



Llywodraeth Cymru
Welsh Government

Building Regulations Wales

Circular

Circular number:	WGC 005/2016	Date issued:	14 /	06 /	2016
Status:	For information				
Title:	Building Regulations &c. (Amendment) (Wales) Regulations 2016				
Issued by:	Francois Samuel: Head of Building Regulations				
Addressed to:	Please forward to:				
Local Authority Chief Executives Welsh Local Government Association Association of Corporate Approved Inspectors Construction Industry Council	Local Authority Building Control Officers Assembly Members				
Summary:	The purpose of this Circular is to draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010, announce the revocation of authorisation of one competent person scheme and announce the amendment of Approved Documents L1A, L1B, L2A and L2B.				
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THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2010

- **CLARIFICATION OF THE APPLICATION OF THE APPROVED CALCULATION METHODOLOGY**
- **REVOCATION OF AUTHORISATION OF A COMPETENT PERSON SELF-CERTIFICATION SCHEME**
- **AMENDMENT OF APPROVED DOCUMENTS L1A, L1B, L2A AND L2B**

1. I am directed by the Welsh Ministers to draw your attention to the Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611 (W. 168) (“the amendment Regulations”) which will come into force on 17 June 2016.
2. In accordance with section 14(7) of the Building Act 1984, the amendment Regulations were made after consultation with the Building Regulations Advisory Committee for Wales and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
 - draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010;
 - announce the revocation of authorisation of one competent person scheme; and
 - announce the amendment of Approved Documents L1A, L1B, L2A and L2B.

APPLICATION OF THE AMENDMENT REGULATIONS

4. The amendment Regulations apply to Wales but do not apply in England or to excepted energy buildings in Wales.

AMENDMENTS TO THE ENERGY EFFICIENCY REQUIREMENTS OF THE BUILDING REGULATIONS 2010

5. Annexes A and B to this Circular set out in tabular form all the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by the amendment regulations.

BUILDING REGULATIONS 2010 - CLARIFICATION OF THE APPLICATION OF THE APPROVED CALCULATION METHODOLOGY

6. The amendment Regulations primarily amend provisions concerning the calculation of the energy performance of buildings. In particular they make it clear the target and actual CO₂ emission rates, primary energy consumption rates and fabric performance values must be calculated and expressed using the methodology approved under regulation 24 of the

Building Regulations 2010 and the notification of such rates to a building control body must also use the same calculation and expression.

7. The amendment Regulations provide a definition of the “energy performance of a building”, and amend the definitions of “operational rating” and “asset rating” in regulation 24 of the Building Regulations.
8. The amendment Regulations also revoke regulations 29 to 33 of, and Schedule 4A to, the Building Regulations 2010 which relate to energy performance certificates. These requirements are moved to the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118) by the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284).

CHANGES RELATING TO COMPETENT PERSON SELF-CERTIFICATION SCHEMES

9. Schedule 3 to the Building Regulations 2010, which lists persons entitled to certificate the compliance of their own work with building regulations under national provisions, is also updated.

AMENDMENTS TO APPROVED DOCUMENTS L1A, L1B, L2A AND L2B

10. Amendments have been made to the wording in Approved Documents L1A, L1B, L2A and L2B to reflect the changes made by the amendment regulations to the Building Regulations 2010. A notice of approval for the amendments is at Annex C to this Circular, and the amended approved documents will be available by 17 June 2016 on the Welsh Government website at: <http://gov.wales/topics/planning/buildingregs/approved-documents/?lang=en>

ENQUIRIES

12. Any enquiries on this Circular Letter should be addressed to:
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Yours faithfully



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Head of Building Regulations

Annex A

The Building Regulations &c. (Amendment) (Wales) Regulations 2016 S.I. 2016/611 (W. 168)

The following table lists all the changes made by S.I. 2016/611 to the Building Regulations 2010:

Regulation No.	S.I. 2016/611 Regulations No.	Action
2(1)	2(2)(a)	Interpretation. Omits regulation 29 from the list of regulations constituting "energy efficiency requirements".
2(1)	2(2) (b)	Interpretation. Omits the definition "energy performance certificate".
10 (2)	2(3)	Exemption of the Metropolitan Police Authority from procedural requirements. Removes the requirement to comply with regulation 29.
11(3)	2(4)	Power to dispense with or relax requirements. Removes regulations 29 and 29A from the list of regulations where the power to dispense with or relax requirements is not available.
17 (2A)	2(5) (a)	Completion certificates. Adds regulation 26A (primary energy consumption rates for new buildings) to the list of relevant provisions to be satisfied before a completion certificate can be given and removes regulation 29 from the list.
17 (2A)	2(5) (ca)	Completion certificates. Adds regulation 26B (fabric performance values for new dwellings) to the list of relevant provisions to be satisfied before a completion certificate

		can be given and removes regulation 29 from the list.
17 (2A)	2(5)©	Completion certificates. Adds regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of relevant provisions which must be satisfied before a completion certificate can be given.
19(1)	2(6)	Supervision of building work otherwise than by Local Authorities. Removes regulation 29 (energy performance certificates) from the list of work not supervised by a Local Authority.
24 (2)	2(7) (a)	Methodology of calculation and expression of energy performance. Amends definition of “asset rating”.
24(2)	2(7)(b)	Methodology of calculation and expression of energy performance. Substitutes new definition of “operational rating”.
25	2(8)	Minimum energy performance requirements for new buildings. Clarifies the target CO2 emission rates must be calculated and expressed using the approved calculation methodology in regulation 24.
25C	2(9)	New buildings: Minimum energy performance requirements. Clarifies the target primary energy consumption rates and target fabric performance values must be calculated and

		expressed using the approved calculation methodology in regulation 24.
26	2(10)	CO2 emission rates for new buildings. Clarifies the CO2 emission rate must be calculated and expressed using the calculation methodology in regulation 24.
26A	2(11)	Clarifies the fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
26B	2(12)	Clarifies the fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
27(2)(a)	2(13)(a)	CO2 emission rate calculations. Clarifies the target CO2 emission rate must be calculated and expressed using the methodology in regulation 24.
27(2)(b)	2(13)(b)	CO2 emission rate calculations. Clarifies the calculated CO2 emission rate must be calculated and expressed using the methodology in regulation 24.
27(3)(a)(i)	2(13)(c)	CO2 emission rate calculations. Clarifies the target CO2 emission rate must be calculated and expressed using the methodology in regulation 24.
27(3)(a)(ii)	2(13)(d)	CO2 emission rate calculations. Clarifies the calculated CO2 emission rate must be calculated and expressed using the methodology in regulation 24.
27(4)	2(13)(e)	CO2 emission rate

		calculations. Clarifies the accredited energy assessor is accredited to produce energy performance certificates.
27A(2)(a)	2(14)(a)	Primary energy consumption rate calculations. Clarifies the target primary energy consumption rate must be calculated and expressed using the methodology in regulation 24.
27A(2)(b)	2(14)(b)	Primary energy consumption rate calculations. Clarifies the calculated primary energy consumption rate must be calculated and expressed using the methodology in regulation 24.
27A(3)(a)(i)	2(14)(c)	Primary energy consumption rate calculations. Clarifies the target primary energy consumption rate must be calculated and expressed using the methodology in regulation 24.
27A(3)(a)(ii)	2(14)(d)	Primary energy consumption rate calculations. Clarifies the calculated primary energy consumption rate must be calculated and expressed using the methodology in regulation 24.
27A(4)	2(14)(e)	Primary energy consumption rate calculations. Clarifies the accredited energy assessor is accredited to produce energy performance certificates.
27B(2)(a)	2(15)(a)	Fabric performance values calculations. Clarifies the target fabric performance values must be

		calculated and expressed using the methodology in regulation 24.
27B(2)(b)	2(15)(b)	Fabric performance values calculations. Clarifies the calculated fabric performance values must be calculated and expressed using the methodology in regulation 24.
27B(3)(a)(i)	2(15)(c)	Fabric performance values calculations. Clarifies the fabric performance values calculations must be calculated and expressed using the methodology in regulation 24.
27B(3)(a)(ii)	2(15)(d)	Fabric performance values calculations. Clarifies the calculated fabric performance values calculations must be calculated and expressed using the methodology in regulation 24.
27B(4)	2(15)(e)	Fabric performance values calculations. Clarifies the accredited energy assessor is accredited to produce energy performance certificates.
29 and Schedule 4A and 29A to 33	2(16) and 2(17)	Revokes regulation 29, Schedule 4A and regulations 29A to 33.
34(1)	2(18)	Application of building regulations to educational buildings, buildings of statutory undertakers and Crown buildings. Removes regulations 29 and 29A from the list of regulations which apply to educational buildings, buildings of statutory undertakers and Crown buildings.

35(1)	2(19) (a) (i)	Interpretation of Part 6. Amends definition of “energy assessor”.
35(1)	2(19)(a)(ii)	Interpretation of Part 6. Adds definitions of “energy performance certificate” and “energy performance of a building”.
35(2)	2(19) (b)	Interpretation of Part 6. Revokes regulation 35(2).
47	2(20)	Contravention of certain regulations not to be an offence. Removes regulation 29 from the list of regulations where contravention is not an offence.
48 (1)(i) and (j)	2(21)	Electronic service of documents. Removes regulation 29(2)(a) and (b) from the list of documents which may be served electronically.
Schedule 3, column 2 of items 8 and 10	2(22)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Removes persons registered with BSI Assurance UK Limited from the list of persons carrying out work.

ANNEX B

The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611)

The following table lists all the changes made by S.I. 2016/611 to the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215):

S.I. 2010/2215 Regulation No.	S.I. 2016/611 Regulations No.	Action
8 (1)(b)	3(2)(a)	Functions of approved inspectors. Removes regulation 29 of the Building Regulations 2010 from the list of matters regarding which an approved inspector must be satisfied has been complied with.
8 (1)(b)	3(2)(b)	Functions of approved inspectors. Adds regulation 7A of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of matters regarding which an approved inspector must be satisfied has been complied with.
20(1)	3(3)(b)(i)	Application of regulations 20, 20A, etc. of the Building Regulations 2010. Removes regulation 29 of the Building Regulations 2010 from the list of regulations which apply where references to the Local Authority are to be read as references to an approved inspector where an initial notice is in place.
20(1)	3(3)(b)(ii)	Application of regulations 20, 20A, etc. of the Building Regulations 2010. Adds regulation 7A of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of

		regulations which apply where references to the Local Authority are to be read as references to an approved inspector where an initial notice is in place.
20(3)	3(3)(c)	Application of regulations 20, 20A, etc. of the Building Regulations 2010. Revokes this paragraph.
20(7)	3(3)(d)	Application of regulations 20, 20A, etc. of the Building Regulations 2010. Specifies the application of regulation 7A(3) of the Energy Performance of Buildings (England and Wales) Regulations 2012 in relation to work subject to an initial notice.
32(e) and (f)	3(4)(a)	Electronic service of documents. Revokes paragraphs 32(e) and (f).

ANNEX C

Building Act 1984

NOTICE OF APPROVAL OF AMENDED DOCUMENTS FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010		
Welsh Ministers hereby give notice under section 6 of the Building Act 1984, in exercise of the said powers under section 6, they have approved the amendments to the Approved Documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010 (as amended) in Wales only.		
Approved Document	Requirement of the Building Regulations in respect of which the document is approved	Date from which the revision takes effect
Approved Document L1A (Conservation of fuel and power) 2014 edition with 2016 amendments	Part L of Schedule 1	17 June 2016
Approved Document L1B (Conservation of fuel and power) 2014 edition incorporating 2016 amendments	Part L of Schedule 1	17 June 2016
Approved Document L2A (Conservation of fuel and power) 2014 edition with 2016 amendments.	Part L of Schedule 1	17 June 2016
Approved Document L2B (Conservation of fuel and power) 2014 edition incorporating 2016 amendments	Part L of Schedule 1	17 June 2016

Publications

Approved Document L1A&B and L2A&B (2016) for Wales is available at: <http://gov.wales/topics/planning/buildingregs/approved-documents/?lang=en>

The Building Regulations &c (Amendment) (Wales) Regulations 2016 S.I. 2016/611 (W.168) are available at: <http://www.legislation.gov.uk>