

# Carbon Emissions (Buildings) Bill

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[AS INTRODUCED]

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# B I L L

TO

Require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Amendments to the Building Regulations 2010**

- (1) The Building Regulations 2010 are amended as follows.
- (2) After regulation 56, insert—

### “PART 11

#### Whole Life Carbon and Embodied Carbon

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#### **Application of whole-life carbon requirements**

57. Regulations 58 to 65 apply to—

- (a) the erection of any building,
- (b) the extension of any building, and
- (c) the carrying out of any work to or in connection with any building or extension

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to which Regulations 21 to 23 apply.

#### **Methodology of calculation and expression of whole-life carbon**

58. The Secretary of State shall approve—

- (a) a methodology of calculation of the whole-life carbon emissions of building work, separated into operational and embodied carbon,
- (b) ways in which the whole-life carbon emissions of building work, as calculated in accordance with the methodology, shall be expressed,
- (c) a reporting platform through which the whole-life carbon emissions of building work, as calculated in accordance with the methodology,

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shall be reported, separated into operational and embodied carbon, and

- (d) a tool, or tools, that may be used to carry out whole-life carbon assessments by competent persons, prior to the Secretary of State approving a whole-life carbon accreditation scheme.

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### **Whole-life carbon emissions reporting for building work**

**59.**—(1) Where a new building or multi-building development is erected with a total useful floor area of over 1,000m<sup>2</sup>, or creating more than 10 new dwellings, the whole-life carbon emissions of the works shall be calculated and reported pursuant to regulation 58.

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(2) Where building work takes place to an existing building or multi-building development with total useful floor area over 1,000m<sup>2</sup>, or containing more than 10 dwellings, the whole-life carbon emissions of the works shall be calculated and reported pursuant to regulation 58.

(3) Regulation 59(2) applies where the proposed building work consists of or includes—

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- (a) an extension,
- (b) the initial provision of significant new building elements, or
- (c) a significant change to existing building elements.

### **Whole-life carbon emissions calculations**

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**60.**—(1) This regulation applies where regulation 59 applies.

(2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—

- (a) the calculated CO<sub>2</sub>e whole-life carbon emissions rate for the building work as designed,
- (b) a list of specifications to which the building work is to be undertaken, and
- (c) a reference to the location on the reporting platform where the whole-life carbon emissions for the building work have been reported.

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(3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—

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- (a) a notice which specifies—
  - (i) the calculated CO<sub>2</sub>e whole-life carbon emissions rate for the building work as constructed, and
  - (ii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(c), and if not a list of any changes to those specifications, and
  - (iii) a reference to the location on the reporting platform where the whole-life carbon emissions for the building have been reported; or

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- (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority is authorised to accept, as evidence that the requirements of regulation 59 have been satisfied, a certificate to that effect by—

- (a) a whole-life carbon assessor who is accredited to produce such certificates for that category of building, or
- (b) a competent person using an approved tool where the Secretary of State has yet to approve whole-life carbon assessor requirements.

(5) In this regulation, “specifications” means specifications used for the calculation of the CO<sub>2</sub>e whole-life carbon emissions rate.

### **Upfront carbon emissions requirements for building work**

61. The Secretary of State shall approve upfront carbon emissions requirements for building work, in the form of target CO<sub>2</sub>e upfront embodied carbon emissions rates, which shall be based upon the methodology approved under regulation 58.

### **Upfront embodied carbon limits for building work**

62. Where regulation 59 applies, the building work undertaken shall not exceed the target CO<sub>2</sub>e upfront embodied carbon emission rate for the building work that has been approved pursuant to regulation 61.

### **Upfront embodied carbon calculations**

63. —(1) This regulation applies where regulation 62 applies.

(2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—

- (a) the target CO<sub>2</sub>e upfront embodied carbon emissions rate for the building work,
- (b) the calculated CO<sub>2</sub>e upfront embodied carbon emissions rate for the building work as designed,
- (c) a list of specifications to which the building work is to be undertaken, and
- (d) a reference to the location on the reporting platform where the whole-life carbon emissions for the building work have been reported.

(3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—

- (a) a notice which specifies—
  - (i) the target CO<sub>2</sub>e upfront embodied carbon emissions rate for the building work,
  - (ii) the calculated CO<sub>2</sub>e upfront embodied carbon emissions rate for the building work as constructed,
  - (iii) whether the building work has been constructed in accordance with the list of specifications referred to in subsection (2)c), and if not a list of any changes to those specifications, and

- (iv) a reference to the location on the reporting platform where the whole-life carbon emissions for the building have been reported;  
or
- (b) a certificate of the sort referred to in subsection (4) accompanied by the information referred to in paragraph (a). 5
- (4) A local authority is authorised to accept, as evidence that the requirements of regulation 62 have been satisfied, a certificate to that effect by a whole-life carbon assessor who is accredited to produce such certificates for that category of building work.
- (5) In this regulation, “specifications” means specifications used for the calculation of the CO<sub>2</sub>e upfront emissions rate. 10

### Whole-life carbon assessor

64. – (1) A whole-life carbon assessor must be a member of an accreditation scheme approved by the Secretary of State.
- (2) The terms of approval of any accreditation scheme may be limited in relation to the categories of building for which members may produce certificates. 15
- (3) Before approving an accreditation scheme the Secretary of State must be satisfied that the scheme contains adequate provision—
- (a) for ensuring that members of the scheme carry out consistent and accurate whole-life carbon assessments in an independent manner; 20
- (b) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to carry out whole-life carbon assessments;
- (c) for requiring members of the scheme to prepare whole-life carbon reports and recommendation reports using a standard form for each type of document; 25
- (d) for ensuring the production and publication of a code as regards the conduct required of its members;
- (e) for indemnity arrangements in relation to owners and prospective or actual buyers or tenants; 30
- (f) for facilitating the resolution of complaints against members of the scheme;
- (g) for requiring the sets of data from which may be produced whole-life carbon performance certificates and recommendation reports prepared by members of the scheme to be entered onto the relevant register referred to in subsection (4); and 35
- (h) for the keeping of a register of the members of the scheme.
- (4) A whole-life carbon assessor who issues an whole-life carbon performance certificate and recommendation report must ensure that the data used to produce them is entered onto a register approved by the Secretary of State before the certificate and recommendation report are issued. 40
- (5) Where the Secretary of State has yet to approve an accreditation scheme, a competent person may act in this role if they use an approved tool.

## Interpretation of Part 11

### 65. In this part—

“whole-life carbon” means the sum total of all asset related greenhouse gas emissions and removals, both operational and embodied, over the life cycle of an asset including its disposal, as set out in Modules A1-A5, B1-B7 and C1-C4 of British Standard BS EN 15978: 2011 (Sustainability of construction works); 5

“embodied carbon” means the total greenhouse emissions and removals associated with materials and construction processes throughout the whole life cycle of an asset; 10

“operational carbon” means the greenhouse gas emissions arising from all energy consumed (Module B6) and water supply and wastewater treatment (Module B7 in accordance with British Standard BS EN 15978: 2011) by an asset in-use;

“upfront carbon” means the greenhouse gas emissions associated with materials and construction processes up to practical completion, as set out in Modules A1-A5 of British Standard BS EN 15978: 2011 (Sustainability of construction works); 15

“biogenic carbon” means the carbon removals associated with carbon sequestration (removal from atmosphere and storage) into biomass as well as any emissions associated with this sequestered carbon. Biogenic carbon should only be included in an embodied carbon assessment when Modules A, B and C of British Standard BS EN 15978: 2011 (Sustainability of construction works) are all assessed together; 20

“whole-life carbon assessor” means an individual who is a member of an accreditation scheme approved by the Secretary of State in accordance with regulation 64; 25

“competent person” means a person who, in the opinion of the local authority, has sufficient training and experience or knowledge and other qualities to undertake the task required; 30

“CO<sub>2</sub>e” means carbon dioxide equivalent.”

### (3) In Schedule 1 (requirements) insert—

#### “PART Z WHOLE-LIFE CARBON

<b>Carbon assessment</b>	Requirements Z1 and Z2 only apply to projects with a gross internal area of more than 1000m <sup>2</sup> , or that create more than 10 dwellings. Requirement Z1 will apply to buildings other than dwellings from 31 December 2023 and to dwellings from 1 January 2025.	35
<b>Z1.</b> Whole-life carbon emissions shall be assessed and reported for the building and any other parts of the project where Building Regulations apply.		40

<p><b>Carbon intensity</b>  <b>Z2.</b> Reasonable provision shall be made for the minimisation of carbon emissions.</p>	<p>Requirement Z2 will apply to all buildings from 1 January 2027.”</p>
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(4) In Regulation 1, at end insert “subject to the exceptions in regulations 1A and 1B”. 5

(5) After Regulation 1, insert—

**“Commencement of Regulations 59 to 60**

**1A** Regulations 59 to 60 shall not apply to dwellings until 1 January 2025.

**Commencement of Regulations 61 to 63**

**1B.** Regulations 61 to 63 shall come into force from 1 January 2027. ” 10

**2 Extent, commencement and short title**

(1) This Act extends to England and Wales.

(2) This Act comes into force on the day on which it is passed.

(3) This Act may be cited as the Carbon Emissions (Buildings) Act 2022. 15

# Carbon Emissions (Buildings) Bill

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[AS INTRODUCED]

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## **B I L L**

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Require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes.

*Presented by Jerome Mayhew*

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