STATUTORY INSTRUMENTS

2016 No. 285

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Regulations &c. (Amendment) Regulations 2016

Made - - - - 10th March 2016

Laid before Parliament 15th March 2016

Coming into force in accordance with regulation 1(4) and (5)

The Secretary of State is a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the environment.

The Secretary of State has consulted the Building Regulations Advisory Committee for England and such other bodies as appear to be representative of the interests concerned in accordance with section 14(3) of the Building Act 1984(**3**).

The Secretary of State makes the following Regulations, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 1A, 3, 8(6), 34, 35, 47(1) and 126 of, and paragraphs 1, 2, 4, 4A, 7, 8 and 10 of Schedule 1 to, the Building Act 1984.

Citation, application and commencement

1.—(1) These Regulations may be cited as the Building Regulations &c. (Amendment) Regulations 2016.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply to any building in Wales other than an excepted energy building, and "excepted energy building" shall have the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009(**4**).

(4) These Regulations come into force on 6th April 2016, except regulation 2(19)(b).

(**1**) S.I. 2008/301.

(**2**) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) 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(1) to (3) and section 1A inserted by section 2 of the Sustainable and Secure Buildings Act 2004 ("the 2004 Act"). Section 14(3) was amended by Article 8(1) and (3) of S.I. 2009/3019. Section 47(1) was amended by article 3(2) of S.I. 1996/1905 and section 8(2) of the 2004 Act. Section 126 is cited for the definition "prescribed". In Schedule 1, paragraph 4A was inserted by section 8(1); paragraph 7(a)(xxiib) was inserted by section 3(1) and (5), and paragraph 8(2) to (5) by section 3(1) and (7) of the 2004 Act. There are other amendment to paragraphs 7 and 8 but none is relevant to this instrument.

(**4**) S.I. 2009/3019.

(5) Regulation 2(19)(b) comes into force on 1st May 2016.

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(**5**) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)—

(a) in the definition "energy efficiency requirements" omit ", 29"; and

(b) omit the definition "energy performance certificate".

(3) In regulation 10(2) (exemption of the Metropolitan Police Authority from procedural requirements) omit ", other than regulation 29,".

(4) In regulation 11(3) (power to dispense with or relax requirements) insert "and" before "26" and omit the remainder of the paragraph after "26".

(5) In regulation 17(2A) (completion certificates)—

(a) for subparagraph (c) substitute—

"(c) regulation 26A (target fabric energy efficiency requirements for new dwellings);";

(b) after subparagraph (e) omit "and"; and

(c) after subparagraph (f) add—

"(g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**6**)

(6) In regulation 19(1) (supervision of building work otherwise than by local authorities) omit "29 (energy performance certificates),".

(7) In regulation 24(2) (methodology of calculation and expression of energy performance)—

(a) in the definition "asset rating" for "a numerical indicator of" substitute "an energy performance indicator determined from"; and

(b) for the definition "operational rating" substitute—

""operational rating" means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period.".

(8) In regulation 25 (minimum energy performance requirements for new buildings) after "State," insert "calculated and expressed".

(9) In regulation 26 (CO2 emission rates for new buildings) after "25" insert ", applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24".

(10) In regulation 26A—

(a) insert before the text of the regulation the heading "Fabric energy efficiency rates"; and

(b) for the words after "the dwelling" to the end of the regulation substitute "that has been approved pursuant to regulation 25, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24".

(**5**) S.I. 2010/2214, as amended by S.I. 2011/1515, S.I. 2011/3058, S.I. 2012/809, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/181, S.I. 2013/1105, S.I. 2013/1959, S.I. 2014/579 and S.I. 2015/767.

(**6**) S.I. 2012/3118, as amended by S.I. 2013/10; S.I. 2013/181; S.I. 2013/603; S.I. 2014/880; S.I. 2015/609; S.I. 2015/1681; and S.I. 2016/284.

(11) In regulation 27 (CO2 emission rate calculations)—

(a) in paragraph (2)(a) after "building" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(b) in paragraph (2)(b) omit "calculated", and after "designed" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(c) in paragraph (3)(a)(i) after "building" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(d) in paragraph (3)(a)(ii) omit "calculated", and after "constructed" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(e) in paragraph (4) for "such certificates" substitute "energy performance certificates".

(12) In regulation 27A (fabric energy efficiency rate calculations)—

(a) in paragraph (2)(a) after "dwelling" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(b) in paragraph (2)(b) omit "calculated", and after "designed" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(c) in paragraph (3)(a)(i) after "dwelling" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(d) in paragraph (3)(a)(ii) omit "calculated", and after "constructed" insert ", calculated and expressed in accordance with the methodology approved pursuant to regulation 24";

(e) in paragraph (4) for "such certificates" substitute "energy performance certificates".

(13) Omit regulation 29 (energy performance certificates) and Schedule 4A (Green Deal information).

(14) Omit regulations 29A to 33.

(15) In regulation 34(1) (application of building regulations to educational buildings, buildings of statutory undertakers and Crown buildings) omit the references from "29" to "29A".

(16) In regulation 35 (interpretation of Part 6)—

(a) in paragraph (1)—

(i) in the definition "energy assessor" for "regulation 30" substitute "regulation 22 (accreditation schemes) of the Energy Performance of Buildings (England and Wales) Regulations 2012"

(ii) after that definition insert the following definitions—

""energy performance certificate" means a certificate which complies with the requirements of regulation 9 (energy performance certificates) or 9A (energy performance certificates in respect of excluded buildings) of the Energy Performance of Buildings (England and Wales) Regulations 2012;";

"energy performance of a building" means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;"; and

(b) omit paragraph (2).

(17) In regulation 47(a) (contravention of certain regulations not to be an offence) omit "29,".

(18) Omit regulation 48(1)(i) and (j) (electronic service of documents).

(19) In Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans)—