

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING (APPROVED INSPECTORS ETC.)
REGULATIONS 2010

- **CLARIFICATION OF THE APPLICATION OF THE APPROVED CALCULATION METHODOLOGY**
- **REVOCATION OF AUTHORISATION OF A COMPETENT PERSON SELF-CERTIFICATION SCHEME**
- **AMENDMENT OF APPROVED DOCUMENTS L1A, L1B, L2A AND L2B**

INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the publication of Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285) (“the Amendment Regulations”), which were made on 10 March 2016 and will come into force as set out in amendment regulations 1(4) and (5).
2. In accordance with section 14(3) of the Building Act 1984, the Regulations were made after consultation with the Building Regulations Advisory Committee for England and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
 - draw attention to the fact that the amendments apply in England and to excepted energy buildings in Wales;
 - draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010; and
 - announce the revocation of authorisation of one competent person scheme; and
 - announce the amendment of Approved Documents L1A, L1B, L2A and L2B.
4. Annexes A and B to this Circular set out in tabular form all the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by S.I. 2016/285.
5. This Circular does not give advice on the technical requirements in the Building Regulations 2010 as these are matters covered by the Approved Documents.

APPLICATION OF THE REGULATIONS

6. The amended Regulations apply to England and Wales but do not apply to any building in Wales other than an “excepted energy building” within the meaning of the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019), essentially meaning a building forming part of energy infrastructure.

CLARIFICATION OF THE APPLICATION OF THE APPROVED CALCULATION METHODOLOGY

7. This instrument amends provisions concerning the calculation of the energy performance of buildings. In particular it makes it clear that target and actual CO₂ emission rates and fabric energy efficiency rates must be calculated and expressed using the methodology approved under regulation 24 of the Building Regulations 2010 and that the reporting of such rates to a building control body must also be based on those results.
8. The amendment Regulations give for the first time a definition of the “energy performance of a building”, and revise the definition of “operational rating” and amend the definition of “asset rating” in regulation 24 of the Building Regulations.

9. The amendment Regulations also revoke provisions in regulations 29 to 33 of, and Schedule 4A to, the Building Regulations 2010 dealing with energy performance certificates. These requirements are moved to the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118) by the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), which come into force at the same time as the revocation.

CHANGES RELATING TO COMPETENT PERSON SELF-CERTIFICATION SCHEMES

10. Schedule 3 to the Building Regulations 2010, which lists persons entitled to certificate the compliance of their own work with building regulations under national provisions, is also updated.

AMENDMENTS TO APPROVED DOCUMENTS L1A, L1B, L2A AND L2B

11. Amendments have been made to the wording in Approved Documents L1A, L1B, L2A and L2B to reflect the changes in wording made by S.I.2016/285 to some of the regulations in the Building Regulations and to a few of the cross-references in those Approved Documents. A notice of approval for the amendments is at Annex C to this Circular.
12. The amended approved documents will be available by 6 April 2016 on the GOV.UK website at: <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-1>

ENQUIRIES

13. All enquiries on matters covered by this Circular should be addressed to:

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Building Regulations and Energy Performance Division
3NW Fry Building
2 Marsham Street
London SW1P 4DF

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Date: 15 March 2016

Signed:

R J Ledsome
An Assistant Secretary in the Department for Communities and Local
Government

ANNEX A

The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285)

The following table lists all the changes made by S.I. 2016/285 to the Building Regulations 2010 (S.I. 2010/2214):

S.I. 2010/2214 Regulation No.	S.I. 2016/285 Regulations No.	Action
2(1)	2(2)(a)	Interpretation. Omits regulation 29 from the list of regulations constituting "energy efficiency requirements".
2(1)	2(2) (b)	Interpretation. Omits the definition "energy performance certificate".
10 (2)	2(3)	Exemption of the Metropolitan Police Authority from procedural requirements. Removes the requirement to comply with regulation 29.
11(3)	2(4)	Power to dispense with or relax requirements. Removes regulations 29 and 29A from the list of regulations where the power to dispense with or relax requirements is not available.
17 (2A)	2(5) (a)	Completion certificates. Adds regulation 26A (target fabric energy efficiency requirements for new dwellings) to the list of relevant provisions to be satisfied before a completion certificate can be given and removes regulation 29 from the list.
17 (2A)	2(5)(c)	Completion certificates. Adds regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of relevant provisions that must be satisfied before a completion certificate can be given.
19(1)	2(6)	Supervision of building work otherwise than by local authorities. Removes regulation 29 (energy performance certificates) from the list of work not supervised by a local authority.
24 (2)	2(7) (a)	Methodology of calculation and expression of energy performance. Amends definition of "asset rating".
24(2)	2(7)(b)	Methodology of calculation and expression of energy performance. Substitutes new definition of "operational rating".

S.I. 2010/2214 Regulation No.	S.I. 2016/285 Regulations No.	Action
25	2(8)	Minimum energy performance requirements for new buildings. Clarifies that target CO ₂ emission rates and target fabric efficiency rates must be calculated and expressed using the approved calculation methodology in regulation 24.
26	2(9)	CO ₂ emission rates for new buildings. Clarifies that the CO ₂ emission rate must be calculated and expressed using the calculation methodology in regulation 24.
26A	2(10)(a)	Inserts the heading "Fabric energy efficiency rates" before the text of the regulation 26A.
26A	2(10)(b)	Clarifies that the fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
27(2)(a)	2(11)(a)	CO ₂ emission rate calculations. Clarifies that the target CO ₂ emission rate must be calculated and expressed using the methodology in regulation 24.
27(2)(b)	2(11)(b)10b	CO ₂ emission rate calculations. Clarifies that the calculated CO ₂ emission rate must be calculated and expressed using the methodology in regulation 24.
27(3)(a)(i)	2(11)(c)	CO ₂ emission rate calculations. Clarifies that the target CO ₂ emission rate must be calculated and expressed using the methodology in regulation 24.
27(3)(a)(ii)	2(11)(d)	CO ₂ emission rate calculations. Clarifies that the calculated CO ₂ emission rate must be calculated and expressed using the methodology in regulation 24.
27(4)	2(11)(e)	CO ₂ emission rate calculations. Clarifies that the accredited energy assessor is accredited to produce energy performance certificates.
27A(2)(a)	2(12)(a)	Fabric energy efficiency rate calculations. Clarifies that the target fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
27A(2)(b)	2(12)(b)	Fabric energy efficiency rate calculations. Clarifies that the calculated fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
27A(3)(a)(i)	2(12)(c)	Fabric energy efficiency rate calculations. Clarifies that the target fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.
27A(3)(a)(ii)	2(12)(d)	Fabric energy efficiency rate calculations. Clarifies that the calculated fabric energy efficiency rate must be calculated and expressed using the methodology in regulation 24.

S.I. 2010/2214 Regulation No.	S.I. 2016/285 Regulations No.	Action
27A(4)	2(12)(e)	Fabric energy efficiency rate calculations. Clarifies that the accredited energy assessor is accredited to produce energy performance certificates.
29 and Schedule 4A and 29A to 33	2(13) and 2(14)	Revokes regulation 29, Schedule 4A and regulations 29A to 33.
34(1)	2(15)	Application of building regulations to educational buildings, buildings of statutory undertakers and Crown buildings. Removes regulations 29 and 29A from the list of regulations which apply to educational buildings, buildings of statutory undertakers and Crown buildings.
35(1)	2(16) (a) (i)	Interpretation of Part 6. Amends definition of "energy assessor".
35(1)	2(16)(a)(ii)	Interpretation of Part 6. Adds definitions of "energy performance certificate" and "energy performance of a building".
35(2)	2(16) (b)	Interpretation of Part 6. Revokes regulation 35(2).
47(a)	2(17)	Contravention of certain regulations not to be an offence. Removes regulation 29 from the list of regulations where contravention is not an offence.
48 (1)(i) and (j)	2(18)	Electronic service of documents. Removes regulation 29(2)(a) and (b) from the list of documents that may be served electronically.
Schedule 3, column 2 of item 2	2(19)(a)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Removes persons registered with HETAS Limited from the list of persons carrying out work.
Schedule 3, column 2 of items 8 and 10	2(19)(b)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Removes persons registered with BSI Assurance UK Limited from the list of persons carrying out work.
Schedule 3, column 2 of item 17	2(19)(c)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Corrects the legal name of an authorised body.

ANNEX B

The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285)

The following table lists all the changes made by S.I. 2016/285 to the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215):

S.I. 2010/2215 Regulation No.	S.I. 2016/285 Regulations No.	Action
8 (1)(b)	3(2)(a)	Functions of approved inspectors. Removes regulation 29 of the Building Regulations 2010 from the list of matters about which an approved inspector must be satisfied has been complied with.
8 (1)(b)	3(2)(b)	Functions of approved inspectors. Adds regulation 7A of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of matters about which an approved inspector must be satisfied has been complied with.
20(1)	3(3)(a)(i)	Application of regulations 20, 20A, etc. of the Principal Regulations). Removes regulation 29 of the Building Regulations 2010 from the list of regulations which apply where references to the local authority are to be read as references to an approved inspector where an initial notice is in place.
20(1)	3(3)(a)(ii)	Application of regulations 20, 20A, etc. of the Principal Regulations. Adds regulation 7A of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of regulations which apply where references to the local authority are to be read as references to an approved inspector where an initial notice is in place.
20(3)	3(3)(b)	Application of regulations 20, 20A, etc. of the Principal Regulations. Revokes this paragraph.
20(7)	3(3)(c)	Application of regulations 20, 20A, etc. of the Principal Regulations. Specifies the application of regulation 7A(3) of the Energy Performance of Buildings (England and Wales) Regulations 2012 in relation to work subject to an initial notice.
32(e) and (f)	3(4)(a)	Electronic service of documents. Revokes paragraphs 32(e) and (f).

S.I. 2010/2215 Regulation No.	S.I. 2016/285 Regulations No.	Action
32(l) and (m)	3(4)(b)	Electronic service of documents. Adds an energy performance certificate under regulation 7A(2)(a) of the Energy Performance of Buildings (England and Wales) Regulations 2012 and a notice under regulation 7A(2)(b) of the Energy Performance of Buildings (England and Wales) Regulations 2012 to the list of documents that may be served electronically.

ANNEX C

Building Act 1984

NOTICE OF APPROVAL OF AMENDED DOCUMENTS FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010		
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in exercise of the said powers under section 6, he has approved the documents 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 commenced before the coming into force dates or of work which has not commenced but was notified to a building control body before the coming into force date.</p>		
Document	Requirement of the Building Regulations in respect of which the document is approved	Coming into Force Date
Approved Document L1A (Conservation of fuel and power) 2013 edition with 2016 amendments	Part L of Schedule 1	6 April 2016
Approved Document L1B (Conservation of fuel and power) 2010 edition incorporating 2010, 2011, 2013 and 2016 amendments	Part L of Schedule 1	6 April 2016
Approved Document L2A (Conservation of fuel and power) 2013 edition with 2016 amendments.	Part L of Schedule 1	6 April 2016
Approved Document L2B (Conservation of fuel and power) 2010 edition incorporating 2010, 2011, 2013 and 2016 amendments	Part L of Schedule 1	6 April 2016
<i>Signed by authority of the Secretary of State</i>	R J Ledsome An Assistant Secretary in the Department for Communities and Local Government 15 March 2016	

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*Printed by The Stationery Office Ltd under the authority and superintendence of the
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.*

ISBN 978 0 11 754158 0
P002798113 03/16

£6



www.tso.co.uk

ISBN 978-0-11-754158-0



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