
WELSH STATUTORY INSTRUMENTS

2018 No. 558

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

PART 2

The Building Regulations 2010

Part 6 (energy efficiency requirements)

7.—(1) In regulation 21 (application of energy efficiency requirements) in paragraph (4)—

- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) insert “to heat the conservatory or porch; or”;
- (c) after sub-paragraph (b) insert—
 - “(c) in which a fixed heating appliance has been provided to heat the conservatory or porch.”

(2) For regulation 25 (minimum energy performance requirements for new buildings) substitute—

“**25.** The Welsh Ministers shall approve minimum energy performance requirements for new buildings, in the form of target CO² emission rates, which shall be calculated and expressed in accordance with the methodology approved pursuant to regulation 24.”

(3) After regulation 25B (nearly zero-energy requirements for new buildings) insert—

“New buildings: minimum energy performance requirements

25C. Minimum energy performance requirements must be approved by the Welsh Ministers, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, for—

- (a) new buildings (other than new dwellings), in the form of target primary energy consumption rates; and
- (b) new dwellings, in the form of target fabric performance values.”

(4) For regulation 26A (fabric energy efficiency rate) and the heading before it substitute—

“Primary energy consumption rates for new buildings

26A. Where a building (other than a dwelling) is erected, it must not exceed the target primary energy consumption rate for the building which has been approved pursuant to regulation 25C(a), applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24.”

(5) After regulation 26A insert—

“Fabric performance values for new dwellings

26B. Where a dwelling is erected, it must not exceed the target fabric performance values for the dwelling which have been approved pursuant to regulation 25C(b), applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24.”

- (6) In regulation 27A (fabric energy efficiency rates calculations)—
- (a) for the heading substitute “Primary energy consumption rate calculations”;
 - (b) in paragraph (1) for “dwelling” substitute “building (other than a dwelling)”;
 - (c) in paragraphs (2) and (3) in each place where it occurs for “shall” substitute “must”;
 - (d) in paragraphs (2)(a) and (b) and (3)(a)(i) and (ii) in each place where it occurs for “fabric efficiency rate for the dwelling” substitute “primary energy consumption rate for the building”;
 - (e) in paragraphs (2)(c) and (3)(a)(iii) in each place where it occurs for “dwelling” substitute “building”;
 - (f) in paragraph (5) for “fabric energy efficiency rate” substitute “primary energy consumption rate”.
- (7) After regulation 27A insert—

“Fabric performance values calculations

27B.—(1) This regulation applies where a dwelling is erected and regulation 26B applies.

(2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—

- (a) the target fabric performance values for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24;
- (b) the fabric performance values for the dwelling as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24; and
- (c) a list of specifications to which the dwelling is to be constructed.

(3) Not later than five days after the work has been completed, the person carrying out the work must give the local authority—

- (a) a notice which specifies—
 - (i) the target fabric performance values for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24;
 - (ii) the fabric performance values for the dwelling as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24; and
 - (iii) whether the dwelling has been constructed in accordance with the list of specifications referred to in paragraph 2(c), and if not a list of any changes to those specifications; or
- (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority is authorised to accept, as evidence that the requirements of regulation 26B have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce energy performance certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the fabric performance values.”

(8) For regulation 28 (consequential improvements to energy performance) substitute—

“**28.**—(1) Paragraph (3) applies to an existing building with a total useful floor area over 1000m² where the proposed building work consists of or includes—

- (a) the initial provision of any fixed building services; or
- (b) an increase to the installed capacity of any fixed building services.

(2) Paragraph (3) applies to an existing building where the proposed building work consists of or includes—

- (a) an extension; or
- (b) the extension of the building’s heating system or the provision of a fixed heating appliance, to heat a previously unheated space.

(3) Subject to paragraph (4), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(4) Nothing in paragraph (3) requires work to be carried out if it is not technically, functionally and economically feasible.”

(9) In regulation 34 (application of building regulations to educational buildings, buildings of statutory undertakers or crown buildings) for “25(a)” substitute “25”.

(10) In regulation 35 (interpretation of Part 6) omit “fabric energy efficiency” and “new dwelling” and their respective definitions.