) are amended as set out in regulations 30 to 33.

**Functions of approved inspectors**

30. In regulation 8(1)—

- (a) in sub-paragraph (a), after “23 (requirements relating to thermal elements),” insert “25A (consideration of high-efficiency alternative systems for new buildings),”; and
- (b) in sub-paragraph (b), after “regulations 20,” insert “25A,”.

### **Form, grounds and period for rejecting final certificate**

31. In regulation 16, after the end of paragraph (2) insert—

“(3) A final certificate given by an approved inspector to a local authority in accordance with these Regulations shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”.

### **Application of regulations 20, 27, 29, 37, 41, 42, 43 and 44 of the Building Regulations**

32. For regulation 20(1) and the preceding heading, substitute—

#### **“Application of regulations 20, 25A, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations**

20.—(1) Regulations 20 (provisions applicable to self-certification schemes), 25A (consideration of high-efficiency alternative systems for new buildings), 27 (CO<sup>2</sup> emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing) and 44 (commissioning) of the Principal Regulations apply in relation to building work which is the subject of an initial notice as if references to the local authority were references to the approved inspector.”.

### **Schedule 1 to the Approved Inspectors Regulations — Forms**

33.—(1) The numbered forms specified in Schedule 1 are amended as specified in paragraphs 2 and 3.

(2) In Form 5 (final certificate) after paragraph 8 insert—

“9. This certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”; and

(3) In Form 12 (public body’s final certificate), after paragraph 6 insert—

“7. This certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”.

## **PART 3**

### **Transitional Provisions**

#### **Transitional provisions: interpretation**

34. In regulations 35 and 36—

“relevant notification provision” (“*darpariaeth hysbysu berthnasol*”) means regulation 12(2) of the Building Regulations 2010 and sections 47(1), 50, 51A(2) and 54 of the Building Act 1984; and

“relevant regulation” (“*rheoliadau perthnasol*”) means regulations 7, 13 or 15 of these Regulations.

**Work already started before certain regulations take effect**

**35.** An amendment made by a relevant regulation does not apply in any case where at the time the amendment takes effect, building work has been started in accordance with any relevant notification provision applicable in relation to the work.

**Notice given or plans deposited before those regulations take effect**

- 36.** An amendment made by a relevant regulation does not apply in any case where—
- (a) at the time the amendment takes effect a relevant notification provision has been complied with in relation to proposed building work; and
  - (b) the building work is started within the period of 12 months beginning on the day the relevant regulation takes effect.

26 March 2013

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

## SCHEDULE

Regulation 1

<i>Column 1 Coming into force date</i>	<i>Column 2 Provision</i>	<i>Column 3 Purpose for which the provision comes into force</i>
19 April 2013	Regulations 1-10, 11(a) (in so far as it inserts paragraphs (3B), (3C) and (3D) into regulation 20) and (b), 12, 14, 16-23, 24(1), 24(2)(c)-(p), 25-29, 31-36 and the Schedule	All purposes
19 April 2013	Regulation 13	In respect of buildings occupied by public authorities
19 April 2013	Regulations 15 (for the purpose of new regulation 25A) and 30	In respect of new buildings occupied by public authorities
20 April 2013	Regulation 24(2)(a)-(b)	All purposes
9 July 2013	Regulation 13	In respect of all other buildings
9 July 2013	Regulations 15 (for the purpose of new regulation 25A) and 30	In respect of all other new buildings
1 October 2013	Regulation 11(a) (so far as not otherwise commenced)	All purposes
1 January 2019	Regulation 15 (for the purpose of new regulation 25B)	In respect of new buildings owned and occupied by public authorities
31 December 2020	Regulation 15 (for the purpose of new regulation 25B)	In respect of all other new buildings

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

These Regulations amend the Building Regulations 2010 (“the Building Regulations”) and the Building (Approved Inspectors etc.) Regulations 2010 (“the Approved Inspectors Regulations”).

The amendments to the Building Regulations are set out in Part 1.

Regulation 8 contains new provisions regarding the giving by the local authority of completion certificates and regulation 9 adds a new regulation 17A which replaces and largely re-enacts, with minor amendments, the substance of regulation 17 with regard to buildings which are occupied before work is completed. The amendments to regulation 14 in regulation 5, to regulation 15 in

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

regulation 6, to regulation 19 in regulation 10, to regulation 47 in regulation 22 and to regulation 48 in regulation 23 are consequential to this amendment.

Regulations 8(b) and 11(b) add to regulation 17 and to regulation 20 respectively a requirement for wording in specified certificates about the evidential value of those certificates.

Regulation 11 amends regulation 20 to provide that a certificate issued in accordance with regulation 20 of the Building Regulations, under a self-certification scheme, states that future payment liabilities apply to the property concerned under a green deal plan for repayment of the costs of energy efficiency improvement work on the property. The amendment also requires the local authority to store the relevant notices and certificates in a retrievable form.

Regulations 4, 12 to 20, 22 and 23 transpose Articles 2, 6, 7, 9 and 11 of the European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast) (“the recast Directive”). Regulation 13 amends regulation 23 of the Building Regulations relating to the renovation or replacement of thermal elements to fully implement the requirements of the recast Directive. Regulation 15 implements in part the requirements in the recast Directive for high-efficiency alternative systems and nearly zero-carbon buildings in respect of new buildings. Regulations 16 to 19 set out requirements for energy performance certificates in relation to the construction of a building; they transpose the recast Directive and also include provisions previously set out in the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I.2007/991).

Regulation 21 amends regulation 43 of the Building Regulations to add a further body that may register a person to issue a certificate of compliance with pressure testing requirements.

Regulation 24(2) amends the list of bodies authorised under the self-certification scheme provided for by regulations 12 and 20 and Schedule 3 of the Building Regulations.

Part 2 contains amendments to the Approved Inspectors Regulations. Regulations 30 and 32 amend regulations 8 and 20 of the Approved Inspectors Regulations to ensure that the changes required under the recast Directive also apply when the building control function is undertaken by an approved inspector.

Regulation 31 adds a provision to regulation 16 clarifying that a final certificate given by an approved inspector is evidence but not conclusive evidence of the matters stated in it.

Regulation 33 makes consequential amendments to the relevant forms of notice specified in Schedule 1 and adds where appropriate the statement that the notice or certificate is evidence but not conclusive evidence of compliance with the requirements specified in it.

Part 3 sets out the transitional provisions.

The Schedule to these Regulations sets out the commencement table.