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WELSH STATUTORY INSTRUMENTS

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**2022 No. 564**

**The Building (Amendment) (Wales) Regulations 2022**

**PART 2**

**Amendment of the Building Regulations**

**Amendment of the Building Regulations**

2. The Building Regulations are amended in accordance with regulations 3 to 17.

**Amendment of regulation 2 of the Building Regulations**

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

- (a) in the definition of “energy efficiency requirements”—

- (i) after “26B” insert “, 26C”;
- (ii) for “and 40” substitute “40 and 40A, ”;

- (b) after the definition of “softened wholesome water” insert—

“,

“system for on-site electricity generation” means a system that produces electricity and has a direct electrical connection to the building in question.”

**Amendment of regulation 4 of the Building Regulations**

4. In regulation 4 (requirements relating to building work), after paragraph (3) insert—

“(4) This paragraph applies in relation to a building where—

- (a) building work is undertaken in respect of that building (“relevant work”), and
- (b) Part L of Schedule 1 imposes a requirement in respect of the relevant work.

(5) Notwithstanding paragraph (3), upon completion of the relevant work, any building to which paragraph (4) applies must—

- (a) comply with Part F of Schedule 1, or
- (b) where the building did not comply with Part F of Schedule 1 before the relevant work was begun, be no more unsatisfactory in relation to it than before the work was begun.”

**Amendment of regulation 17 of the Building Regulations**

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

- (a) in sub-paragraph (c), omit “consumption”;

- (b) after sub-paragraph (ca) insert—

“(cb) regulation 26C (target primary energy rates for new buildings),”.

### **Amendment of regulation 25C of the Building Regulations**

6. In regulation 25C (new buildings: minimum energy performance requirements)—
  - (a) in paragraph (a)—
    - (i) omit “(other than new dwellings),”;
    - (ii) omit “consumption”;
  - (b) in paragraph (b), for “new dwellings” substitute “when a dwelling is erected”.

### **Insertion of regulation 25D of the Building Regulations**

7. After regulation 25C (new buildings: minimum energy performance requirements) insert—

#### **“Energy efficiency rating**

**25D.** Energy efficiency ratings must be approved by the Welsh Ministers, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24 for new buildings.”

### **Amendment of regulation 26A of the Building Regulations**

8. In regulation 26A (primary energy consumption rates for new buildings)—
  - (a) in the heading, omit “consumption”;
  - (b) omit “(other than a dwelling)”;
  - (c) omit “consumption”.

### **Insertion of regulation 26C into the Building Regulations**

9. After regulation 26B (fabric performance values for new dwellings) insert—

#### **“Minimum energy efficiency rating**

**26C.** Where a dwelling is erected, it must equal or exceed the energy efficiency rating for the dwelling which has been approved pursuant to regulation 25D applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24 for new buildings.”

### **Amendment of regulation 27A of the Building Regulations**

10. In regulation 27A (primary energy consumption rate calculations)—
  - (a) in the heading, omit “consumption”;
  - (b) in paragraph (1), omit “(other than a dwelling)”;
  - (c) in paragraphs (2)(a) and (b), (3)(a)(i) and (ii) and (5), omit “consumption”.

### **Insertion of regulation 27C into the Building Regulations**

11. After regulation 27B (fabric performance values calculations) insert—

#### **“Energy efficiency rating calculations**

**27C.—**(1) This regulation applies where a dwelling is erected and regulation 26C 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 energy efficiency rating for the dwelling as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
  - (b) 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 energy efficiency rating for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
    - (ii) the energy efficiency rating of the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
    - (iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(b), 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 26C 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.”

### **Insertion of regulations 40A and 40B into the Building Regulations**

12. After regulation 40 (information about use of fuel and power) insert—

#### **“Information about systems for on-site generation of electricity**

**40A.**—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 applies.

(2) The person carrying out the work must, not later than five days after the work has been completed, provide to the owner sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use.

#### **Information about overheating**

**40B.**—(1) This regulation applies to building work in respect of a building where Part O of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work must, not later than five days after the work has been completed, give sufficient information to the owner about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating.”

### **Amendment of regulation 42 of the Building Regulations**

13. In regulation 42 (mechanical ventilation air flow rate testing)—

- (a) for paragraph (1) substitute—
- “(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to—
- (a) the creation of a new dwelling by building work; or
- (b) an existing dwelling which undergoes building work for the provision or extension of any fixed building system for mechanical ventilation.
- (1A) Paragraph (1)(b) excludes building work to which Schedule 4 applies.”;
- (b) in paragraph (2)(b), for “.” substitute “, other than when Schedules 3 or 4 apply.”

#### **Amendment of regulation 43 of the Building Regulations**

14. In regulation 43(4) (pressure testing), for “the Independent Airtightness Testing Scheme Limited” substitute “Elmhurst Energy Systems Limited”.

#### **Insertion of regulation 44ZA into the Building Regulations**

15. After regulation 44 (commissioning) insert—

##### **“Commissioning in respect of a system for on-site electricity generation**

**44ZA.**—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any system for on-site electricity generation where testing and adjustment is not possible.

(2) Where this regulation applies the person carrying out the work must, for the purpose of ensuring compliance with paragraph L2 of Schedule 1, give to the local authority a notice confirming that the system for on-site electricity generation has been commissioned.

(3) The notice must be given to the local authority—

- (a) not later than the date on which the notice required by regulation 16(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.”

#### **Amendment of Schedule 1 to the Building Regulations**

16. In Schedule 1 (requirements)—

(a) in Part L, after entry L1 insert—

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##### **“On-site generation of electricity**

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**L2.** Where a system for on-site electricity generation is installed— Requirement L2 applies only to dwellings.”

- (a) reasonable provision must be made to ensure that—
- (i) the system and its electrical output are appropriately sized for the site and available infrastructure;
- (ii) the system has effective controls; and

- (b) it must be commissioned by testing and adjusting as necessary to ensure that it produces the maximum electricity that is reasonable in the circumstances."

- (b) after Part N of Schedule 1 insert—

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**"PART O OVERHEATING**

**Overheating Mitigation**

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| <p><b>O1.</b>—(1) Reasonable provision must be made to—</p> <ul style="list-style-type: none"><li>(a) limit unwanted solar gains in summer;</li><li>(b) provide an adequate means to remove heat from the indoor environment.</li></ul> <p>(2) In meeting the obligations in subparagraph (1)—</p> <ul style="list-style-type: none"><li>(a) account must be taken of the safety of any occupant, and their reasonable enjoyment of the building; and</li><li>(b) mechanical cooling may only be used where insufficient heat is capable of being removed from the indoor environment without it."</li></ul> | <p>Requirement O1 applies only to the erection of the following buildings—</p> <ul style="list-style-type: none"><li>(a) a dwelling;</li><li>(b) an institution; or</li><li>(c) any other building containing one or more rooms for residential purposes (other than a room in a hotel)."</li></ul> |
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**Amendment of Schedule 3 to the Building Regulations**

17.—(1) Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) is amended as follows.

- (2) In the table, in column 2 (person carrying out work)—
  - (a) in each of rows 7, 8 and 9, omit “, Building Engineering Services Competence Assessment Limited”;
  - (b) in each of rows 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20, omit “or Stroma Certification Limited”;
  - (c) in row 2, after “NAPIT Registration Limited”, for “,” substitute “or”;
  - (d) in row 3, after “NAPIT Registration Limited”, for “,” substitute “or”;
  - (e) in row 4, after “NAPIT Registration Limited”, for “,” substitute “or”;
  - (f) in row 5, after “Certsure LLP”, for “,” substitute “or”;
  - (g) in row 6, after “Certsure LLP”, for “,” substitute “or”;
  - (h) in row 7, after “Certsure LLP”, for “,” substitute “or”;
  - (i) in row 8, after “NAPIT Registration Limited”, for “,” substitute “or”;
  - (j) in row 9, after “Certsure LLP”, for “,” substitute “or”;
  - (k) in row 10, after “Fenestration Self-Assessment Scheme”, for “,” substitute “or”;

- (l) in row 11, after “Fenestration Self-Assessment Scheme”, for “,” substitute “or”;
- (m) in row 12, after “HETAS Limited”, for “,” substitute “or”;
- (n) in row 13, after “HETAS Limited”, for “,” substitute “or”;
- (o) in row 14, after “HETAS Limited”, for “,” substitute “or”;
- (p) in row 15, after “NAPIT Registration Limited”, for “,” substitute “or”;
- (q) in row 17—
  - (i) for “Cavity Insulation Guarantee Agency” substitute “Insulation Assurance Authority Limited”;
  - (ii) after “Certsure LLP”, for “,” substitute “or”;
- (r) in row 18, after “Certsure LLP”, for “,” substitute “or”;
- (s) in row 19, after “Certsure LLP”, for “,” substitute “or”;
- (t) in row 20, after “Certsure LLP”, for “,” substitute “or”.