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## 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”) in relation to excepted energy buildings in Wales.

Functions under the Building Act 1984 (“the 1984 Act”) to make building regulations and associated matters were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 which came into force on 31 December 2011. An exclusion from the transfer was made in relation to “excepted energy buildings” which has the meaning given by the Schedule to that Order.

Amendments to the Building Regulations and the Approved Inspectors Regulations made by the Secretary of State from 31 December 2011 applied in relation to England and to excepted energy buildings in Wales. Amendments to those Regulations made by the Welsh Ministers from 31 December 2011 applied in relation to Wales other than to excepted energy buildings.

Section 54 of the Wales Act 2017 removes the exclusion in relation to excepted energy buildings by making the necessary provision for the transfer of functions under the 1984 Act for that category of buildings from 1 April 2018.

The effect of the amendments made by these Regulations is to bring provisions in the Building Regulations and Approved Inspectors Regulations in relation to excepted energy buildings in Wales in line with provisions applying to other buildings in Wales.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.