

# DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

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*Communities and Local Government Circular 01/2012*  
*Department for Communities and Local Government*  
*Eland House, Bressenden Place, London SW1E 5DU*

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13 March 2012

## THE BUILDING ACT 1984

## THE BUILDING REGULATIONS 2010

- **APPLICATION OF THE AMENDMENTS TO WALES**
- **CHANGE OF NAME OF ONE COMPETENT PERSON SCHEME AND CHANGE OF SCOPE OF ANOTHER**

## **INTRODUCTION**

1. I am directed by the Secretary of State to draw your attention to the Building (Amendment) Regulations 2012 (S.I. 2012/718) (“the Regulations”), which were made on 7 March 2012 and will come into force on 6 April 2012.
2. In accordance with section 14(3) of the Building Act 1984, the Regulations were made after consultation with the Building Regulations Advisory Committee for England and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
  - draw attention to the fact that the amendments apply in England and to excepted energy buildings in Wales;
  - amend the name of the registration body Building Engineering Services Competence Accreditation Limited to Building Engineering Services Competence Assessment Limited wherever it appears in Schedule 3 to the Building Regulations 2010; and
  - remove the name of Benchmark Certification Limited in respect of a number of types of work in Schedule 3 to the Building Regulations 2010.
4. The Annex to this Circular sets out in tabular form all the changes to the Building Regulations 2010 made by S.I. 2012/718.

## **APPLICATION OF THE REGULATIONS**

5. From 31 December 2011 the power to make building regulations in respect of buildings in Wales was transferred to Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I.2009/3019) with the exception that the power did not extend to making building regulations in respect of “excepted energy buildings” in Wales as defined in the Order.
6. The Regulations therefore insert a definition of “excepted energy building” to make the application of the Building Regulations clear.

## **CHANGE OF NAME OF A COMPETENT PERSON SCHEME OPERATOR**

7. Competent person scheme operator Building Engineering Services Competence Accreditation Limited has changed its registered name under the Companies Acts. The Regulations reflect this change wherever the name occurs in Schedule 3 to the Building Regulations 2010. The company registration number remains unchanged.

## **CHANGE OF SCOPE OF TYPE OF WORK**

8. Competent person scheme operator, Benchmark Certification Limited, has decided to restrict the number of types of work for which it wishes to operate its scheme. The Regulations therefore remove from Schedule 3 to the Building Regulations 2010 those types of work for which it no longer wishes to operate a scheme in England or in relation to excepted energy buildings in Wales.

## **ENQUIRIES**

9. All enquiries on matters covered by this Circular should be addressed to:

Department for Communities and Local Government  
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Signed:

Bob Ledsome  
An Assistant Secretary in the Department for Communities and Local  
Government

## Annex

### The Building (Amendment) Regulations 2012 (S.I. 2012/718)

The following table lists all the changes made by S.I. 2012/718 to the Building Regulations 2010 (S.I. 2010/2214):

S.I. 2010/2214 Regulation No.	S.I. 2012/718 Regulation No.	Action
2(1)	3(2)	Interpretation. Inserts a definition of “excepted energy building” into the Building Regulations.
Schedule 3	3(3)(a)	Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans. Amends the registered name of a competent person scheme operator wherever it occurs in the Schedule.
Schedule 3	3(3)(b)	Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans. Removes from the Schedule certain types of work for which registered persons of Benchmark Certification Limited can self-certify work in England or in respect of excepted energy buildings in Wales.



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