



BUILDING (AMENDMENT) REGULATIONS 2020

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Statutory Document No. 2020/0042

*Building Control Act 1991*

BUILDING (AMENDMENT) REGULATIONS 2020

Approved by Tynwald: 18 February 2020
Coming into Operation: in accordance with regulation 2

The Department of Environment, Food and Agriculture makes the following Regulations under section 1 of, and Schedule 1 to, the Building Control Act 1991.

1 Title

These Regulations are the Building (Amendment) Regulations 2020.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 24 February 2020¹.

3 Amendments to the Building Regulations 2014

- (1) The Building Regulations 2014² are amended as follows.
- (2) In regulation 24 (airtightness testing of building fabric) —
 - (a) in paragraph (1)(a), for “Part L” substitute **Part L1(a)(i)**; and
 - (b) omit paragraph (3).
- (3) After regulation 30(4) insert —

(5) Despite the coming into operation of the Building (Amendment) Regulations 2019 and the Building (Amendment) Regulations 2020 (“new requirements”), any building work in respect of which an application has been made before 31 December 2019 and which is completed before 31 December 2025 may be granted a certificate under regulation 21 if the work complies with the requirements of these Regulations as they were in operation immediately before the coming into force of the new requirements.

¹ Tynwald approval required under section 37 of the Building Control Act 1991.

² SD 2014/0165.

- (6) Nothing in paragraph (5) prevents building works in respect of which an application was made before 31 December 2019 from being completed in compliance with these Regulations, as amended by the new requirements. **22**.
- (4) For Schedule 4, substitute the Schedule 4 contained in the Schedule to these Regulations.

4 Revocation

- (1) In the Building (Amendment) Regulations 2019³, regulation 4 is deleted.
- (2) The Building (Amendment) (No. 2) Regulations 2019⁴ are revoked.

MADE 31 JANUARY 2020

GEOFFREY BOOT

Minister for Environment, Food and Agriculture

³ SD 2019/0276.

⁴ SD 2019/0447.

SCHEDULE

[Regulation 3(4)]

☒ SCHEDULE 4**ENERGY EFFICIENCY REQUIREMENTS**

[Regulations 6 and 21E]

PART 1 — INTRODUCTORY**1 Interpretation of Schedule 4**

[SI 2010/2214/35 and drafting]

In this Schedule —

“building” means the building as a whole or parts of it that have been designed or altered to be used separately;

“building envelope” in relation to a building means the walls, floor, roof, windows, doors, roof windows and roof-lights;

“fabric energy efficiency” means the space heating and cooling requirements per square metre of floor area of a new dwelling;

“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation;

“new dwelling” does not include a dwelling that is formed by a material change of use of a building;

“SAP value” means the value of the energy performance of a building calculated or measured in accordance with the approved documents; and

“target SAP value” means the value in column B of the table in the Schedule to the Building Control (Approved Documents) (No. 2) Order 2019⁵ for the time period in the corresponding row of column A of that table where plans are deposited for a new building with the building authority.

2 Application of energy efficiency requirements

[SI 2010/2214/21 and drafting]

- (1) The energy efficiency requirements apply to —
- (a) the erection of any building of a kind falling within this subparagraph;

⁵ SD 2019/0448.

- (b) the extension of any such building, other than an extension to which sub-paragraph (4) applies; and
 - (c) the carrying out of any work to or in connection with any such building or extension.
- (2) A building falls within sub-paragraph (1) if it —
 - (a) is a roofed construction having walls;
 - (b) uses energy to condition the indoor climate; and
 - (c) does not fall within one or more of the categories listed in sub-paragraph (3).
- (3) The categories referred to in sub-paragraph (2)(c) are buildings which are —
 - (a) included on the Protected Buildings Register in accordance with section 14 (the protected buildings register) of the Town and Country Planning Act 1999 where compliance with the requirements would unacceptably alter their character or appearance;
 - (b) used primarily or solely as places of worship;
 - (c) temporary buildings, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
 - (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50 square metres.
- (4) This sub-paragraph applies to any extension of a building falling within class 6 in Schedule 2 except a conservatory, sunroom or porch —
 - (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window; or
 - (b) into which the building's heating system has been extended.
- (5) In this paragraph —
 - (a) a reference to industrial sites and workshops with low energy demand is a reference to buildings used to accommodate industrial activities in spaces where the air is not habitually heated or cooled other than by the industrial activity itself;
 - (b) a reference to non-residential agricultural buildings with low energy demand is a reference to buildings designed to be used separately that are heated only for specific purposes of short duration (such as plant germination or egg hatching);
 - (c) “place of worship” means a building used for formal public worship and any adjoining space the function of which is directly linked to that use;

- (d) “stand-alone building” means a building entirely detached from any other building;
- (e) “temporary building” has the same meaning as in Class 3 of Schedule 2 and includes a portable or modular building;
- (f) “total useful floor area” means the total area of all enclosed spaces measured to the internal face of the external walls.

PART 2 — ENERGY EFFICIENCY REQUIREMENTS FOR EXISTING BUILDINGS

3 Requirements relating to a change to energy status

[SI 2010/2214/22 and drafting]

Where there is a change to a building’s energy status, such work, if any, must be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1.

4 Requirements for the renovation or replacement of thermal elements

[SI 2010/2214/23 and drafting]

- (1) Where the renovation of an individual thermal element —
 - (a) constitutes a major renovation; or
 - (b) amounts to the renovation of more than 50% of the element’s surface area,

the renovation must be carried out so as to ensure that the whole of the element complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically and functionally feasible and economically reasonable.

- (2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement —
 - (a) constitutes a major renovation; or
 - (b) (in the case of part replacement) amounts to the replacement of more than 50% of the thermal element’s surface area,

the whole of the thermal element must be replaced so as to ensure that it complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically and functionally feasible and economically reasonable.

5 Consequential improvements to energy performance

[SI 2010/2214/28 and drafting]

- (1) Sub-paragraph (2) applies to an existing building with a total useful floor area over 1,000m² where the proposed building work consists of or includes —

- (a) an extension;
 - (b) the initial provision of any fixed building services; or
 - (c) an increase to the installed capacity of any fixed building services.
- (2) Subject to sub-paragraph (3), where this sub-paragraph applies, such work, if any, must be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.
- (3) Nothing in sub-paragraph (2) requires work to be carried out if it is not technically and functionally feasible and economically reasonable.

PART 3 — ENERGY EFFICIENCY REQUIREMENTS FOR NEW BUILDINGS

6 Consideration of high-efficiency alternative systems for new buildings

[SI 2010/2214/25A and drafting]

- (1) Before construction of a new building starts, the person who is to carry out the work must analyse and take into account the technical, environmental and economic feasibility of using high-efficiency alternative systems (such as the following systems) in the construction, if available —
- (a) decentralised energy supply systems based on energy from renewable sources;
 - (b) cogeneration;
 - (c) district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable sources; and
 - (d) heat pumps.
- (2) The person carrying out the work must —
- (a) not later than the beginning of the day before the day on which the work starts, give the building authority a notice which states that the analysis referred to in sub-paragraph (1) —
 - (i) has been undertaken;
 - (ii) is documented; and
 - (iii) the documentation is available to the authority for verification purposes; and
 - (b) ensure that a copy of the analysis is available for inspection at all reasonable times upon request by an officer of the building authority.

- (3) An authorised officer of the building authority may require production of the documentation in order to verify that this paragraph has been complied with.
- (4) The analysis referred to in sub-paragraph (1) –
- (a) “cogeneration” means simultaneous generation in one process of thermal energy and one or both of the following –
 - (i) electrical energy;
 - (ii) mechanical energy;
 - (b) “district or block heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network of multiple buildings or sites, for the use of space or process heating or cooling;
 - (c) “energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; and
 - (d) “heat pump” means a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. (For reversible heat pumps, it may also move heat from the building to the natural surroundings.).

7 Definition of approved methodology for the calculation and expression of energy performance

[SI 2010/2214/24 and drafting]

- (1) The approved methodology of calculation of the energy performance of buildings (including for asset ratings and operational ratings of buildings) and the ways in which such performance must be expressed, are those approved in the Notice of Approval⁶ issued further to regulation 24 of the Building Regulations 2010⁷ (of Parliament) (“**the approved methodology**”).
- (2) In this paragraph –

⁶ Notice of Approval of the methodologies of calculation of the energy performance of buildings to demonstrate compliance with the Building Regulations 2010 in England and in respect of certain buildings in Wales, available from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/301453/140404_-

[_Notice_of_approval_Methodologies_for_energy_performance_of_buildings_final.pdf](#)

⁷ SI 2010/2214, as amended by SI 2016/285.

“asset rating” means an energy performance indicator determined from the amount of energy estimated to meet the different needs associated with a standardised use of the building; and

“operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period.

8 Calculation of energy performance requirements for a new building

- (1) Energy performance requirements for a new building that is a dwelling must be calculated and expressed in accordance with the approved methodology in the form of the SAP value and target SAP value.
- (2) Energy performance requirements for a new building other than a dwelling must be calculated and expressed in accordance with the approved methodology in the form of CO₂ emission rates and target CO₂ emission rates.

9 Energy performance targets for a new dwelling

Where a new building that is a dwelling is erected the SAP value for that building must meet or exceed the target SAP value.

10 Energy performance targets for buildings other than a dwelling

Where a new building other than a dwelling is erected, the CO₂ emission rate for that building must not exceed the target CO₂ emission rate specified in the approved methodology.

11 Submission of energy performance information for new dwellings

- (1) This paragraph applies where a new building that is a dwelling is erected.
- (2) Not later than the day before the work starts, the person carrying out the work must give the building authority a notice which specifies —
 - (a) the target SAP value and the SAP value for the dwelling as designed; and
 - (b) a list of specifications to which the dwelling is to be constructed.
- (3) Not later than 5 days after the work has been completed, the person carrying out the work must give the building authority a notice that specifies —
 - (a) the target SAP value and the SAP value for the building as constructed; and

- (b) whether the dwelling has been constructed in accordance with the list of specifications referred to in sub-paragraph (2)(b), and if not a list of any changes to those specifications.
- (4) In this paragraph, “specifications” means specifications used for the calculation of the CO₂ emission rate and the fabric energy efficiency rate.

12 Submission of energy performance information for a new building other than a dwelling

- (1) This paragraph applies where a building other than a dwelling is erected.
- (2) Not later than the day before the work starts the person carrying out the work must give the building authority a notice that specifies –
 - (a) the target CO₂ emission rate for the building, calculated and expressed in accordance with the approved methodology;
 - (b) the CO₂ emission rate for that building as designed, calculated and expressed in accordance with the approved methodology; and
 - (c) a list of specifications to which that building is to be constructed.
- (3) Not later than 5 days after the work has been completed, the person carrying out the work must give the building authority a notice that specifies –
 - (a) the target CO₂ emission rate for that building, calculated and expressed in accordance with the approved methodology;
 - (b) the CO₂ emission rate for that building as constructed, calculated and expressed in accordance with the approved methodology; and
 - (c) whether that building has been constructed in accordance with the list of specifications referred to in sub-paragraph 2(c), and if not a list of any changes to those specifications.
- (4) In this paragraph, “specifications” means specifications used for the calculation of the CO₂ emission rate. **22. 22.**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2014 [SD 2014/0165] and delete regulation 4 (savings and transitional provisions) of the Building (Amendment) Regulations 2019 [SD 2019/0276]. They also revoke the Building (Amendment) (No. 2) Regulations 2019 [SD 2019/0447].

These Regulations amend the energy efficiency requirements for buildings to include requirements for new buildings other than dwellings (in the form of CO₂ emission rates).