
WELSH STATUTORY INSTRUMENTS

2014 No. 110

The Building (Amendment) (Wales) Regulations 2014

PART 2

Amendment of the Building Regulations 2010

Amendment of the Building Regulations 2010

2. The Building Regulations 2010(1) are amended as set out in Regulations 3 to 9.

Interpretation

3. In regulation 2(1), in the definition of “energy efficiency requirements”, after “26,” insert “26A, 26B.”.

Application of energy efficiency requirements

4. In regulation 21—
- (a) at the end of paragraph 4(a) omit “or”;
 - (b) after “extended” in paragraph (4)(b) insert—
“to heat the conservatory or porch; or
 - (c) in which a fixed heating appliance has been provided to heat the conservatory or porch.”

New buildings: minimum energy performance requirements

5. After regulation 25B insert—

“New buildings: minimum energy performance requirements

25C. Minimum energy performance requirements may be approved by the Welsh Ministers, 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.”

Primary energy consumption rates and fabric performance values

6. After regulation 26, insert—

“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).

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).”

Primary energy consumption rate and fabric performance values calculations

7. After regulation 27 insert—

“Primary energy consumption rate calculations

27A.—(1) This regulation applies where a building (other than a dwelling) is erected and regulation 26A 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 primary energy consumption rate for the building;
- (b) the calculated primary energy consumption rate for the building as designed; and
- (c) a list of specifications to which the building 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 primary energy consumption rate for the building;
 - (ii) the calculated primary energy consumption rate for the building as constructed; and
 - (iii) whether the building 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 26A have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the primary energy consumption rate.

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;
- (b) the calculated fabric performance values for the dwelling as designed; 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;
 - (ii) the calculated fabric performance values for the dwelling as constructed; 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 such certificates for that category of building.
- (5) In this regulation, “specifications” means specifications used for the calculation of the fabric performance values.”

Consequential improvements to energy performance

8. For regulation 28 (and the heading before it) substitute—

“Consequential improvements to energy performance

- 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.”

Contravention of certain regulations not to be an offence

9. In regulation 47, after “27,” insert “27A, 27B,”.

Transitional provisions

- 10.—(1) The amendments made by regulation 4 (in respect of the new regulation 21(4)(c) which it introduces to the Building Regulations 2010), regulation 6 and regulation 8 (in respect of the new

regulation 28(2) which it introduces to the Building Regulations 2010) do not apply in any case where on the date these Regulations come into force—

- (a) building work has started in accordance with any relevant notification provision; or
- (b) a relevant notification provision has been complied with in relation to proposed building work and the building work is started within the period of twelve months beginning on the day these Regulations come into force.

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