

This Statutory Instrument corrects errors in S.I. 2022/564 (W. 130) and is being issued free of charge to all known recipients of that Statutory Instrument.

WELSH STATUTORY INSTRUMENTS

2022 No. 993 (W. 210)

BUILDING AND BUILDINGS, WALES

The Building (Amendment) (Wales) (No. 2) Regulations 2022

Made - - - - 26 September 2022

Laid before Senedd Cymru 28 September 2022

Coming into force in accordance with regulation 1(3)

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 1 and 34 of, and paragraphs 2, 7, 8 and 10 of Schedule 1 to, the Building Act 1984(1), now exercisable by them(2).

In making these Regulations the Welsh Ministers have regard to the matters in section 1A(3) of that Act and before making these Regulations the Welsh Ministers consulted the Building Regulations Advisory Committee for Wales and such other bodies as appear to them to be representative of the interests concerned in accordance with section 14(7) of the Building Act 1984(4).

Title, application and commencement

1.—(1) The title of these Regulations is the Building (Amendment) (Wales) (No. 2) Regulations 2022.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on the following dates—

(a) this regulation and regulation 3 on 22 November 2022; and

(b) regulations 2 and 4 on 29 March 2023.

(1) 1984 c. 55; section 1(1) was amended by section 1(1) and (2) of the Sustainable and Secure Buildings Act 2004 (c. 22) (“the 2004 Act”). Section 1A was inserted by section 1(3) of the 2004 Act. Paragraph 7 of Schedule 1 was amended by section 3 of the 2004 Act and by section 11 of the Climate Change and Sustainable Energy Act 2006 (c. 19); and paragraph 8 of Schedule 1 was amended by section 3 of the 2004 Act and section 40 of the Flood and Water Management Act 2010 (c. 29).

(2) The functions conferred on the Secretary of State by sections 1 and 34 of, and paragraphs 2, 7, 8 and 10 of Schedule 1 to, the Building Act 1984 were, insofar as exercisable in relation to Wales, transferred to the Welsh Ministers by article 2 of the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019) (“the 2009 Order”) and section 54 of the Wales Act 2017 (c. 4).

(3) Section 1A was inserted by section 2 of the 2004 Act.

(4) Section 14(7) was inserted by article 8 of the 2009 Order.

Amendment of the Building Regulations 2010

2.—(1) The Building Regulations 2010⁽⁵⁾ are amended as follows.

(2) In Schedule 1 (requirements), in Part L (conservation of fuel and power), in the second column of entry L2 (on-site generation of electricity) omit “Requirement L2 applies only to dwellings.”

Amendment of the Building (Amendment) (Wales) Regulations 2022

3.—(1) The Building (Amendment) (Wales) Regulations 2022⁽⁶⁾ are amended as follows.

(2) In regulation 21(1) (transitional provision)—

(a) after “Regulations” in the first place it occurs insert “(other than regulations 14 and 17)”;

(b) in sub-paragraph (b), after “individual building” insert “prior to the day these Regulations come into force”;

(c) after sub-paragraph (b) insert—

“, or

(c) a relevant notification provision has been complied with before 31 July 2014 and building work has commenced before 31 July 2015 in accordance with the relevant notification provision.”

Transitional Provision

4.—(1) The amendment made by regulation 2 does not apply where—

(a) building work on a particular building has been commenced prior to 29 March 2023 in accordance with any relevant notification provision,

(b) a relevant notification provision has been complied with in relation to proposed building work on an individual building prior to 29 March 2023 and the building work has commenced within 12 months beginning with 29 March 2023, or

(c) a relevant notification provision has been complied with before 31 July 2014 and building work has commenced before 31 July 2015 in accordance with the relevant notification provision.

(2) In this regulation, “relevant notification provision” means regulation 12(2) of the Building Regulations 2010 and sections 47(1), 50, 51A(2) and 54 of the Building Act 1984.

26 September 2022

Julie James
Minister for Climate Change, one of the Welsh
Ministers

(5) S.I. 2010/2214, amended by S.I. 2013/747 (W. 89) and 2022/564 (W. 130); there are other amending instruments, but none are relevant.

(6) S.I. 2022/564 (W. 130).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2010 (“the Building Regulations”) as they apply in relation to Wales and the Building (Amendment) (Wales) Regulations 2022 (“the 2022 Amendment Regulations”).

Schedule 1 of the Building Regulations contains requirements for carrying out building work. Regulation 2 extends paragraph L2 of Schedule 1 (on-site generation of electricity) to non-domestic buildings.

Regulation 3 makes amendments to the transitional provisions in regulation 21 of the 2022 Amendment Regulations. The amendments in Regulation 3 correct minor errors and exclude Parts 2 and 3 of the 2022 Amendment regulations from applying to sites falling under previous transitional provisions. It does this by specifying the relevant dates for when a notification provision should have been complied with (31 July 2014) and building work started (31 July 2015).

Regulation 4 makes transitional provisions so that the amendment made by Regulation 2 does not apply where building work on an individual building has started in accordance with a relevant notification provision, provided that the building work on that building has already commenced or a relevant notification provision has already been complied with and building work on that building is started within 12 months of these Regulations coming into force. Regulation 4 also excludes the amendment to Part L (Regulation 2) from applying to sites as set out in Regulation 3.

The Building Act 1984 gives the Secretary of State the power to approve and issue documents containing practical guidance with respect to the requirements contained in the Building Regulations. That power is exercisable by the Welsh Ministers insofar as it applies to Wales.

Approved Document L Volume 2, 2022 edition, contains practical guidance on meeting the requirements of the Building Regulations which have been amended by this instrument. The Approved Documents are published by the Welsh Ministers and may be accessed at www.gov.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, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.