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Welsh Government

GUIDANCE

# The Building Regulations etc. (amendment) (Wales) Regulations 2022 (WGC 003/ 2022)

This circular introduces new amendments to the Building Regulations and Approved Documents L1, F1 and O for Wales.

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The amendments for 2022 cover energy efficiency, ventilation and overheating and will take effect on 23/11/2022.

## Building regulations circular

**Circular number:** WGC 003/2022

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**Title:** The Building Regulations etc. (amendment) (Wales) Regulations 2022

**Issued by:** Francois Samuel: Head of Building Regulations

**Addressed to:**

Local Authority Chief Executives (Please forward to: Local Authority Building Control Officers)

Welsh Local Government Association (Please forward to: Members of the Senedd)

Association of Corporate Approved Inspectors

Construction Industry Council

Competent Persons Forum

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## Summary

This is a circular letter that introduces the new 2022 energy efficiency, ventilation and overheating amendments to the Building regulations and Approved Documents L1, F1 and O for Wales.

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## Introduction

I am directed by Welsh Ministers to draw your attention to the Building (Amendment) (Wales) Regulations 2022 (S.I. 2022/564 (W. 130) (“the Amendment Regulations”) which were made on 20 May 2022 and will come into force on 23 November 2022, subject to the provisions referred to below.

I am also directed by Welsh Ministers to draw your attention to the publication of Approved Document F (Ventilation), volume 1; Approved Document L (Conservation of Fuel and Power) volume 1 and Approved Document O (Overheating).

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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.

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;
- draw attention to the publication of new Approved Documents F, volume 1; and L, volume 1, and the new Approved Document O;
- draw attention to the transitional provisions, which apply to individual buildings.

This circular does not give advice on the technical requirements in the building regulations 2010 as these are matters covered by Approved Documents.

**Annex A** to this Circular sets out in tabular form all the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by S.I. 2022/564 (W. 130).

## Scope

The amendment regulations and Approved Documents L (volumes 1), F (volume 1) and O apply only to buildings and building work in Wales.

## Amendments to Regulation

The Amendment Regulations amend the Building Regulations 2010 to:

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- provide for new ways of measuring energy efficiency, using new performance metrics;
- change the way on-site electricity generation systems are regulated;
- introduce regulation on overheating mitigation;
- make provision about ventilation standards when work to which Part L (conservation of fuel and power) applies;
- make associated changes to the Building (Approved Inspectors etc.) Regulations 2010;
- make transitional provisions, and
- make minor changes in respect of self-certification schemes.

## Approved Documents

Approved Document F: ventilation (2010 edition incorporating 2010 and 2014 amendments) is being partially withdrawn in relation to guidance for new and existing dwellings and is being replaced with Approved Document F, Volume 1: Dwellings.

Approved Documents L1A conservation of fuel and power in new dwellings, 2014 edition (incorporating 2016 amendments); L1B: conservation of fuel and power in existing dwellings, 2014 edition (incorporating 2016 amendments) are being withdrawn. They are being replaced with Approved Document L, Volume 1: Dwellings.

Welsh Ministers have approved new statutory guidance to support compliance with Part O of Schedule 1 to the Building Regulations 2010 as Approved Document O.

**Annexes B and C** to this Circular give the Notice of Approval for the new Approved Documents and the Notice of Withdrawal and Partial Withdrawal of previous editions of the Approved Documents, subject to the transitional

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provisions.

The Approved Documents are available at: [Building regulations: approved documents | GOV.WALES](#)

## Transitional Arrangements

The Amendment Regulations and new Approved Documents do not apply in relation to building work on a particular building where the building work has been started in accordance with a relevant notification provision, provided that the building work on that building has already commenced or is started within 12 months of these Regulations coming into force.

In some cases, applications will be in respect of a number of buildings on a site, for example a number of houses. In such cases, it is only those **individual** buildings for which work is commenced which can take advantage of the transitional provisions.

## Further Information

[The Building \(Amendment\) \(Wales\) Regulations 2022.](#)

## Enquiries

Any enquiries on this Circular Letter should be addressed to:

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## Annex A

The following table lists all the changes made by S.I. 2022/564 (W. 130) to the Building Regulations 2010:

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<b>S.I. 2010/ 2214</b>	<b>S.I. 2022/ 564</b>	<b>Action</b>
<b>Regulation No.</b>	<b>Regulation No.</b>	
2(1)	3	Regulation 3 amends regulation 2(1) (interpretation) of the Building Regulations to introduce the new target primary energy rate requirement and the information about onsite-generation of electricity requirement to the definition of “energy efficiency requirements” and add a definition of a “system for on-site electricity generation”.
	4	Regulation 4 introduces a requirement that where building work is undertaken in respect of Part L of the Building Regulations, the ventilation in the building must comply with the standard set out in Part F of Schedule 1 or it must be no worse than the standard prior to the Part L works taking place.
17(2A)	5	Completion certificates. Adds regulation 26C (target primary

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<b>S.I. 2010/ 2214</b>	<b>S.I. 2022/ 564</b>	<b>Action</b>
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<b>Regulation No.</b>	<b>Regulation No.</b>
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energy rates for new buildings) to the list of relevant provisions to be satisfied before a completion certificate can be given and removes the word 'consumption' from sub paragraph c.

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25C	6	Minimum energy performance requirements. Amended to enable Welsh Ministers to approve the target primary energy rates for when a dwelling is erected.
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	7	Inserts the new Regulation 25D into the building Regulations to enable Welsh Ministers to approve energy efficiency rates for new dwellings.
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26A	8	New buildings: Primary energy rates. Amended to now also include when a new dwelling is erected and removes the word "consumption".
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	9	Minimum Energy efficiency rating. Inserts the new Regulation 26C into the building Regulations to require that new dwellings must equal or exceed the minimum energy efficiency rating for the dwelling.
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27A	10	Primary energy rate calculations. Amended to now include when a dwelling is erected to the requirement and removes the word "consumption".
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27C	11	Energy efficiency rating calculations: Inserts the new
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<b>S.I. 2010/ 2214</b>	<b>S.I. 2022/ 564</b>	<b>Action</b>
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<b>Regulation No.</b>	<b>Regulation No.</b>	
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Regulations 27C into the building Regulations which set out the procedure to be followed to submit evidence regarding the energy efficiency rate to the local authority.

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	12	Regulation 12 inserts new requirements for the person carrying out the building work to provide information to the owner with regards the systems for on-site generation of electricity. The regulation also inserts a provision requiring the person carrying out work to give sufficient information to the owner about the provisions made in accordance with Part O on overheating.
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42	13	Regulation 13 is amended to require mechanical ventilation air flow rate testing on existing dwellings which undergo notifiable building work for the provision or extension of any fixed building system for mechanical ventilation.
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43	14	Regulation 14 updates a company name.
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	15	Regulation 15 inserts a new requirement to confirm with a local authority that a system for on-site electricity generation has been commissioned.
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Schedule 1	16	Regulation 16 amends Schedule 1 of the Building Regulations to specify that fixed building services must be energy efficient to a reasonable standard; to introduce requirements for the
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S.I. 2010/ 2214	S.I. 2022/ 564	Action
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Regulation No.	Regulation No.
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installation of on-site generation of electricity and to insert a new Part O to require overheating mitigation.

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Schedule 3	17	Regulation 17 amends Schedule 3 of the Building Regulations to update the company names of authorised competent person scheme operators and the areas of work they cover.
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	21	Transitional Provisions. Sets out the transitional provisions for the amendment regulations.
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The following table lists all the changes made by S.I. 2022/564 (W. 130) to the the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215):

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<b>S.I. 2010/ 2215 Regulation No.</b>	<b>S.I. 2022/ 564 Regulation No.</b>	<b>Action</b>
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8	19	Regulation 19 amends Regulation 8 of the Building (Approved Inspectors etc.) Regulations 2010 to require approved inspectors to ensure that the new requirements inserted into the Building Regulations 2010 by the Amendment Regulations are complied with in building work covered by an initial notice.
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20	20	Regulation 20 amends Regulation 20 of the Building (Approved Inspectors etc.) Regulations 2010 so that documentation required to be given to a Local Authority by the Amendment Regulations can be given to an approved inspector when the work is covered by an initial notice.
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## **Annex B**

### **Building Act 1984**

#### **NOTICE OF APPROVAL OF REVISION OF DOCUMENTS 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 that, in exercise of the said powers under section 6, they have approved the amendments to the Approved Document listed below for the purposes of giving

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practical guidance with respect to the specified requirements of the Building Regulations 2010 (as amended) in Wales only.

The approval takes effect on 23 November 2022 except in respect of work for which a building notice or initial notice has been given or full plans deposited before that date and provided work commences before 23 November 2023.

<b>Approved Document</b>	<b>Requirements of the Building Regulations in respect of which the document is approved</b>	<b>Date from which the revision takes effect</b>
Approved Document F, Ventilation, Volume 1: Dwellings – 2022 edition	Regulations 39, 42, 44 and Schedule 1: Part F	23 November 2022
Approved Document L, Conservation of fuel and power, Volume 1: Dwellings – 2022 edition	Regulations 4, 6, 21, 22, 23, 24, 25, 25A, 25B, 25C, 26, 26A, 26B, 26C, 27, 27A, 27B, 27C, 28, 40, 40A, 43, 44, 44ZA and Schedule 1, Part L	23 November 2022
Approved Document O, Overheating – 2022 edition	Regulation 40B and Schedule 1 Part O	23 November 2022

## **Annex C**

### **Building Act 1984**

#### **NOTICE OF WITHDRAWAL OF APPROVAL OF DOCUMENTS GIVING**

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## 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 that, in exercise of the said powers under section 6, they have withdrawn approval and partial withdrawal of the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.

The withdrawal of approval takes effect on 23 November 2022. There are no transitional arrangements.

### Approved Document

Approved Document L1A – 2014 edition - Conservation of fuel and power in new dwellings and all amendments to it.

Approved Document L1B – 2014 edition - Conservation of fuel and power in existing dwellings and all amendments to it.

### Partial withdrawal of Approved Document

Sections 5 and 7 of Approved Document F - Ventilation - 2010 edition - Guidance and amendments to it for new and existing dwellings.

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