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STATUTORY INSTRUMENTS

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**2009 No. 3019**

**The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009**

**Transfer of functions**

4.—(1) The transfer by article 2(a) of functions under Part 5A of the 2000 Regulations<sup>(1)</sup> (energy performance of buildings) is subject to the following provisions.

(2) Functions under regulation 17A (methodology of calculation and expression of energy performance) are transferred only so far as they are exercisable for the purposes of—

- (a) regulation 17B (minimum energy performance requirements for buildings); and
- (b) the construction EPC provisions.

(3) Functions under regulation 17F (energy assessors) are transferred only so far as they are exercisable in relation to the functions of energy assessors under, or in relation to, the construction EPC provisions.

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(1) Part 5A, comprising regulations 17A to 17E, was inserted by the Building and Approved Inspectors (Amendment) Regulations 2006 (S.I. 2006/652), regulations 2 and 15. New regulations 17A and 17E to 17J were substituted for regulations 17A and 17E by the 2007 Regulations, regulation 8 and Schedule 2, paragraph 1(1), (7) and (8). There have been other amendments to regulation 17E. The provisions inserting and amending Part 5A of the 2000 Regulations, which included regulation 8 of the 2007 Regulations and Schedule 2 to those Regulations, were made in the exercise of powers conferred by the 1984 Act. The provisions of the 2007 Regulations other than regulation 8 and Schedule 2, and amendments to those provisions, were made under section 2(2) of the European Communities Act 1972 (c. 68). Functions conferred by those other provisions of the 2007 Regulations are not transferred by this Order (but see article 6 for modifications to the 2007 Regulations).