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BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Regulations 2010

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The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to matters relating to the environment.

In accordance with section 14(3) of the Building Act 1984^(c) he has consulted the Building Regulations Advisory Committee and such other bodies as appeared to him to be representative of the interests concerned.

(a) S.I. 2008/301.

(b) 1972 c.68.

(c) 1984 c.55; section 126 is cited for the definition of “prescribed”. Section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c.22) and section 2A was inserted by section 4 of that Act; section 47(1) was amended by section 8 of that Act and S.I. 1996/1905; paragraph 4A of Schedule 1 was inserted by section 8 of that Act; paragraph 7 of Schedule 1 was amended by section 3 of that Act and by section 11 of the Climate Change and Sustainable Energy Act 2006 (c.19); paragraph 8 of Schedule 1 was amended by section 3 of the Sustainable and Secure Buildings Act 2004 and by section 40 of the Flood and Water Management Act 2010 (c.29); paragraph 11(1)(a) of Schedule 1 was amended by S.I. 1986/452. Certain functions of a Minister of the Crown under the Building Act 1984 were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as varied by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and have been transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). Subject to certain

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1(1), 2A, 3, 5, 8(2) and (6), 34, 35, 47(1) and 126 of, and paragraphs 1, 2, 3, 4, 4A, 7, 8, 9, 10 and 11 of Schedule 1 to, the Building Act 1984:

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Building Regulations 2010 and shall come into force on 1st October 2010.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Building Act 1984;

“amendment notice” means a notice given under section 51A of the Act(a);

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

“building notice” means a notice given in accordance with regulations 12(2)(a) and 13;

“building work” has the meaning given in regulation 3(1);

“change to a building’s energy status” means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;

“controlled service or fitting” means a service or fitting in relation to which Part G, H, J, L or P of Schedule 1 imposes a requirement;

“day” means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday;

“dwelling” includes a dwelling-house and a flat;

“dwelling-house” does not include a flat or a building containing a flat;

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

“energy efficiency requirements” means the requirements of regulations 23, 26, 28 and 29 and Part L of Schedule 1;

“extra-low voltage” means voltage not exceeding—

(a) in relation to alternating current, 50 volts between conductors and earth; or

(b) in relation to direct current, 120 volts between conductors;

“final certificate” means a certificate given under section 51 of the Act(b);

“fixed building services” means any part of, or any controls associated with—

(a) fixed internal or external lighting systems, but does not include emergency escape lighting or specialist process lighting; or

(b) fixed systems for heating, hot water, air conditioning or mechanical ventilation;

exceptions and reservations, the remaining functions conferred on the Secretary of State by the Building Act 1984 are transferred to the Welsh Ministers, as far as they are exercisable in relation to Wales, by the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019) with effect from 31st December 2011.

(a) Section 51A was inserted by S.I. 1996/1905.

(b) Section 51 was amended by S.I. 1996/1905.

“flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

“floor area” means the aggregate area of every floor in a building or extension, calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the outermost edge of the floor;

“full plans” means plans deposited with a local authority for the purposes of section 16 of the Act^(a) in accordance with regulations 12(2)(b) and 14;

“height” means the height of the building measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher;

“independent access” means, in relation to a part of a building (including any extension to that building), a route of access to that part which does not require the user to pass through any other part of the building;

“initial notice” means a notice given under section 47 of the Act^(b);

“institution” means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons—

- (a) suffering from disabilities due to illness or old age or other physical or mental incapacity, or
- (b) under the age of five years,

where such persons sleep on the premises;

“low voltage” means voltage not exceeding—

- (a) in relation to alternating current, 1000 volts between conductors or 600 volts between conductors and earth; or
- (b) in relation to direct current, 1500 volts between conductors or 900 volts between conductors and earth;

“material alteration” has the meaning given in regulation 3(2);

“material change of use” has the meaning given in regulation 5;

“microgeneration” means the use for the generation of electricity or the production of heat or cooling of any plant (which for this purpose includes any equipment, apparatus or appliance) which, in generating electricity or (as the case may be) producing heat or cooling, relies wholly or mainly on a source of energy or a technology mentioned in section 26(2) of the Climate Change and Sustainable Energy Act 2006^(c);

“public body’s final certificate” means a certificate given under paragraph 3 of Schedule 4 to the Act;

“public body’s notice” means a notice given under section 54 of the Act;

“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, and “renovate” shall be construed accordingly;

“room for residential purposes” means a room, or a suite of rooms, which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel, an hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital, or other similar establishment, used for patient accommodation;

“shop” includes premises—

(a) Section 16 was amended by Part 13 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c.50).
(b) Section 47 was amended by section 8 of the Sustainable and Secure Buildings Act 2004 and S.I. 1996/1905.
(c) 2006 c. 19; section 26(2) was amended by S.I. 2008/1767.

- (a) used for the sale to members of the public of food or drink for consumption on or off the premises,
- (b) used for retail sales by auction to members of the public,
- (c) used by members of the public as a barber or hairdresser, or for the hiring of any item, and
- (d) where members of the public may take goods for repair or other treatment;

“softened wholesome water” means water which would be regarded as wholesome for the purposes of regulations made under section 67 of the Water Industry Act 1991^(a) (standards of wholesomeness) as they apply for the purposes of Part G of Schedule 1 in accordance with paragraph (5) but for the presence of sodium in excess of the level specified in those regulations if it is caused by a water softener or water softening process which reduces the concentrations of calcium and magnesium.

(2) In these Regulations “public building” means a building consisting of or containing—

- (a) a theatre, public library, hall or other place of public resort;
- (b) a school or other educational establishment not exempted from the operation of building regulations by virtue of section 4(1)(a) of the Act^(b); or
- (c) a place of public worship;

but a building is not to be treated as a place of public resort because it is, or it contains, a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

(3) In these Regulations “thermal element” means a wall, floor or roof (but does not include windows, doors, roof windows or roof-lights) which separates a thermally conditioned part of the building (“the conditioned space”) from—

- (a) the external environment (including the ground); or
- (b) in the case of floors and walls, another part of the building which is—
 - (i) unconditioned;
 - (ii) an extension falling within class 7 of Schedule 2; or
 - (iii) where this paragraph applies, conditioned to a different temperature,

and includes all parts of the element between the surface bounding the conditioned space and the external environment or other part of the building as the case may be.

(4) Paragraph (3)(b)(iii) only applies to a building which is not a dwelling, where the other part of the building is used for a purpose which is not similar or identical to the purpose for which the conditioned space is used.

(5) Section 67 of the Water Industry Act 1991 and such regulations as have been made under that section apply for the purposes of Part G of Schedule 1 as they apply for the purposes of Chapter 3 of Part 3 of that Act.

PART 2

Control of Building Work

Meaning of building work

3.—(1) In these Regulations “building work” means—

- (a) the erection or extension of a building;

^(a) 1991 c. 56; regulations made under section 67 of that Act are S.I. 2000/3184, 2009/3101, 2010/66 and 2010/994.

^(b) Section 4(1)(a) was amended by paragraph 59 of Schedule 37 to the Education Act 1996 (c.56), Schedule 31 to the School Standards and Framework Act 1998 (c.31) and paragraph 6 of Schedule 21 to the Education Act 2002 (c.32), and is prospectively repealed by section 5(a) of and the Schedule to the Sustainable and Secure Buildings Act 2004.

- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
 - (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
 - (d) work required by regulation 6 (requirements relating to material change of use);
 - (e) the insertion of insulating material into the cavity wall of a building;
 - (f) work involving the underpinning of a building;
 - (g) work required by regulation 22 (requirements relating to a change of energy status);
 - (h) work required by regulation 23 (requirements relating to thermal elements);
 - (i) work required by regulation 28 (consequential improvements to energy performance).
- (2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—
- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
 - (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.
- (3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely—
- Part A (structure)
 - paragraph B1 (means of warning and escape)
 - paragraph B3 (internal fire spread—structure)
 - paragraph B4 (external fire spread)
 - paragraph B5 (access and facilities for the fire service)
 - Part M (access to and use of buildings).

Requirements relating to building work

- 4.—(1) Subject to paragraph (2) building work shall be carried out so that—
- (a) it complies with the applicable requirements contained in Schedule 1; and
 - (b) in complying with any such requirement there is no failure to comply with any other such requirement.
- (2) Where—
- (a) building work is of a kind described in regulation 3(1)(g), (h) or (i); and
 - (b) the carrying out of that work does not constitute a material alteration,
- that work need only comply with the applicable requirements of Part L of Schedule 1.
- (3) Building work shall be carried out so that, after it has been completed—
- (a) any building which is extended or to which a material alteration is made; or
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or
 - (c) any controlled service or fitting,
- complies with the applicable requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

Meaning of material change of use

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change—

- (a) the building is used as a dwelling, where previously it was not;
- (b) the building contains a flat, where previously it did not;
- (c) the building is used as an hotel or a boarding house, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not;
- (f) the building is not a building described in classes 1 to 6 in Schedule 2, where previously it was;
- (g) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously;
- (h) the building contains a room for residential purposes, where previously it did not;
- (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously; or
- (j) the building is used as a shop, where previously it was not.

Requirements relating to material change of use

6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of the following paragraphs of Schedule 1—

- (a) in all cases, B1 (means of warning and escape)
 - B2 (internal fire spread—linings)
 - B3 (internal fire spread—structure)
 - B4(2) (external fire spread—roofs)
 - B5 (access and facilities for the fire service)
 - C2(c) (interstitial and surface condensation)
 - F1 (ventilation)
 - G1 (cold water supply)
 - G3(1) to (3) (hot water supply and systems)
 - G4 (sanitary conveniences and washing facilities)
 - G5 (bathrooms)
 - G6 (kitchens and food preparation areas)
 - G2 (bathrooms)
 - H1 (foul water drainage)
 - H6 (solid waste storage)
 - J1 to J4 (combustion appliances)
 - L1 (conservation of fuel and power)
 - P1 (electrical safety);
- (b) in the case of a material change of use described in regulation 5(c), (d), (e) or (f), A1 to A3 (structure);
- (c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread—walls);

- (d) in the case of a material change of use described in regulation 5(a), (b), (c), (d), (g), (h), (i) or, where the material change provides new residential accommodation, (f), C1(2) (resistance to contaminants);
- (e) in the case of a material change of use described in regulation 5(a), C2 (resistance to moisture);
- (f) in the case of a material change of use described in regulation 5(a), (b), (c), (g), (h) or (i), E1 to E3 (resistance to the passage of sound);
- (g) in the case of a material change of use described in regulation 5(e), where the public building consists of or contains a school, E4 (acoustic conditions in schools);
- (h) in the case of a material change of use described in regulation 5(a) or (b), G2 (water efficiency) and G3(4) (hot water supply and systems: hot water supply to fixed baths);
- (i) in the case of a material change of use described in regulation 5(c), (d), (e) or (j), M1 (access and use).

(2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that—

- (a) that part complies in all cases with any applicable requirements referred to in paragraph (1)(a);
- (b) in a case in which sub-paragraphs (b), (e), (f), (g) or (h) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph;
- (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph; and
- (d) in a case to which sub-paragraph (i) of paragraph (1) applies—
 - (i) that part and any sanitary conveniences provided in or in connection with that part comply with the requirements referred to in that sub-paragraph; and
 - (ii) the building complies with requirement M1(a) of Schedule 1 to the extent that reasonable provision is made to provide either suitable independent access to that part or suitable access through the building to that part.

Materials and workmanship

7. Building work shall be carried out—

- (a) with adequate and proper materials which—
 - (i) are appropriate for the circumstances in which they are used,
 - (ii) are adequately mixed or prepared, and
 - (iii) are applied, used or fixed so as adequately to perform the functions for which they are designed; and
- (b) in a workmanlike manner.

Limitation on requirements

8. Parts A to D, F to K, N and P (except for paragraphs G2, H2 and J7) of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be affected by buildings, or matters connected with buildings).

Exempt buildings and work

9.—(1) Subject to paragraphs (2) and (3) and regulation 21(1), these Regulations do not apply to—

- (a) the erection of any building or extension of a kind described in Schedule 2; or

- (b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.
- (2) The requirements of paragraphs G1 and G3(2) and (3) of Schedule 1 apply—
- (a) to any greenhouse which receives a cold or hot water supply from a source shared with or located inside a dwelling; and
 - (b) to—
 - (i) any small detached building falling within class 6 in Schedule 2; and
 - (ii) any extension of a building falling within class 7 in Schedule 2,which in either case receives a cold or hot water supply from a source shared with or located inside any building other than a building or extension of a kind described in Schedule 2.
- (3) The requirements of Part P of Schedule 1 apply to—
- (a) any greenhouse;
 - (b) any small detached building falling within class 6 in Schedule 2; and
 - (c) any extension of a building falling within class 7 in Schedule 2,
- which in any case receives its electricity from a source shared with or located inside a dwelling.

Exemption of the Metropolitan Police Authority from procedural requirements

10.—(1) The Metropolitan Police Authority is hereby prescribed for the purposes of section 5 of the Act (exemption of public bodies from the procedural requirements and enforcement of building regulations).

(2) The Metropolitan Police Authority is exempt from compliance with these Regulations, other than regulation 29, in so far as the requirements in these Regulations are not substantive requirements.

Power to dispense with or relax requirements

11.—(1) Subject to paragraph (3), the power under section 8(1) of the Act to dispense with or relax any requirement contained in these Regulations shall be exercisable by the local authority.

(2) Any notification by the local authority to an applicant that they have refused the applicant's application to dispense with or relax any requirement of these Regulations shall inform the applicant of the effect of section 39(1) and (3) of the Act (appeal against refusal etc. to relax building regulations).

(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to—

- (a) regulation 26 or 29; or
- (b) in the case of existing buildings with a total useful floor area over 1,000m², the energy efficiency requirements of these Regulations.

PART 3

Notices, Plans and Certificates

Giving of a building notice or deposit of plans

12.—(1) This regulation applies to a person who intends to—

- (a) carry out building work;

- (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
- (c) make a change to a building's energy status; or
- (d) make a material change of use.

(2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—

- (a) give to the local authority a building notice in accordance with regulation 13; or
- (b) deposit full plans with the local authority in accordance with regulation 14.

(3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005(a) applies, or will apply after the completion of the building work, shall deposit full plans.

(4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall deposit full plans.

(5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall deposit full plans.

(6) A person intending to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—

- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table; or
- (b) described in Schedule 4.

(7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010(b) (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(8) Where—

- (a) a person proposes to carry out building work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2) before commencing the work; and
- (c) paragraph (6) does not apply,

the person shall give a building notice to the local authority as soon as reasonably practicable after commencement of the work.

(9) In this regulation—

“fronting” has the meaning given in section 203(3) of the Highways Act 1980(c); and

“private street” has the meaning given in section 203(2) of the Highways Act 1980(d).

Particulars and plans where a building notice is given

13.—(1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by that person or on that person's behalf, and shall contain or be accompanied by—

- (a) a statement that it is given for the purpose of regulation 12(2)(a);
- (b) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use; and
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building.

(a) S.I. 2005/1541.

(b) S.I. 2010/2215.

(c) 1980 c. 66.

(d) Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11) and Part 5 of Schedule 19 to the Planning and Compensation Act 1991 (c.34).

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;
 - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;
 - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
- (c) particulars of—
 - (i) the provision to be made for the drainage of the building or extension; and
 - (ii) the steps to be taken to comply with any local enactment which applies.

(3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

(4) Neither a building notice nor plans which accompany it or are given under paragraph (3) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.

(5) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period—

- (a) the building work to which the notice related was commenced; or
- (b) the change to the building's energy status or the material change of use described in the notice was made.

Full plans

14.—(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).

(2) (a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and

- (b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.

(3) Full plans shall consist of—

- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use, and the plans, particulars and statements required by paragraphs (1) and (2) of regulation 13;
- (b) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
- (c) any other plans which are necessary to show that the work would comply with these Regulations.

(4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.

(5) Full plans may be accompanied by a request from the person carrying out building work that on completion of the work the local authority should issue a completion certificate in accordance with regulation 17.

(6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

Consultation with sewerage undertaker

15.—(1) This regulation applies where full plans have been deposited with the local authority and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

(2) Where this regulation applies the local authority shall consult the sewerage undertaker—

- (a) as soon as practicable after the plans have been deposited; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 pursuant to a request under regulation 14(5).

(3) Where a local authority are required by paragraph (2) to consult the sewerage undertaker they shall—

- (a) give to the sewerage undertaker, in a case where the authority are consulting them following the deposit of full plans, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
- (b) have regard to any views expressed by the sewerage undertaker; and
- (c) not pass plans or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.

Notice of commencement and completion of certain stages of work

16.—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not commence that work unless—

- (a) that person has given the local authority notice of intention to commence work; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

(2) Subject to paragraph (8), a person carrying out building work shall not—

- (a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or
- (b) cover up in any way any drain or sewer to which these Regulations apply, unless that person has given the local authority notice of intention to commence that work, and at least one day has elapsed since the end of the day on which the notice was given.

(3) Subject to paragraph (8), a person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected, and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) A person who fails to comply with paragraphs (1) to (3) shall comply within a reasonable time with any notice given by the local authority requiring that person to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these Regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.

(9) Paragraph (1) does not apply where regulation 12(8) applies.

Completion certificates

17.—(1) A local authority shall give a completion certificate in accordance with this regulation and as provided for in paragraph (2) where—

- (a) they receive a notice under regulation 16(4) or (5) that building work has been completed, or, that a building has been partly occupied before completion; and
- (b) they have either—
 - (i) been notified, in accordance with regulation 14(4), that the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work; or
 - (ii) been requested, in accordance with regulation 14(5), to give a completion certificate.

(2) Where in relation to any building work or, as the case may be, to any part of a building which has been occupied before completion, a local authority have been able to ascertain, after taking all reasonable steps, that the relevant requirements specified in the certificate have been satisfied, they shall give a certificate to that effect.

(3) In this regulation “relevant requirements” mean—

- (a) in a case mentioned in paragraph (1)(b)(i), the applicable requirements of regulation 38 and Part B of Schedule 1 (fire safety); and
- (b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of regulations 26 (target CO₂ emission rates for new buildings), 29 (energy performance certificates), 36 (water efficiency of new dwellings) and Schedule 1.

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

Unauthorised building work

18.—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the local authority as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—

- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or
- (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

(6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

(8) In this regulation, “unauthorised building work” means building work other than work in relation to which an initial notice, an amendment notice or a public body’s notice has effect, which is done without—

- (a) a building notice being given to the local authority;
- (b) full plans of the work being deposited with the local authority; or
- (c) a notice of commencement of work being given, in accordance with regulation 16(1), where a building notice has been given or full plans have been deposited.

PART 4

Supervision of Building Work Otherwise than by Local Authorities

Supervision of building work otherwise than by local authorities

19.—(1) Regulations 12 (giving of a building notice or deposit of plans), 16 (notice of commencement and completion of certain stages of work), 17 (completion certificates), 20 (provisions applicable to self-certification schemes), 27 (CO₂ emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing), 44 (commissioning), 45 (testing of building work) and 46 (sampling of material) shall not apply in respect of any work specified in an initial notice, an amendment notice or a public body’s notice, which is in force.

(2) Regulations 45 and 46 shall not apply in respect of any work in relation to which a final certificate or a public body’s final certificate has been accepted by the local authority.

PART 5

Self-certification Schemes

Provisions applicable to self-certification schemes

20.—(1) This regulation applies to the extent that the building work consists only of work of a type described in column 1 of the Table in Schedule 3 and the work is carried out by a person who is described in the corresponding entry in column 2 of that Table in respect of that type of work.

(2) Where this regulation applies, the local authority are authorised to accept, as evidence that the requirements of regulations 4 and 7 have been satisfied, a certificate to that effect by the person carrying out the work.

(3) Where this regulation applies, the person carrying out the work shall, not more than 30 days after the completion of the work—

- (a) give to the occupier a copy of the certificate referred to in paragraph (2); and
- (b) give to the local authority—
 - (i) notice to that effect, or
 - (ii) the certificate referred to in paragraph (2).

(4) Paragraph (3) of this regulation does not apply where a person carries out any building work described in Schedule 4.

PART 6

Energy Efficiency Requirements

Application of energy efficiency requirements

21.—(1) The energy efficiency requirements apply to—

- (a) the erection of any building of a kind falling within this paragraph;
- (b) the extension of any such building, other than an extension to which 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 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 paragraph (3).

(3) The categories referred to in paragraph (2)(c) are—

- (a) buildings which are—
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(a);
 - (ii) in a conservation area designated in accordance with section 69 of that Act; or
 - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(b),

where compliance with the energy efficiency requirements would unacceptably alter their character or appearance;

- (b) buildings which are used primarily or solely as places of worship;

(a) 1990 c.9.

(b) 1979 c.46; section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c.47).

- (c) temporary buildings with a planned time of use of two 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 50m².

(4) This paragraph applies to any extension of a building falling within class 7 in Schedule 2 except a conservatory 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 regulation, the following terms have the same meaning as in European Parliament and Council Directive 2002/91/EC of 16 December 2002 on the energy performance of buildings^(a)—

- (i) “industrial sites”;
- (ii) “low energy demand”;
- (iii) “non-residential agricultural buildings”;
- (iv) “places of worship”;
- (v) “stand-alone”;
- (vi) “total useful floor area”;
- (vii) “workshops”.

Requirements relating to a change to energy status

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

Requirements relating to thermal elements

23.—(1) Where a person intends to renovate a thermal element, such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of paragraph L1(a)(i) of Schedule 1.

(2) Where a thermal element is replaced, the new thermal element shall comply with the requirements of paragraph L1(a)(i) of Schedule 1.

Methodology of calculation and expression of energy performance

24.—(1) The Secretary of State shall approve—

- (a) a methodology of calculation of the energy performance of buildings, including methods for calculating asset ratings and operational ratings of buildings; and
- (b) ways in which the energy performance of buildings, as calculated in accordance with the methodology, shall be expressed.

(2) In this regulation—

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

“operational rating” means a numerical indicator of the amount of energy consumed during the occupation of a building over a period of time.

(a) OJ No. L1, 4.1.2003, p.65, as amended by Regulation (EC) No. 1137/2008 of the European Parliament and of the Council (OJ No. L311, 21.11.2008, p.1).

Minimum energy performance requirements for new buildings

25. The Secretary of State shall approve minimum energy performance requirements for new buildings, in the form of target CO₂ emission rates, which shall be based upon the methodology approved pursuant to regulation 24.

CO₂ emission rates for new buildings

26. Where a building is erected, it shall not exceed the target CO₂ emission rate for the building that has been approved pursuant to regulation 25.

CO₂ emission rate calculations

27.—(1) This regulation applies where a building is erected and regulation 26 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 CO₂ emission rate for the building,
- (b) the calculated CO₂ emission rate for the building as designed, and
- (c) a list of specifications to which the building is to be constructed.

(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 CO₂ emission rate for the building,
 - (ii) the calculated CO₂ emission rate for the building as constructed, and
 - (iii) 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; or
- (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 are authorised to accept, as evidence that the requirements of regulation 26 have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the CO₂ emission rate.

Consequential improvements to energy performance

28.—(1) 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 paragraph (3), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(3) Nothing in paragraph (2) requires work to be carried out if it is not technically, functionally and economically feasible.

Energy performance certificates

29.—(1) This regulation applies where—

- (a) a building is erected^(a); or
 - (b) a building is modified so that it has a greater or lesser number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation.
- (2) The person carrying out the work shall—
- (a) give an energy performance certificate for the building to the owner of the building; and
 - (b) give to the local authority notice to that effect, including the reference number under which the energy performance certificate has been registered in accordance with regulation 30(4).
- (3) The energy performance certificate and notice shall be given not later than five days after the work has been completed.
- (4) An energy performance certificate must—
- (a) express the asset rating of the building in a way approved by the Secretary of State under regulation 24;
 - (b) include a reference value such as a current legal standard or benchmark;
 - (c) be issued by an energy assessor who is accredited to produce energy performance certificates for that category of building; and
 - (d) include the following information—
 - (i) the reference number under which the certificate has been registered in accordance with regulation 30(4);
 - (ii) the address of the building, or in the case of a portable building the address of the owner;
 - (iii) an estimate of the total useful floor area of the building;
 - (iv) the name of the energy assessor who issued it;
 - (v) the name and address of the energy assessor's employer, or, if self-employed, the name under which the assessor trades and the assessor's address;
 - (vi) the date on which it was issued; and
 - (vii) the name of the approved accreditation scheme of which the energy assessor is a member.
- (5) The energy performance certificate must be accompanied by a recommendation report containing recommendations for the improvement of the energy performance of the building, issued by the energy assessor who issued the energy performance certificate.
- (6) Certification for apartments or units designed or altered for separate use in blocks may be based—
- (a) except in the case of a dwelling, on a common certification of the whole building for blocks with a common heating system; or
 - (b) on the assessment of another representative apartment or unit in the same block.
- (7) Where—
- (a) a block with a common heating system is divided into parts designed or altered for separate use; and
 - (b) one or more, but not all, of the parts are dwellings,
- certification for those parts which are not dwellings may be based on a common certification of all the parts which are not dwellings.

(a) Regulation 9 of S.I. 2007/991 contains a requirement to provide an energy performance certificate five days after the completion of construction work on certain buildings exempt from these Regulations.

Energy assessors

30.—(1) An energy 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.

(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 energy assessments in an independent manner;
- (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 energy assessments;
- (c) for requiring members of the scheme to prepare energy performance certificates and recommendation reports using a standard form for each type of document;
- (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;
- (f) for facilitating the resolution of complaints against members of the scheme;
- (g) for requiring energy performance certificates and recommendation reports produced by members of the scheme to be entered on the relevant register referred to in paragraph (4); and
- (h) for the keeping of a register of the members of the scheme.

(4) An energy assessor who issues an energy performance certificate and recommendation report must ensure they are entered onto the relevant register maintained by the Secretary of State in accordance with regulation 31 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007^(a) before giving them to the person who requested them.

Related party disclosures

31. An energy assessor must include in an energy performance certificate a declaration of any personal or business relationship (other than in relation to producing the certificate) that the energy assessor has with—

- (a) the person who commissioned the certificate; and
- (b) any person who the energy assessor believes—
 - (i) has or may have a personal or business relationship with the person who commissioned the certificate; or
 - (ii) has or may have an interest in the building.

Duty of care

32.—(1) Energy assessors must carry out energy assessments with reasonable care and skill.

(2) The duty imposed by paragraph (1) shall be enforceable by the following persons—

- (a) the owner; and
- (b) any prospective or actual buyer or tenant of the building during the period of validity of the certificate.

(3) Any cause of action arising in relation to the duty imposed by paragraph (1) is deemed not to be an action founded on tort for the purposes of the Limitation Act 1980^(b).

(a) S.I. 2007/991, amended by S.I. 2008/2363.

(b) 1980 c.58.

Right to copy documents

33. Any person may, for the purpose of complying with any duty imposed by these Regulations or the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, copy or issue a copy of any document produced by an energy assessor.

Application of building regulations to educational buildings and buildings of statutory undertakers

34.—(1) The requirements specified in paragraph (2) shall apply to educational buildings and buildings of statutory undertakers (notwithstanding section 4(1) of the Act(a)).

(2) Those requirements are—

- (a) the requirements of regulation 26; and
- (b) in circumstances where such a building has a total useful floor area over 1000m² and undergoes a major renovation, the requirements of—
 - (i) regulation 4(1)(a) to the extent that it requires compliance with the requirements of Part L of Schedule 1; and
 - (ii) regulations 23 and 28.

(3) In this regulation, “education buildings and buildings of statutory undertakers” means buildings which—

- (a) fall within paragraph (a), (b) or (c) of section 4(1) of the Act;
- (b) are roofed constructions having walls;
- (c) use energy to condition the indoor climate; and
- (d) do not fall within one or more of the following categories—
 - (i) buildings and monuments officially protected as part of a designated environment or because of their special architectural or historic merit, where compliance with the requirements would unacceptably alter their character or appearance;
 - (ii) buildings used as places of worship and for religious activities;
 - (iii) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
 - (iv) stand-alone buildings with a total useful floor area of less than 50m².

(4) Terms used in this regulation and in European Parliament and Council Directive 2002/91/EC of 16 December 2002 on the energy performance of buildings have the same meaning in this regulation as in the Directive.

Interpretation of Part 6

35.—(1) In this Part—

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

“energy assessor” means an individual who is a member of an accreditation scheme approved by the Secretary of State in accordance with regulation 30; and

“recommendation report” means the report required by regulation 29(5).

(2) In this Part a reference to “energy assessment” includes a reference to—

- (a) the preparation and issuing of energy performance certificates;

(a) Section 4(1) was amended by Part 1 of Schedule 6 to the Airports Act 1986 (c.31), paragraph 59 of Schedule 37 to the Education Act 1996 (c.56), Schedule 31 to the School Standards and Framework Act 1998 (c.31), paragraph 6 of Schedule 21 to the Education Act 2002 (c.32) and Part 2 of the Schedule to S.I. 2001/4050, and is prospectively repealed by section 5(a) of and the Schedule to the Sustainable and Secure Buildings Act 2004 (c.22).

- (b) the preparation and issuing of recommendation reports; and
- (c) the carrying out of any inspections undertaken for the purposes of preparing energy performance certificates or recommendation reports.

PART 7

Water Efficiency

Water efficiency of new dwellings

36.—(1) The potential consumption of wholesome water by persons occupying a dwelling to which this regulation applies must not exceed 125 litres per person per day, calculated in accordance with the methodology set out in the document “The Water Efficiency Calculator for New Dwellings”, published in September 2009 by the Department for Communities and Local Government(a).

(2) This regulation applies to a dwelling which is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

Wholesome water consumption calculation

37.—(1) Where regulation 36 applies, the person carrying out the work must give the local authority a notice which specifies the potential consumption of wholesome water per person per day calculated in accordance with the methodology referred to in that regulation in relation to the completed dwelling.

(2) The notice shall be given to the local authority not later than five days after the work has been completed.

PART 8

Information to be Provided by the Person Carrying Out Work

Fire safety information

38.—(1) This regulation applies where building work—

- (a) consists of or includes the erection or extension of a relevant building; or
- (b) is carried out in connection with a relevant change of use of a building,

and Part B of Schedule 1 imposes a requirement in relation to the work.

(2) The person carrying out the work shall give fire safety information to the responsible person not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier.

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;

(a) Published May 2009 by the Department for Communities and Local Government under ISBN 978-1-4098-1378-1.

- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Information about ventilation

39.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed give sufficient information to the owner about the building’s ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation.

Information about use of fuel and power

40.—(1) This regulation applies where paragraph L1 of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed provide to the owner sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.

PART 9

Testing and Commissioning

Sound insulation testing

41.—(1) Subject to paragraph (4) below, this regulation applies to—

- (a) building work in relation to which paragraph E1 of Schedule 1 imposes a requirement; and
- (b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(f) or 6(2)(b).

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1—

- (a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and
- (b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local authority.

(3) The results of the testing referred to in paragraph (2)(a) shall be—

- (a) recorded in a manner approved by the Secretary of State; and
- (b) given to the local authority in accordance with paragraph (2)(b) not later than the date on which the notice required by regulation 16(4) is given.

(4) Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which notice of commencement of the work is given under regulation 16(1), that, for the purpose of achieving

compliance of the work with paragraph E1 of Schedule 1, the person is using one or more design details approved by Robust Details Limited^(a), provided that—

- (a) the notification specifies—
 - (i) the part or parts of the building in respect of which the person is using the design detail;
 - (ii) the design detail concerned; and
 - (iii) the unique number issued by Robust Details Limited in respect of the specified use of that design detail; and
- (b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

Mechanical ventilation air flow rate testing

42.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to the creation of a new dwelling by building work.

(2) The person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(1) of Schedule 1—

- (a) ensure that testing of the mechanical ventilation air flow rate is carried out in accordance with a procedure approved by the Secretary of State; and
 - (b) give notice of the results of the testing to the local authority.
- (3) The notice referred to in paragraph (2)(b) shall—
- (a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and
 - (b) be given to the local authority not later than five days after the final test is carried out.

Pressure testing

43.—(1) This regulation applies to the erection of a building in relation to which paragraph L1(a)(i) of Schedule 1 imposes a requirement.

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with regulation 26 and paragraph L1(a)(i) of Schedule 1—

- (a) ensure that—
 - (i) pressure testing is carried out in such circumstances as are approved by the Secretary of State; and
 - (ii) the testing is carried out in accordance with a procedure approved by the Secretary of State; and
 - (b) subject to paragraph (5), give notice of the results of the testing to the local authority.
- (3) The notice referred to in paragraph (2)(b) shall—
- (a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and
 - (b) be given to the local authority not later than seven days after the final test is carried out.

(4) A local authority are authorised to accept, as evidence that the requirements of paragraph (2)(a)(ii) have been satisfied, a certificate to that effect by a person who is registered by the British Institute of Non-destructive Testing^(b) in respect of pressure testing for the air tightness of buildings.

(5) Where such a certificate contains the information required by paragraph (3)(a), paragraph (2)(b) does not apply.

(a) A company formed and registered under the Companies Acts with the registration number 04980223.

(b) A charity registered under number 260666.

Commissioning

44.—(1) This regulation applies to building work in relation to which paragraph F1(2) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed system for mechanical ventilation or any associated controls where testing and adjustment is not possible.

(2) This regulation also applies to building work in relation to which paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed building service where testing and adjustment is not possible or would not affect the energy efficiency of that fixed building service.

(3) Where this regulation applies the person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(2) or L1(b) of Schedule 1, give to the local authority a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the Secretary of State.

(4) The notice shall be given to the local authority—

- (a) not later than the date on which the notice required by regulation 16(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.

PART 10

Miscellaneous

Testing of building work

45. The local authority may make such tests of any building work as may be necessary to establish whether it complies with regulation 7 or any of the applicable requirements contained in Schedule 1.

Sampling of material

46. The local authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable them to ascertain whether such materials comply with the provisions of these Regulations.

Contravention of certain regulations not to be an offence

47. Regulations 17, 27, 29, 37, 41, 42, 43 and 44 are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply.

Electronic service of documents

48.—(1) Section 94A of the Act^(a) (electronic service of documents) shall have effect as if the following documents were documents mentioned in subsection (7) of that section—

- (a) a building notice and any accompanying statement, description, particulars or plan under regulation 13;
- (b) full plans and any accompanying statement under regulation 14;
- (c) a notice under regulation 16;
- (d) a completion certificate under regulation 17;

^(a) Section 94A was inserted by S.I. 2008/2334.

- (e) an application for a regularisation certificate under regulation 18(2);
- (f) a regularisation certificate under regulation 18(5);
- (g) a certificate or notice under regulation 20;
- (h) a notice under regulation 27(2) or (3);
- (i) an energy performance certificate under regulation 29(2)(a);
- (j) a notice under regulation 29(2)(b);
- (k) a notice under regulation 37(1);
- (l) results of sound insulation testing under regulation 41(2)(b);
- (m) a notice under regulation 42(2)(b);
- (n) a notice of the results of pressure testing under regulation 43(2)(b);
- (o) a notice under regulation 44(3).

(2) Where full plans are deposited by means of an electronic communication in accordance with section 94A of the Act, regulation 14 shall apply as if—

- (a) sub-paragraph (a) of paragraph (2) were omitted;
- (b) in sub-paragraph (b) of that paragraph—
 - (i) the words “a copy” were substituted for the words “an additional two copies”;
 - (ii) the word “and” was substituted for the words “, both of which”;
- (c) in paragraph (6) the words “a copy” were substituted for the words “additional copies”.

Transitional provisions: interpretation

49. In regulations 50 to 53—

“the 2009 Regulations” means the Building (Amendment No. 2) Regulations 2009(a);

“the 2010 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2010(b).

Transitional provisions: work already started before 1st October

50.—(1) Subject to paragraph (2), where before 1st October 2010 building work is started in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A) of the Building Regulations 2000(c) (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations(d) (notice of commencement and completion of certain stages of work);
- (b) an initial notice or an amendment notice given in accordance with section 47(1) (giving and acceptance of initial notice) or 51A(2) of the Act(e) (variation of work to which initial notice relates);
- (c) a public body’s notice given in accordance with section 54 (giving, acceptance and effect of public body’s notice) of the Act,

the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

(a) S.I. 2009/2397 amended by S.I. 2009/2465 and 2010/719.

(b) S.I. 2010/719.

(c) S.I. 2000/2531; regulation 12(2A) was inserted by S.I. 2006/652.

(d) Regulation 15(1) was amended by S.I. 2002/440 and 2006/652.

(e) Section 47(1) was amended by section 8 of the Sustainable and Secure Buildings Act 2004 (c.22) and S.I. 1996/1905. Section 51A(2) was inserted by S.I. 1996/1905.

(2) Where before 1st October 2010 building work is started in accordance with an initial notice which is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(3) Where before 1st October 2010 building work is started to which regulation 12(5)(a) or (b)(a) of the Building Regulations applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

Transitional provisions: work for which notification is not required

51. Where before 1st October 2010 a contract is entered into for the provision of building work to which regulation 12(5)(a) or (b) of the Building Regulations 2000 applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that work.

Transitional provisions: notice given or plans deposited before 1st October 2010

52.—(1) Subject to paragraph (2), the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply in relation to building work where—

- (a) before 1st October 2010 a building notice, an initial notice, a plans certificate, an amendment notice or a public body's notice has been given to, or full plans deposited with, a local authority; and
- (b) the work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans,

provided that the work is started before 1st October 2011.

(2) Where an initial notice given before 1st October 2010 is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given, provided that the work is started before 1st October 2011.

Transitional and saving provisions: earlier Building Regulations

53.—(1) If immediately before 1st October 2010 any of the transitional provisions listed in paragraph (2) applied in relation to building work, the Regulations specified in Schedule 5 shall continue to apply in relation to that building work in accordance with that provision as if these Regulations had not been made.

(2) The provisions are—

- regulation 4 of the Building (Amendment) Regulations 2001**(b)**;
- regulation 3 of the Building (Amendment) Regulations 2002**(c)**;
- regulations 3 and 4 of the Building (Amendment) (No. 2) Regulations 2002**(d)**;
- regulation 3 of the Building (Amendment) Regulations 2003**(e)**;
- regulation 3 of the Building (Amendment) Regulations 2004**(f)**;
- regulation 3 of the Building (Amendment) (No. 3) Regulations 2004**(g)**;

(a) Regulation 12(5) was substituted by S.I. 2004/3210 and amended by S.I. 2008/671.
(b) S.I. 2001/3335.
(c) S.I. 2002/440.
(d) S.I. 2002/2871 amended by S.I. 2003/3133.
(e) S.I. 2003/2692.
(f) S.I. 2004/1465.
(g) S.I. 2004/3210.

regulations 29 to 34 of the Building and Approved Inspectors (Amendment) Regulations 2006(a) in so far as they relate to the Building Regulations 2000;

regulation 4 of the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006(b) in so far as it relates to the Building Regulations 2000;

regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007(c) in so far as it relates to the Building Regulations 2000;

regulations 4 to 8 of the Building and Approved Inspectors (Amendment) Regulations 2009(d) in so far as they relate to the Building Regulations 2000.

(3) Regulation 22A of the Building Regulations 2000(e) (time limit for prosecution for contravention of certain regulations) shall continue to have effect in relation to contraventions of building regulations committed before 22nd September 2008 as if the 2009 Regulations had not been made.

(4) If immediately before 1st October 2010 regulation 23 of the Building Regulations 2000 applied in relation to building work, the Regulations specified in Schedule 3 to those Regulations shall continue to apply in relation to that building work in accordance with that transitional provision as if these Regulations had not been made.

Revocations and consequential amendments

54.—(1) The Regulations specified in the first column of the table in Schedule 5 are revoked to the extent specified in relation to each in the third column of that table.

(2) Schedule 6, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010(f) and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(g), has effect.

Signed by authority of the Secretary of State

6th September 2010

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) S.I. 2006/652.

(b) S.I. 2006/3318.

(c) S.I. 2007/3384.

(d) S.I. 2009/1219 amended by S.I. 2009/2465 and 2010/719.

(e) Regulation 22A was inserted by S.I. 2008/671 and is revoked by S.I. 2009/2397.

(f) S.I. 2010/404.

(g) S.I. 2007/991.

SCHEDULE 1

Regulations 4 and 6

Requirements

Requirement

Limits on application

PART A STRUCTURE

Loading

A1.—(1) The building shall be constructed so that the combined dead, imposed and wind loads are sustained and transmitted by it to the ground—

- (a) safely; and
- (b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.

(2) In assessing whether a building complies with sub-paragraph (1) regard shall be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.

Ground movement

A2. The building shall be constructed so that ground movement caused by—

- (a) swelling, shrinkage or freezing of the subsoil; or
- (b) land-slip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen,

will not impair the stability of any part of the building.

Disproportionate collapse

A3. The building shall be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.

PART B FIRE SAFETY

Means of warning and escape

B1. The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.

Requirement B1 does not apply to any prison provided under section 33 of the Prison Act 1952(a) (power to provide prisons etc.).

(a) 1952 c.52; section 33 was amended by section 100 of the Criminal Justice and Public Order Act 1994 (c.33) and by S.I. 1963/597.

Internal fire spread (linings)

B2.—(1) To inhibit the spread of fire within the building, the internal linings shall—

- (a) adequately resist the spread of flame over their surfaces; and
- (b) have, if ignited, either a rate of heat release or a rate of fire growth, which is reasonable in the circumstances.

(2) In this paragraph “internal linings” means the materials or products used in lining any partition, wall, ceiling or other internal structure.

Internal fire spread (structure)

B3.—(1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.

(2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this subparagraph a house in a terrace and a semi-detached house are each to be treated as a separate building.

(3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following—

- (a) sub-division of the building with fire-resisting construction;
- (b) installation of suitable automatic fire suppression systems.

(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.

Requirement B3(3) does not apply to material alterations to any prison provided under section 33 of the Prison Act 1952.

External Fire Spread

B4.—(1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

(2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.

Access and facilities for the fire service

B5.—(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

PART C SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE

Preparation of site and resistance to contaminants

C1.—(1) The ground to be covered by the building shall be reasonably free from any material that might damage the building or affect its stability, including vegetable matter, topsoil and pre-existing foundations.

(2) Reasonable precautions shall be taken to avoid danger to health and safety caused by contaminants on or in the ground covered, or to be covered by the building and any land associated with the building.

(3) Adequate sub-soil drainage shall be provided, if it is needed to avoid—

- (a) the passage of ground moisture to the interior of the building;
- (b) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building.

(4) For the purposes of this requirement, “contaminant” means any substance which is or may become harmful to persons or buildings including substances which are corrosive, explosive, flammable, radioactive or toxic.

Resistance to moisture

C2. The walls, floors and roof of the building shall adequately protect the building and people who use the building from harmful effects caused by—

- (a) ground moisture;
- (b) precipitation including wind-driven spray;
- (c) interstitial and surface condensation; and
- (d) spillage of water from or associated with sanitary fittings or fixed appliances.

PART D TOXIC SUBSTANCES

Cavity insulation

D1. If insulating material is inserted into a cavity in a cavity wall, reasonable precautions shall be taken to prevent the subsequent permeation of any toxic fumes from that material into any part of the building occupied by people.

PART E RESISTANCE TO THE PASSAGE OF SOUND

Protection against sound from other parts of the building and adjoining buildings

E1. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

Protection against sound within a dwelling-house etc.

E2. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that—

- (a) internal walls between a bedroom or a room containing a water closet, and other rooms; and
 - (b) internal floors,
- provide reasonable resistance to sound.

Requirement E2 does not apply to—

- (a) an internal wall which contains a door;
- (b) an internal wall which separates an en suite toilet from the associated bedroom;
- (c) existing walls and floors in a building which is subject to a material change of use.

Reverberation in common internal parts of buildings containing flats or rooms for residential purposes

E3. The common internal parts of buildings which contain flats or rooms for residential purposes shall be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable.

Requirement E3 only applies to corridors, stairwells, hallways and entrance halls which give access to the flat or room for residential purposes.

Acoustic conditions in schools

E4.—(1) Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.

(2) For the purposes of this Part—

“school” has the same meaning as in section 4 of the Education Act 1996(a); and

“school building” means any building forming a school or part of a school.

PART F VENTILATION

Means of ventilation

F1.—(1) There shall be adequate means of ventilation provided for people in the building.

(2) Fixed systems for mechanical ventilation and any associated controls must be commissioned by testing and adjusting as necessary to secure that the objective referred to in sub-paragraph (1) is met.

Requirement F1 does not apply to a building or space within a building—

- (a) into which people do not normally go;
- (b) which is used solely for storage; or
- (c) which is a garage used solely in connection with a single dwelling.

(a) 1996 c.56; section 4 was amended by Schedule 22 to the Education Act 2002 (c.32), section 95 of the Childcare Act 2006 (c.21), section 51 of and Schedules 7 and 8 to the Education Act 1997 (c.44) and S.I. 2010/1080.

PART G SANITATION, HOT WATER SAFETY AND WATER EFFICIENCY

Cold water supply

G1.—(1) There must be a suitable installation for the provision of—

- (a) wholesome water to any place where drinking water is drawn off;
- (b) wholesome water or softened wholesome water to any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience;
- (c) wholesome water or softened wholesome water to any washbasin, bidet, fixed bath and shower in a bathroom; and
- (d) wholesome water to any sink provided in any area where food is prepared.

(2) There must be a suitable installation for the provision of water of suitable quality to any sanitary convenience fitted with a flushing device.

Water efficiency

G2. Reasonable provision must be made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water.

Requirement G2 applies only when a dwelling is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

Hot water supply and systems

G3.—(1) There must be a suitable installation for the provision of heated wholesome water or heated softened wholesome water to—

- (a) any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience;
- (b) any washbasin, bidet, fixed bath and shower in a bathroom; and
- (c) any sink provided in any area where food is prepared.

(2) A hot water system, including any cistern or other vessel that supplies water to or receives expansion water from a hot water system, must be designed, constructed and installed so as to resist the effects of temperature and pressure that may occur either in normal use or in the event of such malfunctions as may reasonably be anticipated, and must be adequately supported.

(3) A hot water system that has a hot water storage vessel must incorporate precautions to—

Requirement G3(3) does not apply to a system which heats or stores water for the purposes only of an industrial process.

- (a) prevent the temperature of the water stored in the vessel at any time exceeding 100°C;
 - (b) ensure that any discharge from safety devices is safely conveyed to where it is visible but will not cause a danger to persons in or about the building.
- (4) The hot water supply to any fixed bath must be so designed and installed as to incorporate measures to ensure that the temperature of the water that can be delivered to that bath does not exceed 48°C.

Requirement G3(4) applies only when a dwelling is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

Sanitary conveniences and washing facilities

G4.—(1) Adequate and suitable sanitary conveniences must be provided in rooms provided to accommodate them or in bathrooms.

(2) Adequate hand washing facilities must be provided in—

- (a) rooms containing sanitary conveniences; or
- (b) rooms or spaces adjacent to rooms containing sanitary conveniences.

(3) Any room containing a sanitary convenience, a bidet, or any facility for washing hands provided in accordance with sub-paragraph (2)(b), must be separated from any kitchen or any area where food is prepared.

Bathrooms

G5. A bathroom must be provided containing a washbasin and either a fixed bath or a shower.

Requirement G5 applies only to dwellings and to buildings containing one or more rooms for residential purposes.

Kitchens and food preparation areas

G6. A suitable sink must be provided in any area where food is prepared.

PART H DRAINAGE AND WASTE DISPOSAL

Foul water drainage

H1.—(1) An adequate system of drainage shall be provided to carry foul water from appliances within the building to one of the following, listed in order of priority—

- (a) a public sewer; or, where that is not reasonably practicable,
- (b) a private sewer communicating with a public sewer; or, where that is not reasonably practicable,
- (c) either a septic tank which has an appropriate form of secondary treatment or another wastewater treatment system; or, where that is not

Requirement H1 does not apply to the diversion of water which has been used for personal washing or for the washing of clothes, linen or other articles to collection systems for reuse.

- reasonably practicable,
- (d) a cesspool.
- (2) In this Part “foul water” means waste water which comprises or includes—
- (a) waste from a sanitary convenience, bidet or appliance used for washing receptacles for foul waste; or
 - (b) water which has been used for food preparation, cooking or washing.

Wastewater treatment systems and cesspools

- H2.**—(1) Any septic tank and its form of secondary treatment, other wastewater treatment system or cesspool, shall be so sited and constructed that—
- (a) it is not prejudicial to the health of any person;
 - (b) it will not contaminate any watercourse, underground water or water supply;
 - (c) there are adequate means of access for emptying and maintenance; and
 - (d) where relevant, it will function to a sufficient standard for the protection of health in the event of a power failure.
- (2) Any septic tank or holding tank which is part of a wastewater treatment system or cesspool shall be—
- (a) of adequate capacity;
 - (b) so constructed that it is impermeable to liquids; and
 - (c) adequately ventilated.
- (3) Where a foul water drainage system from a building discharges to a septic tank, wastewater treatment system or cesspool, a durable notice shall be affixed in a suitable place in the building containing information on any continuing maintenance required to avoid risks to health.

Rainwater drainage

- H3.**—(1) Adequate provision shall be made for rainwater to be carried from the roof of the building.
- (2) Paved areas around the building shall be so constructed as to be adequately drained.

Requirement H3(2) applies only to paved areas—

- (a) which provide access to the building pursuant to requirement M1 (access and use), or requirement M2 (access to extensions to buildings other than dwellings);
- (b) which provide access to or from a place of storage pursuant to requirement H6(2) (solid waste storage); or
- (c) in any passage giving access to the

(3) Rainwater from a system provided pursuant to sub-paragraphs (1) or (2) shall discharge to one of the following, listed in order of priority—

- (a) an adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable,
- (b) a watercourse; or, where that is not reasonably practicable,
- (c) a sewer.

Building over sewers

H4.—(1) The erection or extension of a building or work involving the underpinning of a building shall be carried out in a way that is not detrimental to the building or building extension or to the continued maintenance of the drain, sewer or disposal main.

(2) In this paragraph “disposal main” means any pipe, tunnel or conduit used for the conveyance of effluent to or from a sewage disposal works, which is not a public sewer.

(3) In this paragraph and paragraph H5 “map of sewers” means any records kept by a sewerage undertaker under section 199 of the Water Industry Act 1991(a).

Separate systems of drainage

H5. Any system for discharging water to a sewer which is provided pursuant to paragraph H3 shall be separate from that provided for the conveyance of foul water from the building.

building, where this is intended to be used in common by the occupiers of one or more other buildings.

Requirement H3(3) does not apply to the gathering of rainwater for reuse.

Requirement H4 applies only to work carried out—

- (a) over a drain, sewer or disposal main which is shown on any map of sewers; or
- (b) on any site or in such a manner as may result in interference with the use of, or obstruction of the access of any person to, any drain, sewer or disposal main which is shown on any map of sewers.

Requirement H5 applies only to a system provided in connection with the erection or extension of a building where it is reasonably practicable for the system to discharge directly or indirectly to a sewer for the separate conveyance of surface water which is—

- (a) shown on a map of sewers; or
- (b) under construction either by the sewerage undertaker or by some other person (where the sewer is the subject of an agreement to make a declaration of vesting pursuant to section 104 of the Water Industry Act 1991(b)).

Solid waste storage

H6.—(1) Adequate provision shall be made for

(a) 1991 c.56; section 199 was amended by section 97 of the Water Act 2003 (c. 37).

(b) Section 104 was amended by section 96 of and Schedule 9 to the Water Act 2003 and is prospectively amended by section 42 of the Flood and Water Management Act 2010 (c. 29).

storage of solid waste.

(2) Adequate means of access shall be provided—

- (a) for people in the building to the place of storage; and
- (b) from the place of storage to a collection point (where one has been specified by the waste collection authority under section 46 (household waste) or section 47 (commercial waste) of the Environmental Protection Act 1990(a)) or to a street (where no collection point has been specified).

PART J COMBUSTION APPLIANCES AND FUEL STORAGE SYSTEMS

Air supply

J1. Combustion appliances shall be so installed that there is an adequate supply of air to them for combustion, to prevent over-heating and for the efficient working of any flue.

Requirements J1 and J2 apply only to fixed combustion appliances (including incinerators).

Discharge of products of combustion

J2. Combustion appliances shall have adequate provision for the discharge of products of combustion to the outside air.

Warning of release of carbon monoxide

J3. Where a combustion appliance is provided, appropriate provision having regard to the design and location of the appliance shall be made to detect and give early warning of the release of carbon monoxide at levels harmful to persons.

Requirement J3 applies only to fixed combustion appliances located in dwellings.

Protection of building

J4. Combustion appliances and flue-pipes shall be so installed, and fireplaces and chimneys shall be so constructed and installed, as to reduce to a reasonable level the risk of people suffering burns or the building catching fire in consequence of their use.

Requirement J4 applies only to fixed combustion appliances (including incinerators).

Provision of information

J5. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the performance capabilities of the hearth, fireplace, flue or chimney shall be affixed in a suitable place in the building for the purpose of enabling combustion appliances to be safely installed.

(a) 1990 c.43; section 46 was amended by section 19 of the London Local Authorities Act 2007 (2007 c.ii) and section 47 was amended by section 21 of that Act. Section 46 was also amended by section 76 of and Schedule 5 to the Climate Change Act 2008 (c.27).

Protection of liquid fuel storage systems

J6. Liquid fuel storage systems and the pipes connecting them to combustion appliances shall be so constructed and separated from buildings and the boundary of the premises as to reduce to a reasonable level the risk of the fuel igniting in the event of fire in adjacent buildings or premises.

Requirement J6 applies only to—

- (a) fixed oil storage tanks with capacities greater than 90 litres and connecting pipes; and
- (b) fixed liquefied petroleum gas storage installations with capacities greater than 150 litres and connecting pipes,

which are located outside the building and which serve fixed combustion appliances (including incinerators) in the building.

Protection against pollution

J7. Oil storage tanks and the pipes connecting them to combustion appliances shall—

- (a) be so constructed and protected as to reduce to a reasonable level the risk of the oil escaping and causing pollution; and
- (b) have affixed in a prominent position a durable notice containing information on how to respond to an oil escape so as to reduce to a reasonable level the risk of pollution.

Requirement J7 applies only to fixed oil storage tanks with capacities of 3,500 litres or less, and connecting pipes, which are—

- (a) located outside the building; and
- (b) serve fixed combustion appliances (including incinerators) in a building used wholly or mainly as a private dwelling,

but does not apply to buried systems.

PART K PROTECTION FROM FALLING, COLLISION AND IMPACT

Stairs, ladders and ramps

K1. Stairs, ladders and ramps shall be so designed, constructed and installed as to be safe for people moving between different levels in or about the building.

Requirement K1 applies only to stairs, ladders and ramps which form part of the building.

Protection from falling

- K2.(a)** Any stairs, ramps, floors and balconies and any roof to which people have access, and
- (b) any light well, basement area or similar sunken area connected to a building,

shall be provided with barriers where it is necessary to protect people in or about the building from falling.

Requirement K2(a) applies only to stairs and ramps which form part of the building.

Vehicle barriers and loading bays

K3.—(1) Vehicle ramps and any levels in a building to which vehicles have access, shall be provided with barriers where it is necessary to protect people in or about the building.

(2) Vehicle loading bays shall be constructed in such a way, or be provided with such features, as may be necessary to protect people in them from collision with vehicles.

Protection from collision with open windows

etc.

K4. Provision shall be made to prevent people moving in or about the building from colliding with open windows, skylights or ventilators.

Requirement K4 does not apply to dwellings.

Protection against impact from and trapping by doors

K5.—(1) Provision shall be made to prevent any door or gate—

- (a) which slides or opens upwards, from falling onto any person; and
- (b) which is powered, from trapping any person.

(2) Provision shall be made for powered doors and gates to be opened in the event of a power failure.

(3) Provision shall be made to ensure a clear view of the space on either side of a swing door or gate.

Requirement K5 does not apply to—

- (a) dwellings, or
- (b) any door or gate which is part of a lift.

PART L CONSERVATION OF FUEL AND POWER

Conservation of fuel and power

L1. Reasonable provision shall be made for the conservation of fuel and power in buildings by—

- (a) limiting heat gains and losses—
 - (i) through thermal elements and other parts of the building fabric; and
 - (ii) from pipes, ducts and vessels used for space heating, space cooling and hot water services;
- (b) providing fixed building services which—
 - (i) are energy efficient;
 - (ii) have effective controls; and
 - (iii) are commissioned by testing and adjusting as necessary to ensure they use no more fuel and power than is reasonable in the circumstances.

PART M ACCESS TO AND USE OF BUILDINGS

Access and use

M1. Reasonable provision shall be made for people to—

- (a) gain access to; and
- (b) use the building and its facilities.

The requirements of this Part do not apply to—

- (a) an extension of or material alteration of a dwelling; or
- (b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Access to extensions to buildings other than dwellings

M2. Suitable independent access shall be provided to the extension where reasonably practicable.

Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.

Sanitary conveniences in extensions to buildings other than dwellings

M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.

Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

Sanitary conveniences in dwellings

M4.—(1) Reasonable provision shall be made in the entrance storey for sanitary conveniences, or where the entrance storey contains no habitable rooms, reasonable provision for sanitary conveniences shall be made in either the entrance storey or principal storey.

(2) In this paragraph “entrance storey” means the storey which contains the principal entrance and “principal storey” means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey.

PART N GLAZING — SAFETY IN RELATION TO IMPACT, OPENING AND CLEANING

Protection against impact

N1. Glazing, with which people are likely to come into contact whilst moving in or about the building shall —

- (a) if broken on impact, break in a way which is unlikely to cause injury; or
- (b) resist impact without breaking; or
- (c) be shielded or protected from impact.

Manifestation of glazing

N2. Transparent glazing, with which people are likely to come into contact while moving in or about the building, shall incorporate features which make it apparent.

Requirement N2 does not apply to dwellings.

Safe opening and closing of windows etc.

N3. Windows, skylights and ventilators which can be opened by people in or about the building shall be so constructed or equipped that they may be opened, closed or adjusted safely.

Requirement N3 does not apply to dwellings.

Safe access for cleaning windows etc.

N4. Provision shall be made for any windows, skylights, or any transparent or translucent

Requirement N4 does not apply to—

- (a) dwellings; or

walls, ceilings or roofs to be safely accessible for cleaning.

- (b) any transparent or translucent elements whose surface are not intended to be cleaned.

PART P ELECTRICAL SAFETY

Design and installation

P1. Reasonable provision shall be made in the design and installation of electrical installations in order to protect persons operating, maintaining or altering the installations from fire or injury.

The requirements of this Part apply only to electrical installations that are intended to operate at low or extra-low voltage and are—

- (a) in or attached to a dwelling;
- (b) in the common parts of a building serving one or more dwellings, but excluding power supplies to lifts;
- (c) in a building that receives its electricity from a source located within or shared with a dwelling; or
- (d) in a garden or in or on land associated with a building where the electricity is from a source located within or shared with a dwelling.

SCHEDULE 2

Regulation 9

Exempt Buildings and Work

CLASS 1

Buildings controlled under other legislation

1. Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations 2005(a).

2. Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965(b) is for the time being in force.

3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(c).

CLASS 2

Buildings not frequented by people

1. Subject to paragraph 2, a detached building—

- (a) into which people do not normally go; or
- (b) into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery.

2. The description of buildings in paragraph 1 does not include a building where any point of the building is less than one and a half times its height from—

- (a) any point of a building into which people can or do normally go; or
- (b) the nearest point of the boundary of the curtilage of that building,

whichever is the nearer.

CLASS 3

Greenhouses and agricultural buildings

1. Subject to paragraph 3, a greenhouse.

2. A building used, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that—

- (a) no part of the building is used as a dwelling;
- (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and

(a) S.I. 2005/1082.

(b) 1965 c.57.

(c) 1979 c.46; section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c.47).

- (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.

3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.

4. In paragraph 2, “agriculture” includes horticulture, fruit growing, the growing of plants for seed and fish farming.

CLASS 4

Temporary buildings

A building which is not intended to remain where it is erected for more than 28 days.

CLASS 5

Ancillary buildings

1. A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.

2. A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation.

3. A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

CLASS 6

Small detached buildings

1. A detached single storey building, having a floor area which does not exceed 30m², which contains no sleeping accommodation and is a building—

- (a) no point of which is less than one metre from the boundary of its curtilage; or
- (b) which is constructed substantially of non-combustible material.

2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if—

- (a) its floor area does not exceed 30m²; and
- (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.

3. A detached building, having a floor area which does not exceed 15m², which contains no sleeping accommodation.

CLASS 7

Extensions

The extension of a building by the addition at ground level of—

- (a) a conservatory, porch, covered yard or covered way; or
- (b) a carport open on at least two sides;

where the floor area of that extension does not exceed 30m², provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N of Schedule 1.

SCHEDULE 3

Regulations 12(6)(a) and 20(1)

Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans

<i>Column 1</i> <i>Type of Work</i>	<i>Column 2</i> <i>Person carrying out work</i>
1. Installation of a heat-producing gas appliance.	A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998(a).
2. Installation of heating or hot water system connected to a heat-producing gas appliance, or associated controls.	A person registered by Ascertiva Group Limited(b), Association of Plumbing and Heating Contractors (Certification) Limited(c), Benchmark Certification Limited(d), Building Engineering Services Competence Accreditation Limited(e), Capita Gas Registration and Ancillary Services Limited(f), ECA Certification Limited(g), HETAS Limited(h), NAPIT Registration Limited(i), Oil Firing Technical Association Limited(j) or Stroma Certification Limited(k) in respect of that type of work.
3. Installation of— (a) an oil-fired combustion appliance; or (b) oil storage tanks and the pipes connecting them to combustion appliances.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, HETAS Limited, NAPIT Registration Limited or Oil Firing Technical Association Limited in respect of that type of work.
4. Installation of a solid fuel burning combustion appliance.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence

(a) S.I. 1998/2451.

(b) A company formed and registered under the Companies Acts (defined in section 2 of the Companies Act 2006, c.46) with the registration number 02513162.

(c) A company formed and registered under the Companies Acts with the registration number 02876277.

(d) A company formed and registered under the Companies Acts with the registration number 07144771.

(e) A company formed and registered under the Companies Acts with the registration number 03712932.

(f) A company formed and registered under the Companies Acts with the registration number 05078781.

(g) A company formed and registered under the Companies Acts with the registration number 06418028.

(h) A company formed and registered under the Companies Acts with the registration number 02117828.

(i) A company formed and registered under the Companies Acts with the registration number 05190452.

(j) A company formed and registered under the Companies Acts with the registration number 02739706.

(k) A company formed and registered under the Companies Acts with the registration number 06429016.

	Accreditation Limited, ECA Certification Limited, HETAS Limited or NAPIT Registration Limited in respect of that type of work.
5. Installation of a heating or hot water system connected to an oil-fired combustion appliance or its associated controls.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.
6. Installation of a heating or hot water system connected to a solid fuel burning combustion appliance or its associated controls.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.
7. Installation of a heating or hot water system connected to an electric heat source or its associated controls.	A person registered by Ascertiva Group Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.
8. Installation of a mechanical ventilation or air conditioning system or associated controls, which does not involve work on a system shared with parts of the building occupied separately, in a building other than a dwelling.	A person registered by Ascertiva Group Limited, Benchmark Certification Limited or Building Engineering Services Competence Accreditation Limited in respect of that type of work.
9. Installation of an air conditioning or ventilation system in a dwelling, which does not involve work on systems shared with other dwellings.	A person registered by Ascertiva Group Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited or NAPIT Registration Limited in respect of that type of work.
10. Installation of a lighting system or electric heating system, or associated electrical controls.	A person registered by Ascertiva Group Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, NAPIT Registration Limited or Stroma Certification Limited in respect of that type of work.
11. Installation of fixed low or extra-low voltage electrical installations.	A person registered by Ascertiva Group Limited, Benchmark Certification Limited,

	British Standards Institution ^(a) , Building Engineering Services Competence Accreditation Limited, ECA Certification Limited or NAPIT Registration Limited in respect of that type of work.
12. Installation of fixed low or extra-low voltage electrical installations as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, NAPIT Registration Limited or Oil Firing Technical Association Limited in respect of that type of electrical work.
13. Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.	A person registered under the Fenestration Self-Assessment Scheme by Fensa Ltd ^(b) , or a person registered by BM Trada Certification Limited ^(c) , the British Standards Institution, CERTASS Limited ^(d) or Network VEKA Limited ^(e) in respect of that type of work.
14. Installation of a sanitary convenience, sink, washbasin, bidet, fixed bath, shower or bathroom in a dwelling, which does not involve work on shared or underground drainage.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited or NAPIT Registration Limited in respect of that type of work.
15. Installation of a wholesome cold water supply or a softened wholesome cold water supply.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited or NAPIT Registration Limited in respect of that type of work.
16. Installation of a supply of non-wholesome water to a sanitary convenience fitted with a flushing device which does not involve work on shared or underground drainage.	A person registered by Ascertiva Group Limited, Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Accreditation Limited or NAPIT Registration Limited in respect of that type of work.
17. Installation in a building of a system to produce electricity, heat or cooling—	A person registered by Ascertiva Group Limited, Association of Plumbing and

(a) Incorporated by Royal Charter.

(b) A company formed and registered under the Companies Acts with the registration number 03058561.

(c) A company formed and registered under the Companies Acts with the registration number 02110046.

(d) A company formed and registered under the Companies Acts with the registration number 04350234.

(e) A company formed and registered under the Companies Acts with the registration number 04029350.

<p>(a) by microgeneration, or</p> <p>(b) from renewable sources (as defined in European Parliament and Council Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources(a)).</p>	<p>Heating Contractors (Certification) Limited, Benchmark Certification Limited, British Standards Institution, Building Engineering Services Competence Accreditation Limited, ECA Certification Limited, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited in respect of that type of work.</p>
<p>18. Insertion of insulating material into the cavity walls of an existing building.</p>	<p>A person registered under the Cavity Wall Insulation Self Certification Scheme by Cavity Insulation Guarantee Agency Limited(b) in respect of that type of work.</p>
<p>19. Installation, as a replacement, of the covering of a pitched or flat roof and work carried out by the registered person as a necessary adjunct to that installation. This paragraph does not apply to the installation of solar panels.</p>	<p>A person registered by National Federation of Roofing Contractors Limited(c) in respect of that type of work.</p>
<p>20. Any building work which is necessary to ensure that any appliance, service or fitting which is installed and which is described in the preceding entries in column 1 above, complies with the applicable requirements contained in Schedule 1. This paragraph does not apply to the provision of a masonry chimney.</p>	<p>The person who installs the appliance, service or fitting to which the building work relates and who is described in the corresponding entry in column 2 above.</p>

(a) OJ No. L 140, 5.6.2009, p. 16.

(b) A company formed and registered under the Companies Acts with the registration number 03044131.

(c) A company formed and registered under the Companies Acts with the registration number 02591364.

Descriptions of Work where no Building Notice or Deposit of Full Plans Required

1. Work consisting of—

- (a) replacing any fixed electrical equipment which does not include the provision of—
 - (i) any new fixed cabling, or
 - (ii) a consumer unit;
- (b) replacing a damaged cable for a single circuit only;
- (c) re-fixing or replacing enclosures of existing installation components, where the circuit protective measures are unaffected;
- (d) providing mechanical protection to an existing fixed installation, where the circuit protective measures and current carrying capacity of conductors are unaffected by the increased thermal insulation;
- (e) installing or upgrading main or supplementary equipotential bonding;
- (f) in relation to an existing fixed building service, which is not a fixed internal or external lighting system—
 - (i) replacing any part which is not a combustion appliance,
 - (ii) adding an output device, or
 - (iii) adding a control device,where resting and adjustment of the work is not possible or would not affect the use by the fixed building service of no more fuel and power than is reasonable in the circumstances;
- (g) providing a self-contained fixed building service, which is not a fixed internal or external lighting system, where—
 - (i) it is not a combustion appliance,
 - (ii) any electrical work associated with its provision is exempt from the requirement to give a building notice or to deposit full plans by virtue of regulation 9 or 12(6)(b),
 - (iii) testing and adjustment is not possible or would not affect its energy efficiency, and
 - (iv) in the case of a mechanical ventilation appliance, the appliance is not installed in a room containing an open-flued combustion appliance whose combustion products are discharged through a natural draught flue;
- (h) replacing an external door (where the door together with its frame has not more than 50% of its internal face area glazed);
- (i) in existing buildings other than dwellings, providing fixed internal lighting where no more than 100m² of the floor area of the building is to be served by the lighting;
- (j) replacing—
 - (i) a sanitary convenience with one that uses no more water than the one it replaces,
 - (ii) a washbasin, sink or bidet,
 - (iii) a fixed bath,
 - (iv) a shower,
 - (v) a rainwater gutter, or
 - (vi) a rainwater downpipe,

where the work does not include any work to underground drainage, and includes no work to the hot or cold water system or above ground drainage, which may prejudice the health or safety of any person on completion of the work;

- (k) in relation to an existing cold water supply—
 - (i) replacing any part,
 - (ii) adding an output device, or
 - (iii) adding a control device;
- (l) providing a hot water storage system that has a storage vessel with a capacity not exceeding 15 litres, where any electrical work associated with its provision is exempt from the requirement to give a building notice or to deposit full plans by virtue of regulation 9 or 12(6)(b);
- (m) installation of thermal insulation in a roof space or loft space where—
 - (i) the work consists solely of the installation of such insulation, and
 - (ii) the work is not carried out in order to comply with any requirement of these Regulations.

2. Work which—

- (a) is not in a kitchen, or a special location;
- (b) does not involve work on a special installation; and
- (c) consists of—
 - (i) adding light fittings and switches to an existing circuit, or
 - (ii) adding socket outlets and fused spurs to an existing ring or radial circuit.

3. Work on—

- (a) telephone wiring or extra-low voltage wiring for the purposes of communications, information technology, signalling, control and similar purposes, where the wiring is not in a special location;
- (b) equipment associated with the wiring referred to in sub-paragraph (a);
- (c) pre-fabricated equipment sets and associated flexible leads with integral plug and socket connections.

4. For the purposes of this Schedule—

“kitchen” means a room or part of a room which contains a sink and food preparation facilities;

“self-contained” in relation to a fixed building service means consisting of a single appliance and any associated controls which is neither connected to, nor forms part of, any other fixed building service;

“special installation” means an electric floor or ceiling heating system, an outdoor lighting or electric power installation, an electricity generator, or an extra-low voltage lighting system which is not a pre-assembled lighting set bearing the CE marking referred to in regulation 9 of the Electrical Equipment (Safety) Regulations 1994(a);

“special location” means a location within the limits of the relevant zones specified for a bath, a shower, a swimming or paddling pool or a hot air sauna in the Wiring Regulations, seventeenth edition, published by the Institution of Electrical Engineers and the British Standards Institution as BS 7671: 2008(b).

(a) S.I. 1994/3260.

(b) ISBN 978-0-86341-844-0.

SCHEDULE 5

Regulation 54(1)

Revocation of Regulations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Building Regulations 2000	S.I. 2000/2531	The whole Regulations.
The Building (Amendment) Regulations 2001	S.I. 2001/3335	Regulation 2, regulation 4 in so far as it relates to regulation 2 and the Schedule.
The Building (Amendment) Regulations 2002	S.I. 2002/440	Regulations 2 and 3 and the Schedule.
The Building (Amendment) (No. 2) Regulations 2002	S.I. 2002/2871	The whole Regulations.
The Building (Amendment) Regulations 2003	S.I. 2003/2692	The whole Regulations.
The Building and Building (Approved Inspectors etc.) (Amendment) Regulations 2003	S.I. 2003/3133	The whole Regulations.
The Building (Amendment) Regulations 2004	S.I. 2004/1465	The whole Regulations.
The Building (Amendment) (No. 3) Regulations 2004	S.I. 2004/3210	The whole Regulations.
The Building and Approved Inspectors (Amendment) Regulations 2006	S.I. 2006/652	The whole Regulations.
The Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006	S.I. 2006/3318	The whole Regulations.
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	S.I. 2007/991	Schedule 2 and regulation 8.
The Building and Approved Inspectors (Amendment) Regulations 2007	S.I. 2007/3384	The whole Regulations.
The Building (Amendment) Regulations 2008	S.I. 2008/671	The whole Regulations.
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No. 2) Regulations 2008	S.I. 2008/2363	Regulation 3.
The Building (Amendment) Regulations 2009	S.I. 2009/466	The whole Regulations.
The Building and Approved Inspectors (Amendment) Regulations 2009	S.I. 2009/1219	The whole Regulations.
The Building (Amendment No. 2) Regulations 2009	S.I. 2009/2397	The whole Regulations.
The Building and Approved Inspectors (Amendment No. 2) Regulations 2009	S.I. 2009/2465	The whole Regulations.
The Building and Approved Inspectors (Amendment) Regulations 2010	S.I. 2010/719	The whole Regulations.

Consequential Amendments

1. In the Building (Local Authority Charges) Regulations 2010^(a)—
 - (a) in regulation 2, in the definition of “the Principal Regulations” for “2000” substitute “2010”;
 - (b) in regulation 5(1)(e) for “21” substitute “18”;
 - (c) in regulation 7(5)—
 - (i) in sub-paragraph (g) for “12(5) or 20B(4)” substitute “12(6) or 43(4)”;
 - (ii) in sub-paragraph (h) for “20A(4)” substitute “41(4)”;
 - (d) in regulation 8(1)(e) for “21” substitute “18”.
2. In the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007^(b)—
 - (a) in regulation 2(1)—
 - (i) in the definition of “accreditation scheme” for “17F of the Building Regulations 2000” substitute “30 of the Building Regulations 2010”;
 - (ii) in the definition of “asset rating” for “17A of the Building Regulations 2000” substitute “24 of the Building Regulations 2010”;
 - (iii) in the definition of “energy performance certificate” for “17E of the Building Regulations 2000” substitute “29 of the Building Regulations 2010”;
 - (iv) in the definition of “recommendation report” for “17E(4) of the Building Regulations 2000” substitute “29(5) of the Building Regulations 2010”;
 - (b) in regulation 9(1) for “2000” substitute “2010”;
 - (c) in regulation 11—
 - (i) in paragraph (1)(a) for “17A of the Building Regulations 2000” substitute “24 of the Building Regulations 2010”;
 - (ii) in paragraph (2) for “17E of the Building Regulations 2000” substitute “29 of the Building Regulations 2010”;
 - (d) in regulation 15, in the definition of “operational rating” for “17A of the Building Regulations 2000” substitute “24 of the Building Regulations 2010”;
 - (e) in regulation 17(1) for “17A of the Building Regulations 2000” substitute “24 of the Building Regulations 2010”;
 - (f) in regulation 31(2) for “17A of the Building Regulations 2000” substitute “24 of the Building Regulations 2010”.

(a) S.I. 2010/404.

(b) S.I. 2007/991; regulation 17(1) was amended, and regulation 31(2) was substituted, by S.I. 2008/2363.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Building Regulations 2000 (S.I. 2000/2531) (“the 2000 Regulations”), and consolidate all subsequent amendments to those Regulations with minor amendments. The amendments include removing the requirement, where building work involves inserting insulation into a cavity wall, to submit along with a building notice a statement about the proposed insulating material. The Regulations also insert into Schedule 3 three new types of work that may be carried out under a self-certification scheme, and revise the list of bodies which are able to register persons for the purposes of self-certification. The three new types of work are the installation of cavity wall insulating material, replacement of roof coverings and installation of systems to produce electricity, heat or cooling by microgeneration or from renewable sources. The authorisation of this last category of work supports the implementation of article 14 of European Parliament and Council Directive 2009/28/EC on the promotion of the use of energy from renewable sources (OJ No. L140, 5.6.2009, p.16).

The Regulations impose requirements on people carrying out “building work” which is defined in regulation 3 as the erection or extension of a building; the provision or extension of a controlled service or fitting; the material alteration of a building or controlled service or fitting; work required in relation to a material change of use; insertion of insulating material into a cavity wall; work involving underpinning of a building; work required to replace or renovate thermal elements; work relating to a change in a building’s energy status and work relating to improvement of the energy status of certain large existing buildings. Relevant definitions are found in regulations 2, 3(2) (“material alteration”) and 5 (“material change of use”).

Building work must be carried out so that it complies with the applicable requirements set out in Parts A to P of Schedule 1 and in complying with such requirements there must be no failure to comply with any other such requirements (regulation 4). The requirements in Schedule 1 relate to structure (Part A), fire safety (Part B), site preparation and resistance to contaminants and moisture (Part C), toxic substances (Part D), resistance to the passage of sound (Part E), ventilation (Part F), sanitation, hot water safety and water efficiency (Part G), drainage and waste disposal (Part H), combustion appliances and fuel storage systems (Part J), protection from falling, collision and impact (Part K), conservation of fuel and power (Part L), access to and use of buildings (Part M), glazing – safety in relation to impact, opening and cleaning (Part N) and electrical safety (Part P). Not all provisions of Schedule 1 apply to all building work.

Regulation 7 requires that building work must be carried out with adequate and proper materials and in a workmanlike manner.

Regulations 9 and 10 provide for exemptions. Regulation 11 allows local authorities to dispense with or relax requirements of these Regulations. A person intending to carry out building work is not required to give a building notice or deposit full plans where the work is carried out under a self-certification scheme set out in Schedule 3 or where work falls within Schedule 4 (regulation 12(6)).

Part 3 requires a person intending to carry out building work to give the local authority a building notice or to deposit full plans with the authority (regulation 12) and contains requirements relating to building notices and full plans (regulations 13 and 14) and other procedural requirements.

Part 4 provides that Part 3 and other provisions of these Regulations do not apply where work is supervised in accordance with Part 2 of the Building Act 1984 (c.55) and the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215).

Part 5 contains provision about self-certification schemes. Membership of self-certification schemes exempts persons carrying out relevant work from the normal requirements under the Building Regulations to notify the local authority of an intention to carry out the work.

Part 6 contains provision transposing articles 3 to 6 of the Energy Performance of Buildings Directive (OJ No. L1, 4.1.2003, p.65), a transposition note for which is attached to the

Explanatory Memorandum for the Building and Approved Inspectors (Amendment) Regulations 2006 (S.I. 2006/652). It also contains other provisions relating to energy performance of buildings.

Part 7 contains provisions relating to the water efficiency of new dwellings.

Part 8 contains provisions about information to be provided by a person carrying out building work to the building owner or responsible person.

Part 9 contains provisions requiring a person carrying out work to test certain sorts of building work and to commission fixed building services.

Part 10 contains miscellaneous provisions including power for local authorities to test building work and take samples, and provision that the contravention of certain regulations is not to be an offence.

Regulation 54 and Schedules 5 and 6 revoke the 2000 Regulations and amending Regulations, including Regulations amending both the 2000 Regulations and the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532), and make consequential amendments. No transitional provision is made in respect of the minor changes made in these Regulations. Regulations 49 to 52 contain transitional provisions in respect of the amendments made to the 2000 Regulations by the Building and Approved Inspectors (Amendment) Regulations 2010 (S.I. 2010/719). Regulation 53 secures that transitional and saving provisions in earlier Building Regulations continue to have effect.

A table showing how these Regulations correspond to the 2000 Regulations is attached to the Explanatory Memorandum.

The Building Act 1984 gives the Secretary of State power to approve and issue documents containing practical guidance with respect to the requirements contained in these Regulations. The following publications, originally approved for the purposes of the 2000 Regulations, are approved for the purposes of these Regulations.

- Approved Document A – Structure: 2004 edition incorporating 2004 amendments
- Approved Document B – Fire safety: 2006 edition (amended 2010)
- Approved Document C – Site preparation and resistance to contaminants and moisture: 2004 edition
- Approved Document D – Toxic substances: 1992 edition incorporating 2002 amendments
- Approved Document E – Resistance to the passage of sound: 2003 edition incorporating 2004 amendments
- Approved Document F – Ventilation: 2010 edition
- Approved Document G – Hygiene: 2010 edition
- Approved Document H – Drainage and waste disposal: 2002 edition
- Approved Document J – Combustion appliances and fuel storage systems: 2010 edition
- Approved Document K – Protection from falling, collision and impact: 1998 edition incorporating 2000 amendments
- Approved Document L1A – Conservation of fuel and power: New dwellings: 2010 edition
- Approved Document L1B – Conservation of fuel and power: Existing dwellings: 2010 edition
- Approved Document L2A – Conservation of fuel and power: New buildings other than dwellings: 2010 edition
- Approved Document L2B – Conservation of fuel and power: Existing buildings other than dwellings: 2010 edition
- Approved Document M – Access to and use of buildings: 2004 edition

- Approved Document N – Glazing – safety in relation to impact, opening and cleaning: 1998 edition incorporating 2000 amendments
- Approved Document P – Electrical safety – Dwellings: 2006 edition
- Approved Document to support regulation 7 – Materials and workmanship: 1992 edition incorporating 2000 amendments

It is intended that these approvals will be subject to amendments to be contained in a forthcoming publication “Amendments 2010 to the Approved Documents”. The Approved Documents and amendments are or will be published by NBS, part of RIBA Enterprises Ltd and will be available on the Department’s website www.communities.gov.uk or from RIBA Bookshops Mail Order, 15 Bonhill Street, London EC2P 2EA (email address: sales@ribabookshops.com).

The Department for Communities and Local Government has published notices identifying the requirements, procedures and methodologies approved by the Secretary of State for the purposes of regulations 24, 25, 41, 42, 43 and 44. These are available on the Department’s website. The Water Efficiency Calculator for New Dwellings referred to in regulation 36 is also available on the Department’s website. The Seventeenth Edition of the Wiring Regulations referred to in Schedule 4 is available from the Institution of Engineering and Technology, Michael Faraday House, Six Hills Way, Stevenage SG1 2AY or from the website www.theiet.org.

Impact assessments of the effects that changes to Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) and the effects that the consolidation and other changes made by these Regulations will have on the costs of business and the public and voluntary sectors are annexed to the Explanatory Memorandum for these Regulations. They will be placed on the OPSI website at www.opsi.gov.uk and the www.legislation.gov.uk website and copies have also been placed in the Library of each House of Parliament. Impact assessments of the effect that some provisions of the Building and Approved Inspectors (Amendment) Regulations 2010 (which are revoked on the day on which they come into force but the amendments are consolidated in these Regulations) will have on the costs of business and the public and voluntary sectors were annexed to the explanatory memorandum for those Regulations which is available on the OPSI website and the www.legislation.gov.uk website.

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