



Jersey

## **BUILDING BYE-LAWS (AMENDMENT No. 5) (JERSEY) 2016**

### **Arrangement**

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#### **Bye-law**

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## **BUILDING BYE-LAWS (AMENDMENT No. 5) (JERSEY) 2016**

*Made*

*Coming into force*

**THE MINISTER FOR THE ENVIRONMENT**, in pursuance of Articles 30 and 124 of the Planning and Building (Jersey) Law 2002, and after publicizing the proposals and seeking comments and input from the public, makes the following Bye-laws –

### **1 Amendment of the Building Bye-laws (Jersey) 2007**

The Building Bye-laws (Jersey) 2007 are amended in accordance with these Bye-laws.

### **2 Bye-law 5A substituted**

For bye-law 5A there shall be substituted the following bye-law –

#### **“5A Requirements relating to the renovation or replacement of thermal elements**

- (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 requirement 11.1(a)(i), in so far as it is technically, functionally and economically feasible to do so.
- (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 requirement 11.1(a)(i), in so far as it is technically, functionally and economically feasible to do so.

- (3) In this bye-law –
- ‘building envelope’ means the integrated elements of a building that separates its interior from the outdoor environment;
  - ‘major renovation’ means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation;
  - ‘renovation’, in relation to a thermal element, means the provision of a new layer in the thermal element or the replacement of an existing layer, but excludes decorative finishes.”.

### 3 Part 3A amended

- (1) Part 3A is amended as follows.
- (2) For the sub-heading there shall be substituted the following sub-heading –

“ENERGY EFFICIENCY REQUIREMENTS”.

- (3) For bye-laws 17A and 17B there shall be substituted the following bye-laws –

#### “17A Application of energy efficiency requirements

- (1) The energy efficiency requirements set out in this Part apply to such buildings that use energy to condition the indoor climate as are specified in the following bye-laws in this Part, subject to the exceptions specified in paragraph (2).
- (2) The following buildings (and the carrying out of any work in connection with them) are exempt from those requirements –
- (a) buildings that are included in the List of Sites of Special Interest maintained by the Chief Officer under Article 51(1) of the Law where compliance with the requirements would unacceptably alter their character or appearance;
  - (b) buildings that are used primarily or solely as places of worship;
  - (c) temporary buildings with a planned time of use of 2 years or less, 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.
- (3) In this byelaw –
- (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' 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.

### **17B Energy performance rates for new buildings**

- (1) This bye-law applies where a new building is constructed.
- (2) The energy performance rate of the building, once constructed, must not exceed the target rate of the energy performance for the building specified in the relevant technical guidance document.
- (3) If the building is a dwelling, its fabric energy efficiency rate, once the dwelling is constructed, must not exceed the target fabric energy efficiency rate specified in the relevant technical guidance document.
- (4) For the purposes of this bye-law –
  - (a) energy performance rates and fabric energy efficiency rates must be calculated in accordance with the relevant technical guidance document;
  - (b) the relevant technical guidance document is one concerning minimum energy performance requirements for buildings and setting out a methodology of calculation for the energy performance of buildings.”
- (4) For bye-law 17C(1) there shall be substituted the following paragraph –
  - “(1) This bye-law applies to –
    - (a) an existing building with a total useful floor area (as defined by bye-law 17A(3)) over 1,000 square metres in respect of which building work is proposed if the proposed building work consists of or includes –
      - (i) an extension of the building, or
      - (ii) the initial provision of any fixed building services, or an increase to the installed capacity of any fixed building services, in relation to the building; and
    - (b) an existing dwelling where it is proposed to construct an extension to it.”
- (5) In bye-law 17D –
  - (a) for paragraphs (1) and (2) there shall be substituted the following paragraphs –

- (1) This bye-law applies where a new building is constructed and to any dwelling the construction of which results in a material change of use of a building.
  - (2) The person carrying out the relevant building work must calculate a rating of the energy performance of the building, once constructed, in accordance with the relevant technical guidance document and give notice of that rating to the owner of the building.”;
  - (b) in paragraph (4)(b) for the word “dwelling” there shall be substituted the word “building”.
- (6) For bye-law 17E there shall be substituted the following bye-law –

**“17E Information about use of fuel and power**

- (1) This bye-law applies where requirement 11.1 applies in relation to building work.
  - (2) The person carrying out the work must, not later than 5 days after the work has been completed, provide to the owner sufficient information about the building, the fixed building services and their maintenance requirements, for the building to be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.”.
- (7) For the heading to bye-law 17F there shall be substituted the following heading –

**“17F Pressure testing”.**

- (8) For bye-law 17H there shall be substituted the following bye-law –

**“17H Energy rate calculations**

- (1) This bye-law applies where a new building is constructed.
- (2) The person carrying out the work must provide a notice with the application for a building permit that specifies –
  - (a) the target energy rate for the building;
  - (b) in the case of a dwelling, the target fabric energy efficiency rate for the dwelling;
  - (c) the calculated energy rate for the building as designed;
  - (d) in the case of a dwelling, the calculated fabric energy efficiency rate for the dwelling as designed; and
  - (e) a list of specifications to which the 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 Chief Officer a notice that specifies –
  - (a) the target energy rate for the building, and in the case of a dwelling, the target fabric energy efficiency rate;

- (b) the calculated energy rate for the building as constructed;
- (c) in the case of a dwelling, the calculated fabric energy efficiency rate for the dwelling as constructed; and
- (d) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(e), and if not, a list of the changes from them.

(4) For the purposes of this bye-law –

- (a) a reference to a rate of energy is a reference to that rate as defined or explained in the relevant technical guidance document;
- (b) ‘specifications’ means specifications used for the calculation of the energy rate in accordance with the relevant technical guidance document;
- (c) the relevant technical guidance document is one concerning minimum energy performance requirements for buildings and setting out a methodology of calculation for the energy performance of buildings.”.

**4 Citation, commencement and application**

- (1) These bye-laws may be cited as the Building Bye-laws (Amendment No. 5) (Jersey) 2016 and shall come into force on 18th July 2016.
- (2) These bye-laws apply only to building work for which an application for building permission has been made (or is required by Part 4 of the Planning and Building (Jersey) Law 2002 to have been made) on or after the date on which they came into force.

*Signed*.....

*Date*.....

*Minister for the Environment*

