



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Amendment to the Infrastructure Bill providing powers for the Welsh Ministers to make provision by way of building regulations for off-site carbon abatement measures**

**DATE**            **10 December 2014**

**BY**                **Carl Sargeant, Minister for Natural Resources**

This written statement is laid under Standing Order 30 – Notification in relation to UK Parliament Bills.

The Infrastructure Bill was introduced in the House of Lords on 5 June 2014. A number of amendments have been made to the Bill since its introduction. The relevant amendment for the purpose of this statement was tabled by Baroness Kramer to clause 26 of the Bill at report stage in the House of Lords on 29 October 2014 and published in the Amendments to be moved on report on the Parliament website on 30 October. It was incorporated into clause 31 of the Bill as amended on report. The amendment provides powers for the Welsh Ministers to make building regulations for off-site carbon abatement measures – these are measures that builders can take, which are not tied to the building itself, to offset the carbon emissions from the building. The amendment will confer functions on Welsh Ministers.

The Infrastructure Bill makes provision for the UK Government’s proposals to fund, plan, manage and maintain the UK’s national infrastructure. The Bill includes a diverse range of measures. The UK Government has stated that its policy objectives for the Bill are to; bolster investment in infrastructure by providing frameworks to allow stable long-term funding, drive economies of scale to deliver better value, relieve unnecessary administrative pressures and create the right conditions for sustainable economic growth.

Substantial and cost-effective reductions in carbon emissions from buildings are an essential part of the Welsh Government’s effort to reduce greenhouse gas emissions. Last year, the residential sector accounted for about a quarter of emissions, so action to tackle emissions from both new and existing buildings will be critical to the transition to a low-carbon economy. More energy efficient homes may also mean lower energy bills for consumers.

The Building Act 1984 contains powers to make building regulations. The energy performance standards for homes are set in the Building Regulations 2010. Broadly

speaking, the powers in the Building Act 1984 to make building regulations are tied to the building itself and, as such, are insufficient to enable building regulations to cover off-site carbon abatement measures. The amendment supplements the powers in the Building Act 1984 to make building regulations to cover off-site carbon abatement measures. The amendment provides the framework for off-site carbon abatement measures and their administration. The amendment also provides an administrative advantage for the Welsh Ministers in affording them the flexibility to administer their own carbon abatement register and fund or to utilise a register and fund administered by the Secretary of State.

The amendment is outside of the National Assembly's legislative competence. However, the new powers for the Welsh Ministers to make building regulations for off-site carbon abatement measures would mean that their regulation would be within their power and be subject to the scrutiny of the National Assembly. We will consult on off-site carbon abatement measures in Wales before exercising the new powers to make building regulations. I have, therefore, agreed that the UK Government make provision for powers for the Welsh Ministers to make building regulations for off-site carbon abatement measures in the Infrastructure Bill.

It is considered appropriate for these provisions to be made by means of the Infrastructure Bill because the amendments could not be made by Assembly Act.