
WELSH STATUTORY INSTRUMENTS

2018 No. 558 (W. 97)

BUILDING AND BUILDINGS, WALES

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

<i>Made</i>	- - - -	<i>30th April 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4th May 2018</i>
<i>Coming into force</i>	- -	<i>8th June 2018</i>

The Welsh Ministers are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the design and construction of buildings and in relation to services, fittings and equipment provided in or in connection with those buildings.

The Welsh Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972, and on the Secretary of State by sections 1, 1A, 2, 2A, 3, 16, 17, 34, 35, 47, 49, 50, 51, 51A, 52 and 54 of, and paragraphs 1, 2, 4, 4A, 6, 7, 8 and 10 of Schedule 1 to, and paragraphs 2 and 3 of Schedule 4 to, the Building Act 1984⁽³⁾, and now exercisable by them⁽⁴⁾, having consulted the Building Regulations Advisory Committee for Wales and such other bodies as appear to them to be representative of the issues concerned in accordance with section 14(7) of that Act⁽⁵⁾ make the following Regulations:

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- (1) [S.I. 2016/161](#).
- (2) [1972 c. 68](#). Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c. 7\)](#).
- (3) [1984 c. 55](#). Section 1 was amended by section 1 of the Sustainable and Secure Buildings Act [2004 \(c. 22\)](#) (“the 2004 Act”); sections 1A and 2A were inserted by sections 2 and 4 of the 2004 Act respectively; section 16 was amended by the Statute Law (Repeals) Act [1993 \(c. 50\)](#), sections 47 and 52 were amended by [S.I. 1996/1905](#) and section 8 of the 2004 Act; sections 50 and 51 were amended, and section 51A was inserted, by [S.I. 1996/1905](#); Paragraph 4A was inserted into Schedule 1 by section 8 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 \(c. 29\)](#).
- (4) Functions conferred or imposed on the Secretary of State by or under the Building Act 1984 (“the 1984 Act”) were, so far as exercisable in relation to Wales, transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 ([S.I. 2009/3019](#)) (“the 2009 Order”) subject to articles 3 and 4 of that Order. Article 3(a) of the 2009 Order provided that functions were not transferred so far as they were exercisable in relation to an excepted energy building as defined by the Schedule to that Order. Section 54 of the Wales Act [2017 \(c. 4\)](#) removed this exclusion by making the necessary provision for the transfer of functions under the 1984 Act for that category of buildings.
- (5) Section 14(7) was added by the 2009 Order.