



Infrastructure Act 2015

2015 CHAPTER 7

PART 5

PLANNING, LAND AND BUILDINGS

PROSPECTIVE

Off-site carbon abatement measures

37 Provision in building regulations for off-site carbon abatement measures

- (1) The Building Act 1984 is amended as follows.
- (2) In section 1(1A) (matters that may be covered by building regulations) after paragraph (c) insert “;
 - (d) the action to be taken as a result of a building's contribution to or effect on emissions of carbon dioxide (whether or not from the building itself).”
- (3) Schedule 1 (building regulations) is amended as follows.
- (4) After paragraph 7 insert—
 - “7A
 - (1) This paragraph applies if building regulations impose a requirement in relation to a building as respects its contribution to or effect on emissions of carbon dioxide (whether or not the requirement relates to emissions from the building itself).
 - (2) Building regulations may make provision for a person to whom the requirement applies to meet it (in whole or in part) by taking action otherwise than in relation to the building.
 - (3) Such action may include—

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- (a) doing things which consist of, or cause or contribute, directly or indirectly to—
 - (i) reductions in emissions of carbon dioxide, or
 - (ii) the removal of carbon dioxide from the atmosphere;
 - (b) agreeing with another person that the person will do things within paragraph (a);
 - (c) making a payment or payments to a fund—
 - (i) which is administered by, or by a person acting on behalf of, the Secretary of State or the Welsh Ministers, and
 - (ii) the proceeds of which are used to pay (directly or indirectly) for activities within paragraph (a).
- (4) Provision made under paragraph 4A for the use of certificates as evidence of compliance with building regulations by virtue of action within sub-paragraph (3) may include provision—
- (a) for the creation and maintenance of a register for keeping track of the use of certificates for that purpose;
 - (b) about the administration of the register;
 - (c) for charges to be imposed in connection with the registration of any matter in the register or for the disclosure of information held in the register.
- (5) If building regulations make provision for the creation and maintenance of a register, building regulations must make provision for the register to be administered by, or by a person acting on behalf of, the Secretary of State or the Welsh Ministers.
- (6) Building regulations made by the Welsh Ministers may make provision for the use, in relation to action taken in respect of a building in Wales, of a register administered by, or by a person acting on behalf of, the Secretary of State.
- (7) Building regulations made by the Secretary of State may make provision about the use of such a register for that purpose.
- (8) Building regulations may make provision for the creation and maintenance of a fund of a kind referred to in sub-paragraph (3)(c), including provision about—
- (a) the administration of such a fund;
 - (b) the purposes for which proceeds from such a fund may be used.
- (9) Building regulations may make provision about—
- (a) the calculation of payments to be made into a fund of a kind referred to in sub-paragraph (3)(c);
 - (b) the maximum payment which may be required to be made into such a fund in respect of a building.
- (10) Building regulations made by the Welsh Ministers may make provision for a payment or payments in respect of a building in Wales to be made to a fund administered by, or by a person acting on behalf of, the Secretary of State.
- (11) Building regulations made by the Secretary of State may make provision about the use of such a fund for that purpose.

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- (12) Paragraph 8(2) does not prevent building regulations from providing for action within sub-paragraph (3) to be taken in relation to a building erected before the date on which the regulations come into force.”
- (5) In paragraph 8(2) (requirement for building regulations not to apply to buildings erected before regulations come into force, subject to exceptions) after “Subject to sub-paragraphs (3) to (6) below and to” insert “ paragraph 7A(12) above and ”.
- (6) The reference to the Building Act 1984 in article 2(a) of the Welsh Ministers (Transfer of Functions) (No 2) Order 2009 (SI 2009/3019) is to be treated as referring to that Act as amended by this section.

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