

Statutory Instruments with Clear Reports

14 May 2018

SL(5)210 – The Building (Amendment) (Wales) Regulations 2018

Procedure: Negative

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

Regulation 3(1) amends regulation 36 (water efficiency of new dwellings) to introduce a new requirement that where a dwelling is erected the potential consumption of wholesome water by persons occupying the dwelling must not exceed 110 litres per person per day. The current requirement of 125 litres remains where there is a material change of use such that a building is used as a dwelling or contains a flat, in either case where previously it did not.

Regulation 3(3) adds paragraph G2A (water efficiency of new buildings other than dwellings and healthcare buildings) to Part G (sanitation, hot water safety and water efficiency) of Schedule 1 (requirements relating to building work). The new requirement does not apply to dwellings or healthcare buildings.

Regulation 4 has the effect of designating regulations 23 (requirements for the renovation or replacement of thermal elements), 25B (nearly zero-energy requirements for new buildings) and 26 (CO₂ emission rates for new buildings) for the purposes of section 35 of the Building Act 1984 (penalty for contravening building regulations) in so far as those regulations apply to Crown buildings or to building work carried out or proposed to be carried out by Crown authorities.

Regulation 5 adds Part Q (security) to Schedule 1. This new requirement only applies to the erection of dwellings.



Regulation 6 contains transitional provision.

Some minor and consequential changes have also been made.

Parent Act: The Building Act 1984

Date Made: 30 April 2018

Date Laid: 04 May 2018

Coming into force date: 01 November 2018

SL(5)211 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2018

Procedure: Negative

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”) in relation to Wales. Article 3 of and Schedule 2 to the GPDO confer permitted development rights in respect of certain development. Where such rights are conferred, an application for planning permission is not required.

Class A of Part 24 of Schedule 2 to the GPDO permits certain development by electronic communications code operators provided it does not fall within A.1 (development not permitted) and subject to any relevant conditions and limitations in A.2 and A.3.

Paragraph A.2(4A) sets out conditions in relation to the construction, installation or replacement of telegraph poles, cabinets or lines for fixed line broadband services in relation to categories of land identified in article 1(5) of and Part 2 of Schedule 1 to the GPDO. If all the relevant conditions are satisfied, such development does not require prior approval under paragraph A.3. One of those conditions is that the development must be completed on or before 30 May 2018.

Article 2 of this Order extends that date to 30 May 2019



Parent Act: the Town and Country Planning Act 1990

Date Made: 02 May 2018

Date Laid: 04 May 2018

Coming into force date: 30 May 2018

SL(5)212 – The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018

Procedure: Negative

These Regulations amend the Building Regulations 2010 (“the Building Regulations”) and the Building (Approved Inspectors etc.) Regulations 2010 (“the Approved Inspectors Regulations”) in relation to excepted energy buildings in Wales.

Functions under the Building Act 1984 (“the 1984 Act”) to make building regulations and associated matters were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 which came into force on 31 December 2011. An exclusion from the transfer was made in relation to “excepted energy buildings” (as defined in that Order).

Amendments to the Building Regulations and the Approved Inspectors Regulations made by the Secretary of State from 31 December 2011 applied in relation to England and to excepted energy buildings in Wales.

Amendments to those Regulations made by the Welsh Ministers from 31 December 2011 applied in relation to Wales other than to excepted energy buildings.

Section 54 of the Wales Act 2017 removes the exclusion in relation to excepted energy buildings by making the necessary provision for the transfer of functions under the 1984 Act for that category of buildings from 1 April 2018.

The effect of the amendments made by these Regulations is to bring provisions in the Building Regulations and Approved Inspectors Regulations



in relation to excepted energy buildings in Wales in line with provisions applying to other buildings in Wales.

Parent Act: European Communities Act 1972; The Building Act 1984

Date Made: 30 April 2018

Date Laid: 04 May 2018

Coming into force date: 08 June 2018

