



Llywodraeth Cymru  
Welsh Government

# Building Regulations Wales

# Circular

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Title:	Excepted Energy Buildings - Transfer of Functions to Welsh Ministers		
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 Competent Persons Forum	Local Authority Building Control Officers Assembly Members		
Summary:	This circular announces from 1st April 2018, the functions under Section 54 of the Wales Act 2017 relating to Excepted Energy Buildings, transfer to Welsh Ministers.		
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## **Circular**

### **Excepted Energy Buildings - Transfer of Functions to Welsh Ministers**

#### **Introduction**

1. I am directed to draw your attention to the Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018.

#### **Scope**

2. This Circular letter applies to building work carried out in Wales on *excepted energy buildings*.
3. Functions under the Building Act 1984 (“the 1984 Act”) to make building regulations and associated matters were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019) which came into force on 31 December 2011. An exclusion from the transfer was made in relation to “excepted energy buildings” which were defined in the Schedule to that Order.
4. Section 54 of the Wales Act 2017 removes the exclusion in relation to excepted energy buildings by making the necessary provision for the transfer of functions under the 1984 Act for that category of buildings from 1 April 2018.
5. Amendments to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by the Secretary of State from 31 December 2011 applied in relation to England and also to excepted energy buildings in Wales.
6. Amendments to those Regulations made by the Welsh Ministers from 31 December 2011 applied in relation to Wales, other than to excepted energy buildings.
7. The effect of the amendments made by these Regulations is to bring provisions in the Building Regulations 2010 and Building (Approved Inspectors etc.) Regulations 2010 in relation to excepted energy buildings in Wales in line with provisions applying to other buildings in Wales.
8. The term 'excepted energy building' therefore disappears as the Welsh Ministers functions now include functions to make building regulations in relation to this category of building.

#### **Transitional arrangements**

9. The change does not apply to any excepted energy building where work on site had started before 8 June 2018 or where a building regulations application (full plans, building notice or initial notice) was given before 8 June 2018.

**Publication date**

10. The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018 take effect in Wales from 8 June 2018.

**Enquiries:**

Any enquiries on this Circular Letter should be addressed to:

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Yours faithfully,

A handwritten signature in black ink, appearing to read 'Francois Samuel', written in a cursive style.

**Francois Samuel**  
**Head of Building Regulations**  
**Planning Directorate**  
**Welsh Government**

The Excepted Energy Buildings – Transfer of Functions to Welsh Ministers  
Are available at:

<http://www.legislation.gov.uk/wsi/2018/558/contents/made>