
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 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.