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WELSH STATUTORY INSTRUMENTS

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## 2016 No. 611

### The Building Regulations &c. (Amendment) (Wales) Regulations 2016

#### Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(1) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition “energy efficiency requirements” omit “29 and”; and
- (b) omit the definition “energy performance certificate”.

(3) In regulation 10(2) (exemption of the Metropolitan Police Authority from procedural requirements) omit “, other than regulation 29,”.

(4) In regulation 11(3) (power to dispense with or relax requirements) omit “, 29 (with the exception of paragraphs 4(e), 9A, 10, 11 and 12), 29A”.

(5) In regulation 17(2A) (completion certificates)—

(a) for subparagraph (c) substitute—

- “(c) regulation 26A (primary energy consumption rates for new buildings),
- (ca) regulation 26B (fabric performance values for new dwellings),”;

(b) at the end of subparagraph (e) omit “and”; and

(c) at the end of subparagraph (f) for “.” substitute—

“,

(g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012(2)

(6) In regulation 19(1) (supervision of building work otherwise than by local authorities) omit “29 (energy performance certificates),”.

(7) In regulation 24(2) (methodology of calculation and expression of energy performance)—

(a) in the definition “asset rating” for “a numerical indicator of” substitute “an energy performance indicator determined from”; and

(b) for the definition “operational rating” substitute—

““operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period.”

(8) In regulation 25 (minimum energy performance requirements for new buildings) for “set” substitute “calculated and expressed”.

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(1) S.I. 2010/2214, relevant amending instruments are S.I. 2013/747 (W. 89), S.I. 2013/2621 (W. 258), S.I. 2014/110 (W. 10), S.I. 2015/1486 (W. 165) and S.I. 2016/361 (W. 113). There are other amending instruments that are not relevant to this instrument.

(2) S.I. 2012/3118, as amended by S.I. 2013/10; S.I. 2013/181; S.I. 2013/603; S.I. 2014/880; S.I. 2015/609; S.I. 2015/1681 and S.I. 2016/284.

- (9) In regulation 25C (new buildings: minimum energy performance requirements)—
- (a) for “may” substitute “must”; and
  - (b) after “Welsh Ministers,” insert “calculated and expressed”.
- (10) In regulation 26 (CO2 emission rates for new buildings) after “25” insert “, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24”.
- (11) In regulation 26A (primary energy consumption rates for new buildings) after “25C(a)” insert “, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24”.
- (12) In regulation 26B (fabric performance values for new dwellings) after “25C(b)” insert “, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24”.
- (13) In regulation 27 (CO2 emission rate calculations)—
- (a) in paragraph (2)(a) after “building” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (b) in paragraph (2)(b) omit “calculated”, and after “designed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (c) in paragraph (3)(a)(i) after “building” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (d) in paragraph (3)(a)(ii) omit “calculated”, and after “constructed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”; and
  - (e) in paragraph (4) for “such certificates” substitute “energy performance certificates”.
- (14) In regulation 27A (primary energy consumption rate calculations)—
- (a) in paragraph (2)(a) after “building” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (b) in paragraph (2)(b) omit “calculated”, and after “designed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (c) in paragraph (3)(a)(i) after “building” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (d) in paragraph (3)(a)(ii) omit “calculated”, and after “constructed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”; and
  - (e) in paragraph (4) for “such certificates” substitute “energy performance certificates”.
- (15) In regulation 27B (fabric performance values calculations)—
- (a) in paragraph (2)(a) after “dwelling” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (b) in paragraph (2)(b) omit “calculated”, and after “designed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (c) in paragraph (3)(a)(i) after “dwelling” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”;
  - (d) in paragraph (3)(a)(ii) omit “calculated”, and after “constructed” insert “, calculated and expressed in accordance with the methodology approved pursuant to regulation 24”; and
  - (e) in paragraph (4) for “such certificates” substitute “energy performance certificates”.
- (16) Omit regulation 29 (energy performance certificates) and Schedule 4A (Green Deal information).

- (17) Omit regulations 29A to 33.
- (18) In regulation 34(1) (application of building regulations to educational buildings, buildings of statutory undertakers and Crown Buildings) omit “, 29 (apart from regulations 29(4)(e), 29(9A), 29(10), 29(11) and 29(12)), 29A”.
- (19) In regulation 35 (interpretation of Part 6)—
  - (a) in paragraph (1)—
    - (i) in the definition “energy assessor” for “regulation 30” substitute “regulation 22 (accreditation schemes) of the Energy Performance of Buildings (England and Wales) Regulations 2012”;
    - (ii) after that definition insert the following definitions—
      - ““energy performance certificate” means a certificate which complies with the requirements of regulation 9 (energy performance certificates) or 9A (energy performance certificates in respect of excluded buildings) of the Energy Performance of Buildings (England and Wales) Regulations 2012;
      - “energy performance of a building” means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;”; and
  - (b) omit paragraph (2).
- (20) In regulation 47 (contravention of certain regulations not to be an offence) omit “29,”.
- (21) In regulation 48(1) (electronic service of documents) omit subparagraphs (i) and (j).
- (22) In Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans), in column 2 of items 8 and 10 omit “BSI Assurance UK Limited,”.