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STATUTORY INSTRUMENTS

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**2012 No. 718**

**BUILDING AND BUILDINGS,  
ENGLAND AND WALES**

**The Building (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>7th March 2012</i>
<i>Laid before Parliament</i>		<i>13th March 2012</i>
<i>Coming into force</i>	- -	<i>6th April 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1(1) and paragraphs 1, 4, 4A, 7, 8 and 10 of Schedule 1 to the Building Act 1984<sup>(1)</sup>, having consulted, in accordance with section 14(3) of that Act, the Building Regulations Advisory Committee for England <sup>(2)</sup> and such other bodies as appear to the Secretary of State to be representative of the interests concerned.

**Citation, commencement and application**

- 1.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2012.
- (2) These Regulations shall come into force on 6th April 2012.
- (3) These Regulations extend to England and Wales, but do not apply in relation to any building in Wales other than an excepted energy building.

**Interpretation**

- 2.—(1) In these Regulations—
  - “excepted energy building” has the meaning given in the Schedule to The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009<sup>(3)</sup>;
  - “the 2010 Regulations” means the Building Regulations 2010<sup>(4)</sup>.

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(1) [1984 c.55](#)

(2) Existing members of the Building Regulations Advisory Committee as at 31st December 2011 were transferred on that date to the Buildings Advisory Committee for England (article 9 of the [Welsh Ministers \(Transfer of Functions\)\(No.2\) Order 2009 \(S.I. 2009/3019\)](#)).

(3) [S.I. 2009/3019](#). The Welsh Ministers (Transfer of Functions)(No.2) Order 2009 transferred functions under the Building Act 1984 exercised by the Secretary of State, so far as related to Wales, to the Welsh Ministers, subject to articles 3 and 4 of that Order. Article 3 (a) provides that functions so far as exercisable in relation to an excepted energy building (as defined in the Schedule to the Order) are not transferred.

(4) [S.I. 2010/2214](#).

### **Amendments to the 2010 Regulations**

3.—(1) The 2010 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “energy efficiency requirements”, insert “ “excepted energy building” has the meaning given in the Schedule to The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009”.

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

- (a) in column 2, for “Building Engineering Services Competence Accreditation Limited”, substitute “ “Building Engineering Services Competence Assessment Limited”(in respect of work carried out in England or in relation to excepted energy buildings in Wales)” in paragraphs 2,3,4,5,6,7,8,9,10,11,12,14,15,16 and 17;
- (b) in column 2, following “Benchmark Certification Limited” in paragraphs 3,4,5,6,8 and 9, add “(other than in respect of work carried out in England or in relation to excepted energy buildings in Wales)”.

Signed by authority of the Secretary of State

*Andrew Stunell*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

7th March 2012

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building Regulations 2010 (“the 2010 Regulations”).

Regulation 3 inserts a definition of “excepted energy building” by reference to the meaning given in The Welsh Ministers (Transfer of Functions) (No.2) Order 2009. This is relevant to the scope of the 2010 Regulations as functions relating to such buildings in Wales were not transferred by that Order to Welsh Ministers and remain with the Secretary of State. Thus the amendments made by regulation 3 to Schedule 3 to the 2010 Regulations apply only to work carried out by the relevant Competent Persons Schemes in England and to excepted energy buildings in Wales.

Regulation 3 amends Schedule 3 by substituting one of the bodies in column 2 of paragraphs 2 to 12, 14 to 16 and 17 of Schedule 3 able to register persons for the purposes of self certification schemes, in respect of the work specified in column 1 of those paragraphs, within the limits specified.

Regulation 3 also removes one of the bodies from column 2 of paragraphs 3 to 6, 8 and 9 so that the body is no longer authorised in respect of the types of work specified in column 1 of those paragraphs within the limits specified.

As these are technical changes made to reflect legal changes and the current position on authorisation of schemes and there are no costs or net benefit to business, no impact assessment has been prepared in respect of this instrument. An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).