

Statutory Document No. 2023/0306

*Climate Change Act 2021*

FOSSIL FUEL HEATING SYSTEM REGULATIONS 2023¹

Approved by Tynwald: 13 December 2023
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under sections 28(3)(a) and (b), 28(4) and 30(2) of the Climate Change Act 2021 having consulted in accordance with section 35 of that Act.

1 Title

These Regulations are the Fossil Fuel Heating System Regulations 2023.

2 Commencement

If approved by Tynwald¹, these Regulations come into operation on 31 December 2023.

3 Interpretation

In these Regulations, “**the Act**” means the Climate Change Act 2021.

4 The Act amended

(1) The Act is amended as follows.

(2) In section 28(1), for paragraph (c) substitute —

☒ (c) “fossil fuel heating system” means a heating system capable of generating heat through the combustion of a fossil fuel and which is used to heat a building, or water that supplies a building, and —

- (a) includes a component referred to in subsection (1A) that may form part of such a system;
- (b) but does not include a system, apparatus or thing referred to in subsection (1B);

¹ By virtue of section 30(4) of the Climate Change Act 2021, these Regulations are subject to the “approval” Tynwald procedure, being the procedure described in section 30 of the Legislation Act 2015.

- (d) “new building” means a building in respect of which a completion certificate under regulation 21 of the Building Regulations 2014² has not been issued, excluding a building —
 - (i) that requires a completion certificate under that regulation for a material change of use under regulation 7 of those regulations; or
 - (ii) in respect of which a completion certificate relates to the repair, alteration, renovation or other works to it.
- (1A) The components referred to in subsection (1)(c)(i) include —
 - (a) a boiler;
 - (b) a furnace;
 - (c) a cooking appliance that is connected to apparatus that supply heat or hot water to the rest of the building;
 - (d) components involved in the supply of oil or gas;
 - (e) storage for oil or gas.
- (1B) The systems, apparatus or things referred to in subsection (1)(c)(ii) are —
 - (a) a heating system powered by electricity derived from the burning of fossil fuel by the Manx Utility Authority;
 - (b) a commercial or industrial system designed for high temperature applications requiring heat or hot water at temperatures above those typically needed to heat a building for the comfort of that building’s occupants;
 - (c) a freestanding heating appliance;
 - (d) an open fire; and
 - (e) a multi-fuel or wood burning stove. **22**.
- (3) In paragraph 4 of the Schedule —
 - (a) in subparagraph (a), in the inserted paragraph (c) of section 11(1) of the Building Control Act 1991, omit subparagraph (i);
 - (b) in subparagraph (b), for subsection (4) of section 15 of the Building Control Act 1991, substitute —
 - 23**(4) If this subsection applies, the applicant may submit amended plans and any such amended plans shall be treated as if they were plans amended under section 11. **22**;
 - (c) after subparagraph (b), insert —
 - 23**(c) after section 18(6) (removal or alteration of offending work), insert —

² SD 2014/0165

- (7) Subsections (5) and (6) do not apply where —
- (a) plans were deposited for the construction of a building;
 - (b) those plans included the installation of a fossil fuel heating system not permitted under the Climate Change Act 2021; and
 - (c) the installation of that system was not completed before 1 January 2025.
- (d) in section 35(1) (general interpretation), at the appropriate place insert —
- “fossil fuel heating system” has the meaning given in section 28 of the Climate Change Act 2021.

5 Fossil fuel heating system prohibition and exceptions

- (1) The installation of a fossil fuel heating system is prohibited in a new building from 1 January 2025.
- (2) Paragraph (1) and the offence referred to in section 28(2) of the Act, do not apply to a new building that is being built as an extension to an existing building where —
 - (a) that existing building already has a fossil fuel heating system; and
 - (b) the location of any component listed in section 28(1A) of the Act forming part of that existing fossil fuel heating system is not to be moved to be incorporated into that extension.

MADE 17 NOVEMBER 2023

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.