



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Building Regulations Wales

Circular

Circular number:		Date issued:	DD /	MM /	YYYY
Status:					
Title:					
Issued by:					
Addressed to:	Please forward to:				
Summary:					
For further information contact:					
	Direct Line: E-mail: Website:				

Circular

1. Guidance on the Building Regulations &c. (Amendment) (Wales) Regulations 2013

Overview

2. The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747 (W.89)) were made on 26 March 2013 and come into force on various dates as set out in the Regulations, subject to any transitional provisions as set out below.
3. The amendments were made by the Welsh Ministers in exercise of powers contained in the Building Act 1984.
4. In accordance with section 14(7) of the Building Act 1984, these amendment regulations were made after consultation with the Building Regulations Advisory Committee for Wales and such other bodies as appear to be representative of the interests concerned; this included an open consultation.
5. These regulations enact, where necessary, the requirements of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast) (“the Directive”).
6. These amendments apply to the Building Regulations 2010 (S.I. 2010/2214) (“the Building Regulations”) and the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215) (“the AI Regulations”).

Introduction

7. The purpose of this Circular is to:
 - Draw attention to these amendments and explain the changes they make to the Building Regulations and the AI Regulations;
 - Explain the transitional provisions;
 - Announce the amendments to the Approved Document Part L; and
 - Announce the authorisation of new and extended competent person schemes.
8. This Circular does not give advice on the technical requirements of the Building Regulations as these are matters covered in the Approved Documents.

9. Annex A and B to this Circular set out in tabular form all the changes to the Building Regulations and the AI Regulations made by SI 2013/747 (W.89).

Application of the Regulations

10. The changes made by these amendments apply in Wales, but do not apply in relation to:
- excepted energy buildings in Wales;
 - educational buildings and buildings of statutory undertakers in Wales;
 - Crown buildings in Wales; and
 - building work carried out by Crown authorities in Wales.

Control of Building Work

11. Amendment regulation 4 amends regulation 11 of the Building Regulations by adding further areas where the local authority are not able to relax the requirements of building regulations. These areas are:
- regulation 23 (1)(a) where the renovation of a thermal element constitutes a major renovation;
 - regulation 25A which requires the consideration of high-efficiency alternative systems;
 - regulation 25B which requires new buildings to be nearly zero energy buildings;
 - regulation 26, which deals with carbon dioxide emission rates;
 - regulation 29 in relation energy performance certificates (with the exception of Green Deal requirements); and
 - regulation 29A which requires recommendation reports
- (all as amended or inserted by S.I. 2013.747).
12. Amendment regulation 5 amends regulation 14(5) of the Building Regulations by removing the need to request a completion certificate from the building control body. Amendment regulations 8 amends the Building Regulations to require a local authority to provide a completion certificate in all circumstances where they are satisfied that the building work meets the required standards.

13. Amendment regulation 6 is a consequential amendment to regulation 15(2)(b) of the 2010 Regulations.
14. Amendment regulation 7 amends regulation 16(5) of the Building Regulations to only require a notice of intention to occupy a building prior to completion if that building is, or will be after completion, subject to the Regulatory Reform (Fire Safety) Order 2005. Amendment regulation 9 amends the Building Regulations to introduce a new regulation 17A for local authorities to provide completion certificates in respect of buildings where part or all of the building is subject to the Regulatory Reform (Fire Safety) Order 2005, provided the local authority is satisfied that the work complies with regulation 38 and Part B of Schedule 1 of the Building Regulations, when they are to be occupied prior to completion of work.
15. Amendment regulation 10 amends the Building Regulations to insert the new regulation 17A where work is supervised otherwise than by a local authority.

Competent Person Self-Certification Schemes

16. Amendment regulation 11 amends regulation 20 of the Building Regulations to introduce a requirement for the notices and certificates provided by a registered installer, under the relevant competent person self-certification scheme, to state whether the work, or part of the work, has been paid for using a Green Deal plan.
17. This amendment also requires that local authorities store, in a retrievable format, the notices and certificates given to them.
18. Amendment regulation 21 authorises a new competent person scheme operator for the purposes of pressure testing of new buildings.
19. Amendment regulation 24(2)(a & b) substitutes the name of two of the scheme operators in column 2 of Schedule 3, to reflect the new registered name of the scheme operator following the merger of the two organisations.
20. Amendment regulation 24(2)(c & d) substitutes the name of one scheme operator in column 2 of Schedule 3, to reflect a change to the registered name.
21. Amendment regulation 24(2)(e) reduces the authorisation for one scheme operator in column 2 of Schedule 3, in relation to the types of work the operator is currently undertaking within the competent persons schemes.
22. Amendment regulations 24(2)(f) –(p) authorise the extension of a number of existing scheme operators in column 2 of Schedule 3, in relation to types of work for which they were not previously authorised.

23. Amendment regulation 26 introduces three new types of work in column 1 of Schedule 3, for which scheme operators have been authorised. This amendment regulation also authorises a number of existing scheme operators in column 2 of Schedule 3, in relation to the new types of work.
24. Amendment regulations 24 and 27 remove the following text from column 2 of Schedule 3 “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)” and “(other than in respect of work carried out in England or in relation to excepted energy buildings in Wales)” as inserted by the Building (Amendment) Regulations 2012 (S.I. 2012/718) and by the Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119). The said text is removed to avoid possible confusion to the reader.
25. Amendment regulations 24(1) and 27 make further minor amendments to Schedule 3 of the Building Regulations.
26. Amendment regulation 25 removes paragraph 20 from the Schedule. This is a minor amendment and is consequential to amendment regulation 24(1).
27. Amendment regulation 28 is a consequential amendment to Schedule 4 of the Building Regulations.

Evidential Status of Compliance Certificates

28. Amendment regulations 8, 9 and 11 introduce a requirement into the Building Regulations that completion certificates to which the amendments relate must state their evidential status.

Application of Energy Efficiency Requirements

29. Amendment regulations 13, 15, 16 and 17 transpose the requirements of the European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast) in respect of major renovations of existing buildings, consideration of high-efficiency alternative systems for new buildings, nearly zero-energy requirements for new buildings, energy performance certificates and recommendation reports.
30. Amendment regulations 3, 12, 14, 18, 19, 20, 22 and 23 are consequential amendments as a result of the transposition of the Directive.

Amendments to the Building (Approved Inspectors etc.) Regulations 2010

31. Amendment regulation 31 and 33 introduce requirements into the AI Regulations to the effect that final certificates issued by an approved inspector must state their evidential status.
32. Amendment regulations 29, 30 and 32 are consequential amendments as a result of the transposition of the Directive.

Transitional Provisions

33. Amendment regulations 34 to 36 set out the transitional provisions that apply. There are no transitional provisions for the majority of these amendment regulations and in such cases the provision will apply from the date the regulation comes into force.
34. There are, however, transitional provisions in respect of amendment regulations 7, 13 and 15 which mean that those carrying out building work would not need to comply with the amendments made by these regulations provided building work was started within a specified time period.

Changes to Approved Documents

35. Approved Documents provide statutory guidance on the application and compliance with the Building Regulations. An amendment slip, "*Amendments to the Approved Document Part L*", is being published alongside this Circular. This Amendment slip outlines the amendments to Approved Documents L1A, L1B, L2A and L2B.
36. A notice of approval for the Approved Document is at Annex C.
37. An electronic copy of the "Amendment to the Approved Document Part L" is available from www.planningportal.gov.uk and www.wales.gov.uk/topics/planning/buildingregs

Further Advice

38. If you have any queries regarding this Circular, please contact:

Building Regulations
Housing & Regeneration
Welsh Government
Rhyd y Car
Merthyr Tydfil
CF48 1UZ

Tel: 0300 062 8144

E-mail : enquiries.brconstruction@wales.gsi.gov.uk

Annex A

The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747 (W.89))

The following table lists all the changes made by S.I. 2013/747 (W.89) to the Building Regulations 2010:

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
--	2	Amendment of the Building Regulations 2010. Introduces the amendment to the building regulations.
2(1)	3(a)	Interpretation. Clarifies the definition of "energy efficiency requirements".
2(1)	3(b)	Interpretation. Inserts a definition of "energy performance certificate".
2(1)	3(c)	Interpretation. Amends the definition of "fixed building services".
11(3)	4	Power to dispense with or relax requirements. Excludes the local authority power to relax the requirements of the building regulations in relation to regulations transposing the requirements of the Directive 2010/31/EU.
14(5)	5	Full Plans. Deletes the need to request a completion certificate when submitting full plans.
15(2)(b)	6	Consultation with sewerage undertakers. Deletes the reference to regulation 14(5) and inserts a reference to the new regulation 17A.
16(5)	7	Notice of commencement and completion certificates. Amends the requirement to notify the intention to occupy a building prior to completion only when that building is, or will be after completion, subject to the Regulatory Reform (Fire Safety) Order 2005.
17(1 to 3)	8(a)	Completion certificates. Amends the requirement for certificates to be issued on request and introduces a requirement for certificates to be issued within a specified time where the local authority is satisfied that the work complies with the building regulations.

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
17(4)	8(b)	Completion certificates. Inserts a requirement for completion certificates to contain the wording on its evidential status.
New Regulation 17A	9	Certificates for buildings occupied before work is completed. Introduces a new requirement for local authorities to provide completion certificates in respect of buildings where part or all of the building is subject to the Regulatory Reform (Fire Safety) Order 2005, provided the local authority is satisfied that the work complies with regulation 38 and Part B of Schedule 1 of the Building Regulations, when they are to be occupied prior to completion of work.
19(1)	10	Supervision of building work otherwise than by local authorities. Inserts 17A.
20(3)(b)(ii)	11(a)	Provisions applicable to self-certification schemes. Inserts a new requirement for local authorities to store, in a retrievable format, copies of notices and certificates given to it. Requires the notices and certificates to contain information relating to the green deal plan and defines "green deal plan".
20(4)	11(b)	Provisions applicable to self-certification schemes. Inserts a new requirement for completion certificates to contain wording on its evidential status.
21(5)	12	Application of energy efficiency requirements. Updates the reference to the European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast).
23	13	Requirements relating to thermal elements. Provides a new title "Requirements for the renovation or replacement of thermal elements" and clarifies the requirements in order to meet the requirements of the Directive.
25	14	Minimum energy performance

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
		requirements for new buildings. Substitutes “based upon” with “set in accordance with”. This is a technical amendment to provide clarity in law.
New Regulation 25A	15	Consideration of high-efficiency alternative systems for new buildings. Introduces a requirement to analyse the feasibility of high-efficiency alternative systems.
New Regulation 25B	15	Nearly zero-energy requirements for new buildings. Inserts a requirement for nearly zero-energy buildings.
29(1)	16(a) and (c)	Energy performance certificates. Clarifies the wording.
29(1)	16(b)	Energy performance certificates. Inserts the requirement for recommendation reports and clarifies the validity of an energy performance certificate.
29(5)	16(d)	Energy performance certificates. Deletes regulation 29(5).
New clause 29(8)	16(e)	Energy performance certificates. Inserts an allowance for certificates to be based on the assessment of another representative building of similar design, size and energy performance quality.
New clause 29(9)	16(e)	Energy performance certificates. Inserts a clarification on the validity of an energy performance certificate.
New clause 29(10)	16(e)	Energy performance certificates. Inserts a requirement that certificates must not contain information or data which can identify a living individual.
New Regulation 29A	17	Recommendation reports. Inserts the meaning, definition and requirements for “recommendation reports”.
30(3)	18(a)	Energy assessors. Substitutes paragraph (3)(g) to require additional data to be recorded in reports and entered on the relevant register.
30(4)	18(b)	Energy assessors. Updates the reference to the Energy Performance of Buildings (England and Wales) Regulations 2012.
33	19	Right to copy documents. Updates the reference to the Energy Performance of Buildings (England

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
		and Wales) Regulations 2012.
35(1)	20	Interpretation of Part 6. Inserts definition for “building envelope”, “major renovation” and “nearly zero-energy building” and deletes the definition of “recommendation report”.
43(4)	21	Pressure testing. Inserts “the Air Tightness Testing and Measurement Association” as a new authorised scheme.
47	22	Contravention of certain regulations not to be an offence. Inserts reference to the new regulations 17A and 25A to clarify the application of this regulation.
48(1)	23	Electronic service of documents. Inserts reference to the new regulations 17A and 25A.
Schedule 3 (Column 1)	24(1)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Disapplies the self certification of masonry chimneys.
Schedule 3 (Column 2)	24(2)(a)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Substitutes the name of “ <i>Ascertiva Group Ltd</i> ” and “ <i>ECA Certification Ltd</i> ” for “ <i>Certsure LLP</i> ” wherever they appear in the Schedule. This is to reflect the new registered name of the scheme operators following the merger of the two organisations.
Schedule 3 (Column 2)	24(2)(b)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. The removal of “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)” after “ <i>Certsure LLP</i> ” wherever it appears in the Schedule, as inserted by the Building (Amendment) Regulations 2012 (2012/718). The said text is removed to clarify the effect of the amendments introduced by these regulations.
Schedule 3 (Column 2)	24(2)(c)	Self-certification schemes and exemptions from requirement to give

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
		building notice or deposit full plans. Substitutes the name of " <i>Building Engineering Services Competence Accreditation Ltd</i> " for " <i>Building Engineering Services Competence Assessment Ltd</i> " wherever it appears in the Schedule, to reflect a change to the registered name.
Schedule 3 (Column 2)	24(2)(d)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. The removal of "(in respect of work carried out in England or in relation to excepted energy buildings in Wales)", after " <i>Building Engineering Services Competent Assessment Ltd</i> " wherever it appears in the Schedule as inserted by the Building (Amendment) Regulations 2012 (2012/718). The said text is removed to clarify the effect of the amendments introduced by these regulations.
Schedule 3 (Column 2)	24(2)(e)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. The removal of "Benchmark Certification Ltd (other than in respect of work carried out in England or in relation to excepted energy buildings in Wales)" in paragraphs 4, 6, 8 and 9. This is to reduce the types of work for which the scheme operator is currently authorised for in Wales. This was at the request of the scheme operator.
Schedule 3 (Column 2)	24(2)(f-p)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Authorisation of the extension of a number of existing scheme operators in relation to types of work for which they were not previously authorised. This is as a result of an invitation for new and the extension of existing schemes.
Schedule 3 (Column 2)	24(2)(f-p)	Self-certification schemes and exemptions from requirement to give

S.I. 2010/2214 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
		building notice or deposit full plans. The extension of schemes also requires the removal of “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)” as inserted by the Building Regulations &c. (amendment) Regulations 2012 (2012/3119).
Schedule 3	25	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Deletes paragraph 20. This is a minor amendment and is consequential to amendment regulation 24(1).
Schedule 3	26	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Introduces three new paragraphs for types of work, for which scheme operators have been authorised. This amendment regulation also authorises a number of existing scheme operators in relation to the new types of work.
Schedule 3 (Column 2)	27	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. remove the following text “(in respect of work carried out in England or in relation to excepted energy buildings in Wales)” as inserted by the Building (Amendment) Regulations 2012 (2012/718). The said text is removed to clarify the effect of the amendments introduced by these regulations.
Schedule 4	28	Descriptions of work where no building notice or deposit of full plans is required. Inserts the installation of thermal insulation into suspended timber floors.

Annex B

The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747 (W.89))

The following table lists all the changes made by S.I. 2013/747 (W.89) to the Building (Approved Inspectors etc.) Regulations 2010:

S.I. 2010/404 Regulation No.	S.I. 2013/747 (W.89) Regulation No.	Action
--	29	Amendment of the Building (Approved Inspectors etc.) Regulations 2010. Introduces the amendment to the approved inspector regulations.
8(1)	30	Functions of improved inspectors. Inserts new regulation 25A into the list of building work which approved inspectors are obliged to ensure comply with the Building Regulations 2010.
16	31	Form, grounds and period for rejecting final certificate. Inserts a requirement for completion certificates to contain the wording on its evidential status.
20(1)	32	Application of regulations 20, 27, 29, 37, 41, 52, 43 and 44 of the Building Regulations 2010. Inserts regulation 25A into the title and into regulation 20 as a result of a change to the Building Regulations 2010.
Schedule 1	33	Schedule 1 to the Approved Inspectors Regulations – Forms. Inserts wording that clarifies the evidential status of final certificates (Form 5) and for public body's final certificates (Form 12).

Annex C

Building Act 1984

NOTICE OF APPROVAL OF A DOCUMENT FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010		
The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by section 6 of the Building Act 1984, now exercisable by the Welsh Ministers by virtue of the Welsh Ministers (Transfer of Functions)(No.2) Order 2009 (S.I. 2009/3019), hereby give notice that they have approved the document listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010 (as amended). This approval takes effect as listed in the table below except in respect of work which has not commenced but was notified to a building control body before the coming into force date.		
Document	Requirement of the Building Regulations in respect of which the document is approved	Coming into force date
Amendments to Approved Documents L1A, L1B, L2A and L2B	Parts L1(a) and L1(b) of schedule 1	19 April 2013