
WELSH STATUTORY INSTRUMENTS

2018 No. 558

The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018

PART 3

The Building (Approved Inspectors etc.) Regulations 2010

Amendments to the Building (Approved Inspectors etc.) Regulations 2010

17. The Building (Approved Inspectors etc.) Regulations 2010⁽¹⁾ are amended as set out in regulations 18 to 28.

Part 1 (general)

18. In regulation 2 (interpretation) in paragraph (1) omit “new dwelling” and “optional requirement” and their respective definitions.

Part 2 (grant and withdrawal of approval)

19.—(1) In regulation 5A (approved inspector’s insurance)—

- (a) in each place where it occurs for “Secretary of State” substitute “Welsh Ministers”;
- (b) in paragraph (2) for “6th April 2013” substitute “8 June 2018”.

(2) In regulation 7 (lists of approvals and designations)—

- (a) in each place where it occurs for “Secretary of State” substitute “Welsh Ministers”;
- (b) in paragraph (3) renumber sub-paragraphs (aa) and (b), (b) and (c) respectively.

Part 3 (supervision of work by approved inspectors)

20. In regulation 8 (functions of approved inspectors)—

- (a) in paragraph (1)(a)—
 - (i) for “26A (fabric energy efficiency rates for new buildings)” substitute “26A (primary energy consumption rates for new buildings)”;
 - (ii) after “26A (primary energy consumption rates for new buildings),” insert “26B (fabric performance values for new dwellings),”;
 - (iii) after “36 (water efficiency of new dwellings),” insert “37A (provision of automatic fire suppression systems),”;
- (b) in paragraph (1)(b) after “27A,” insert “27B,”;

⁽¹⁾ [S.I. 2010/2215](#); relevant amending instruments in relation to excepted energy buildings in Wales are [S.I. 2012/3119](#), [2013/1959](#), [2014/579](#), [2015/767](#) and [2016/285](#) and in relation to other buildings in Wales [S.I. 2013/747](#) (W. 89), [2013/2730](#) (W. 264), [2014/58](#) (W. 5) and [2016/611](#) (W. 168).

(c) after paragraph (1) insert—

“(2) In a case where any requirement of Part L of Schedule 1 to the Principal Regulations is to be complied with by the insertion of insulating material into the cavity in a wall after that wall has been constructed, the approved inspector need not supervise the insertion of the insulating material but shall state in the final certificate whether or not at the date of that certificate the material has been inserted.”

Part 4 (application of provisions of the principal regulations)

21. In regulation 20 (application of regulations 20, 20A, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations)—

(a) in the heading—

- (i) omit “20A,” and “29,”;
- (ii) after “27A,” insert “27B,”;

(b) in paragraph (1)—

- (i) omit “20A (provisions applicable to third party certification schemes),”;
- (ii) for “27A (fabric energy efficiency rate calculations),” substitute “27A (primary energy consumption rate calculations),”;
- (iii) after “27A (primary energy consumption rate calculations),” insert “27B (fabric performance values calculations),”;
- (iv) after paragraph (2A) insert—

“(2B) Regulation 27B(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed,” there were inserted “or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force.”

Schedule 1 (forms)

22. In Schedule 1 for forms 1 to 12 substitute forms 1 to 12 as they apply to buildings in Wales other than excepted energy buildings in Wales as at the date these Regulations come into force.

Schedule 2 (grounds for rejecting an initial notice, an amendment notice, or a plans certificate combined with an initial notice)

23. In Schedule 2—

- (a) in paragraph 4 (information about the proposed work) omit sub-paragraphs (c) to (e);
- (b) in paragraph 6 (insurance)—
 - (i) for “6th April 2013” substitute “8 June 2018”;
 - (ii) for “Secretary of State” substitute “Welsh Ministers”.

Schedule 3 (grounds for rejecting a plans certificate or a plans certificate combined with an initial notice)

24. In Schedule 3—

- (a) omit paragraph 2A (optional requirements);
- (b) in paragraph 6 (insurance)—

- (i) for “6th April 2013” substitute “8 June 2018”;
- (ii) for “Secretary of State” substitute “Welsh Ministers”;
- (iii) for “described in the notice” substitute “to which the certificate relates”.

Schedule 4 (grounds for rejecting a final certificate)

25. In Schedule 4—

- (a) omit paragraph 2A (optional requirements);
- (b) in paragraph 5 (insurance)—
 - (i) for “6th April 2013” substitute “8 June 2018”; and
 - (ii) for “Secretary of State” substitute “Welsh Ministers”.

Schedule 5 (grounds for rejecting a public body’s notice, or a combined public body’s notice and plans certificate)

26. In Schedule 5 paragraph 4 (information about the proposed work) omit sub-paragraphs (c) to (e).

Schedule 6 (grounds for rejecting a public body’s plans certificate, or a combined public body’s notice and plans certificate)

27. In Schedule 6 omit paragraph 2A (optional requirements).

Schedule 7 (grounds for rejecting a public body’s final certificate)

28. In Schedule 7 omit paragraph 2A (optional requirements).