

Building Regulations 2000⁽¹⁾

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Building Regulations 2000 and shall come into force on 1st January 2001.

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;

“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 4A, 17C and 17D and Part L of Schedule 1;

“energy rating” of a dwelling means a numerical indication of the overall energy efficiency of that dwelling obtained by the application of a procedure approved by the Secretary of State under regulation 16(2) of these Regulations;

“European Technical Approval issuing body” means a body authorised by a member state of the European Economic Area to issue European Technical Approvals (a favourable technical assessment of the fitness for use of a construction product for the purposes of the Construction Products Directive);

“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;

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

(1) As amended by S.I. 2001/3335; 2002/440; 2002/2871; 2003/2692; 2003/3133; 2004/1465; 2004/3210; 2006/652 and 2006/3318.

(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 service, air conditioning or mechanical ventilation;

“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;

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

“full plans” means plans deposited with a local authority for the purposes of section 16 of the Act 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;

“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;

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

“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, whether or not the room is separated from or arranged in a cluster group with other rooms, but does not include a room in a hospital, or other similar establishment, used for patient accommodation and, for the purposes of this definition, a “cluster” is a group of rooms for residential purposes which is—

(a) separated from the rest of the building in which it is situated by a door which is designed to be locked; and

- (b) not designed to be occupied by a single household;
- “shop” includes premises—
- (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.

(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; 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.

(2A) 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 VII 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.

(2B) Paragraph (2A)(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.

(3) Any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule so numbered in these Regulations.

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;
- (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 4A (requirements relating to thermal elements);

- (h) work required by regulation 4B (requirements relating to a change of energy status);
 - (i) work required by regulation 17D (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 (1A) 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.
- (1A) 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.
- (2) 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.

Requirements relating to thermal elements

- 4A**—(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.

Requirements relating to a change to energy status

4B—(1) 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.

(2) In this regulation "building" means the building as a whole or parts of it that have been designed or altered to be used separately.

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 I to VI 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 (sanitary conveniences and washing facilities)
 - G2 (bathrooms)
 - H1 (foul water drainage)
 - H6 (solid waste storage)
 - J1 to J3 (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);
- (cc) 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);
- (d) in the case of a material change of use described in regulation 5(a), C2 (resistance to moisture);
- (e) 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);
- (f) 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);
- (g) 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), (d), (e) or (f) 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 (g) 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 H2 and J6) 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) 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 Part P of Schedule 1 apply to—

- (a) any greenhouse;
- (b) any small detached building falling within class VI in Schedule 2; and
- (c) any extension of a building falling within class VII in Schedule 2,

which in any case receives its electricity from a source shared with or located inside a dwelling.

(3) The energy efficiency requirements of these Regulations 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 falling within class VII in Schedule 2; and
- (c) the carrying out of any work to or in connection with any such building or extension.

(4) A building falls within paragraph (3) if it—

- (a) is a roofed construction having walls;
- (b) uses energy to condition the indoor climate; and
- (c) does not fall within the categories listed in paragraph (5).

(5) The categories referred to in paragraph (4)(c) are—

- (a) buildings which are—
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (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,
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;
- (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.

(6) In this regulation—

- (a) “building” means the building as a whole or parts of it that have been designed or altered to be used separately; and
- (b) the following terms have the same meaning as in European Parliament and Council Directive 2002/91/EC on the energy performance of buildings—
 - (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”.

PART 3

Exemption of Public Bodies from Procedural Requirements

The Metropolitan Police Authority

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 in so far as the requirements in these Regulations are not substantive requirements.

PART 4

Relaxation of 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 his 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 17C; 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 5

Notices and Plans

Giving of a building notice or deposit of plans

12.—(1). . .

(2) 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.

(2A) 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 shall deposit full plans where he intends to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.

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

(4A) A person shall deposit full plans where he intends to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement.

(5) A person who intends 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 2A if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table, and paragraphs 1 and 2 of that Schedule have effect for the purposes of the descriptions in the Table; or
- (b) described in Schedule 2B.

(6) Where regulation 20 of the Building (Approved Inspectors etc) Regulations 2000 (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.

(7) Where—

- (a) a person proposes to carry out work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2A) before commencing the work; and
- (c) paragraph (5) does not apply,

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

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 him or on his 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.

(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;
 - (ii) . . .
 - (iii) the steps to be taken to comply with any local enactment which applies.

(3) In the case of building work which involves the insertion of insulating material into the cavity walls of a building, a building notice shall be accompanied by a statement which specifies—

- (a) the name and type of insulating material to be used;

- (b) the name of any European Technical Approval issuing body which has approved the insulating material;
- (c) the requirements of Schedule 1 in relation to which any body referred to in (b) has approved the insulating material;
- (d) any national standard of a member state of the European Economic Area to which the insulating material conforms; and
- (e) the name of any body which has issued any current approval to the installer of the insulating material.

(4) Where building work involves the provision of a hot water storage system in relation to which paragraph G3 of Schedule 1 (hot water storage) imposes a requirement, a building notice shall be accompanied by a statement which specifies—

- (a) the name, make, model and type of hot water storage system to be installed;
- (b) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of paragraph G3 of Schedule 1;
- (c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.

(5) 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.

(6) Neither a building notice nor plans which accompany it or are given under paragraph (5) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.

(7) 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) to (4) of regulation 13; and
- (aa) 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
- (b) 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 he wishes the local authority to 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

14A—(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 is required by paragraph (2) to consult the sewerage undertaker they shall—

- (a) give to the sewerage undertaker, in a case where they 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

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

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

(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 he has given the local authority notice that he intends to commence that work, and at least one day has elapsed since the end of the day on which he gave the notice.

(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) Where a person fails to comply with paragraphs (1) to (3), he shall comply within a reasonable time with any notice given by the local authority requiring him 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(7) applies.

Energy rating

16.—(1) This regulation applies where a new dwelling is created by building work or by a material change of use in connection with which building work is carried out.

(2) Where this regulation applies, the person carrying out the building work shall calculate the energy rating of the dwelling by means of a procedure approved by the Secretary of State and give notice of that rating to the local authority.

(3) The notice referred to in paragraph (2) shall be given not later than the date on which the notice required by paragraph (4) of regulation 15 is given, and, where a new dwelling is created by the erection of a building, it shall be given at least five days before occupation of the dwelling.

(4) Where this regulation applies, subject to paragraphs (6) and (7), the person carrying out the building work shall affix, as soon as practicable, in a conspicuous place in the dwelling, a notice stating the energy rating of the dwelling.

(5) The notice referred to in paragraph (4) shall be affixed not later than the date on which the notice required by paragraph (4) of regulation 15 is given, and, where a new dwelling is created by the erection of a building, it shall be affixed not later than five days before occupation of the dwelling.

(6) Subject to paragraph (7), if, on the date the dwelling is first occupied as a residence, no notice has been affixed in the dwelling in accordance with paragraph (4), the person carrying out the building work shall, not later than the date on which the notice required by paragraph (4) of regulation 15 is given, give to the occupier of the dwelling a notice stating the energy rating of the dwelling calculated in accordance with paragraph (2).

(7) Paragraphs (4) and (6) shall not apply in a case where the person carrying out the work intends to occupy, or occupies, the dwelling as a residence.

Provisions applicable to self certification schemes

16A—(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 2A 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 is 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 building 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 the building work described in Schedule 2B.

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 15(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 of Schedule 1 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 Part B of Schedule 1 (fire safety); and
- (b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of 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.

PART 5A

Energy Performance of Buildings

Methodology of calculation of the energy performance of buildings

17A. The Secretary of State shall approve a methodology of calculation of the energy performance of buildings.

Minimum energy performance requirements for buildings

17B. 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 17A.

New buildings

17C. Where a building is erected, it shall not exceed the target CO₂ emission rate for the building that has been approved pursuant to regulation 17B.

Consequential improvements to energy performance

17D.—(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.

Interpretation

17E. In this Part “building” means the building as a whole or parts of it that have been designed or altered to be used separately.

PART 6

Miscellaneous

Testing of building work

18. 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

19. 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.

Supervision of building work otherwise than by local authorities

20.—(1) Regulations 12, 15, 16, 16A, 17, 18, 19, 20A, 20B, 20C and 20D 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 18 and 19 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.

Sound insulation testing

20A—(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)(e) 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 15(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 he gives notice of commencement of the work under regulation 15(1), that, for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1, he is using one or more design details approved by Robust Details Limited, provided that—

- (a) the notification specifies—
 - (i) the part or parts of the building in respect of which he 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.

Pressure testing

20B.—(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 17C 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 is 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 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.

Commissioning

20C.—(1) This regulation applies to building work in relation to which paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply where the work consists only of work described in Schedule 2B.

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

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

- (a) not later than the date on which the notice required by regulation 15(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.

CO₂ emission rate calculations

20D.—(1) Subject to paragraph (4), where regulation 17C applies the person carrying out the work shall provide to the local authority a notice which specifies—

- (a) the target CO₂ emission rate for the building; and
- (b) the calculated CO₂ emission rate for the building as constructed.

(2) The notice shall be given to the local authority not later than the date on which the notice required by regulation 20B is required to be given.

(3) A local authority is authorised to accept, as evidence that the requirements of regulation 17C would be satisfied if the building was constructed in accordance with an accompanying list of specifications, a certificate to that effect by a person who is registered by—

- (a) FAERO Limited; or
- (b) BRE Certification Limited,

in respect of the calculation of CO₂ emission rates of buildings.

(4) Where such a certificate is given to the local authority—

- (a) paragraph (1) does not apply; and
- (b) the person carrying out the work shall provide to the local authority not later than the date on which the notice required by regulation 20B is required to be given a notice which—
 - (i) states whether the building has been constructed in accordance with the list of specifications which accompanied the certificate; and
 - (ii) if it has not, lists any changes to the specifications to which the building has been constructed.

Unauthorised building work

21.—(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) 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; or
- (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 15(1) of these Regulations, where a building notice has been given or full plans have been deposited.

(3) 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 his 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”).

(4) 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.

(5) When the applicant has taken any such steps required by the local authority as are described in paragraph (4), 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.

(6) 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”).

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

(8) 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.

Contravention of certain regulations not to be an offence

22. Regulations 16, 17, 20A, 20B, 20C and 20D are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply.

Transitional provisions

23.—(1) Subject to paragraph (2), the Regulations specified in Schedule 3 shall continue to apply in relation to any building work as if these Regulations had not been made where-

- (a) before 1st January 2001 a building notice, an initial notice, an amendment notice or a public body's notice has been given to, or full plans have been deposited with, a local authority; and
- (b) building 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.

(2) Where an initial notice given before 1st January 2001 is varied by an amendment notice given on or after that date, the Regulations specified in Schedule 3 shall continue to apply as if these Regulations had not been made, 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.

Revocations

24. The Regulations specified in Schedule 3 are hereby revoked.

SCHEDULE 1

Regulations 4 and 6

Requirements

<i>Requirement</i>	<i>Limits on application</i>
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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 (power to provide prisons etc).

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 sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.

(3) To inhibit the spread of fire within the building, it shall be sub-divided with fire-resisting construction to an extent appropriate to the size and intended use of the building.

(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.

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..

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; and

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

PART F VENTILATION

Means of ventilation

F1 There shall be adequate means of ventilation provided for people in the building.

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.

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

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

- (a) into which people do not normally go;

or

- (b) which is used solely for storage; or
- (c) which is a garage used solely in connection with a single dwelling.

PART G HYGIENE

Sanitary conveniences and washing facilities

G1 (1) Adequate sanitary conveniences shall be provided in rooms provided for that purpose, or in bathrooms. Any such room or bathroom shall be separated from places where food is prepared.

(2) Adequate washbasins shall be provided in—

- (a) rooms containing water closets; or
- (b) rooms or spaces adjacent to rooms containing water closets.

Any such room or space shall be separated from places where food is prepared.

(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with paragraph (2).

(4) Sanitary conveniences and washbasins to which this paragraph applies shall be designed and installed so as to allow effective cleaning.

Bathrooms

G2 A bathroom shall be provided containing either a fixed bath or shower bath, and there shall be a suitable installation for the provision of hot and cold water to the bath or shower bath.

Requirement G2 applies only to dwellings.

Hot water storage

G3 A hot water storage system that has a hot water storage vessel which does not incorporate a vent pipe to the atmosphere shall be installed by a person competent to do so, and there shall be precautions—

- (a) to prevent the temperature of stored water at any time exceeding 100°C; and
- (b) to ensure that the hot water discharged from safety devices is safely conveyed to where it is visible but will not cause danger to persons in or about the building.

Requirement G3 does not apply to—

- (a) a hot water storage system that has a storage vessel with a capacity of 15 litres or less;
- (b) a system providing space heating only;
- (c) a system which heats or stores water for the purposes only of an industrial process.

PART H DRAINAGE AND WASTE DISPOSAL

Foul water drainage

H1 (1) An adequate system of drainage shall be

Requirement H1 does not apply to the diversion

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 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, 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.

of water which has been used for personal washing or for the washing of clothes, linen or other articles to collection systems for reuse

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.

(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.

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 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.

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.

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.

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.

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).

Solid waste storage

H6 (1) Adequate provision shall be made for 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) 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, J2 and J3 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.

Protection of building

J3 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.

Provision of information

J4 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.

Protection of liquid fuel storage systems

J5 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 J5 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

J6 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 J6 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,

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

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

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—

Requirement K5 does not apply to—

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

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

(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.

PART L 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 and commissioning energy efficient fixed building services with effective controls; and
- (c) providing 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 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 walls, ceilings or roofs to be safely accessible for cleaning.

Requirement N4 does not apply to—

- (a) dwellings; or
- (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.

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 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.

CLASS 2

Buildings not Frequented by People

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,

unless any point of such a building is less than one and a half times its height from

- (i) any point of a building into which people can or do normally go; or
- (ii) 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
- (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 2A

Self-certification schemes and exemptions from requirement to give building notice or deposit full plans

<i>Column 1</i>	<i>Column 2</i>
<i>Type of work</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 ⁽²⁾ .
2. Installation of heating or hot water service system connected to a heat-producing gas appliance, or associated controls.	A person registered by CORGI Services Limited ⁽³⁾ in respect of that type of work.
3. Installation of— (a) an oil-fired combustion appliance which has a rated heat output of	An individual registered by Oil Firing Technical Association Limited ⁽⁴⁾ , NAPIT Registration Limited ⁽⁵⁾ or Building

(2) S.I. 1998/2451.

(3) A company incorporated under the Companies Act 1985 with the registration number 03268198.

(4) A company incorporated under the Companies Act 1985 with the registration number 02739706.

(5) A company incorporated under the Companies Act 1985 with the registration number 05190452.

<p>100 kilowatts or less and which is installed in a building with no more than 3 storeys (excluding any basement) or in a dwelling;</p> <p>(b) oil storage tanks and the pipes connecting them to combustion appliances; or</p> <p>(c) heating and hot water service systems connected to an oil-fired combustion appliance.</p>	<p>Engineering Services Competence Accreditation Limited(6) in respect of that type of work.</p>
<p>4. Installation of—</p> <p>(a) a solid fuel burning combustion appliance which has a rated heat output of 50 kilowatts or less which is installed in a building with no more than 3 storeys (excluding any basement); or</p> <p>(b) heating and hot water service systems connected to a solid fuel burning combustion appliance.</p>	<p>A person registered by HETAS Limited(7), NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited(8), NICEIC Group Limited(9) or Building Engineering Services Competence Accreditation Limited in respect of that type of work.</p>
<p>5. Installation of a heating or hot water service system, or associated controls, in a dwelling, other than a combustion appliance or its associated controls.</p>	<p>A person registered by Building Engineering Services Competence Accreditation Limited, Association of Plumbing and Heating Contractors (Certification) Limited, NICEIC Group Limited, Corgi Services Limited or NAPIT Registration Limited in respect of that type of work.</p>
<p>6. Installation of a heating, hot water service, mechanical ventilation or air conditioning system, or associated controls, in a building other than a dwelling, other than a combustion appliance or its associated controls.</p>	<p>A person registered by Building Engineering Services Competence Accreditation Limited or NICEIC Group Limited in respect of that type of work.</p>
<p>7. Installation of an air conditioning or ventilation system in an existing dwelling, which does not involve work on systems shared with other dwellings.</p>	<p>A person registered by CORGI Services Limited, NAPIT Registration Limited or NICEIC Group Limited in respect of that type of work.</p>
<p>8. Installation of a commercial kitchen ventilation system which does not involve work on systems shared with parts of the building occupied separately.</p>	<p>A person registered by CORGI Services Limited or NICEIC Group Limited in respect of that type of work.</p>
<p>9. Installation of a lighting system or electric heating system, or associated electrical controls.</p>	<p>A person registered by The Electrical Contractors Association Limited(10) or NICEIC Group Limited in respect of that type of work.</p>

(6) A company incorporated under the Companies Act 1985 with the registration number 03712932.

(7) A company incorporated under the Companies Act 1985 with the registration number 02117828.

(8) A company incorporated under the Companies Act 1985 with the registration number 02876277.

(9) A company incorporated under the Companies Act 1985 with the registration number 02513162.

(10) A company incorporated under the Companies Act 1985 with the registration number 00143669.

<p>10. Installation of fixed low or extra-low voltage electrical installations.</p>	<p>A person registered by BRE Certification Limited(11), British Standards Institution(12), ELECSA Limited(13), NICEIC Group Limited or NAPIT Registration Limited in respect of that type of work.</p>
<p>11. 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.</p>	<p>A person registered by CORGI Services Limited, ELECSA Limited, NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited, NICEIC Group Limited or Oil Firing Technical Association Limited in respect of that type of electrical work.</p>
<p>12. Installation, as a replacement, of a window, rooflight, roof window or door (being a door which together with its frame has more than 50 per cent of its internal face area glazed) in an existing building.</p>	<p>A person registered under the Fenestration Self-Assessment Scheme by Fensa Ltd(14), or by CERTASS Limited(15) or the British Standards Institution in respect of that type of work.</p>
<p>13. Installation of a sanitary convenience, washing facility or bathroom in a dwelling, which does not involve work on shared or underground drainage.</p>	<p>A person registered by CORGI Services Limited, NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited or NICEIC Group Limited in respect of that type of work.</p>
<p>14.—(1) Subject to paragraph (2), 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.</p> <p>(2) Paragraph (1) does not apply to—</p> <p>(a) building work which is necessary to ensure that a heat-producing gas appliance complies with the applicable requirements contained in Schedule 1 unless the appliance—</p> <p>(i) has a rated heat output of 100 kilowatts or less; and</p> <p>(ii) is installed in a building with no more than 3 storeys (excluding any basement), or in a dwelling; or</p> <p>(b) 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>

(11) A company incorporated under the Companies Act 1985 with the registration number 03548352

(12) Incorporated by Royal Charter.

(13) A company incorporated under the Companies Act 1985 with the registration number 05131470.

(14) A company incorporated under the Companies Act 1985 with the registration number 03058561.

(15) A company incorporated under the Companies Act 1985 with the registration number 04350234.

SCHEDULE 2B

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 heating or cooling systems—
 - (i) replacing control devices that utilise existing fixed control wiring or pneumatic pipes;
 - (ii) replacing a distribution system output device;
 - (iii) providing a valve or a pump;
 - (iv) providing a damper or a fan;
- (g) in hot water service systems, providing a valve or a pump;
- (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.

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;

“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; and

“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, sixteenth edition, published by the Institution of Electrical Engineers and the British Standards Institution as BS 7671: 2001 and incorporating amendments 1 and 2.

SCHEDULE 3

Regulation 24

REVOCATION OF REGULATIONS

Title	Reference
The Building Regulations 1991	S.I. 1991/2768
The Building Regulations (Amendment) Regulations 1992	S.I. 1992/1180
The Building Regulations (Amendment) Regulations 1994	S.I. 1994/1850
The Building Regulations (Amendment) Regulations 1995	S.I. 1995/1356
The Building Regulations (Amendment) Regulations 1997	S.I. 1997/1904
The Building Regulations (Amendment) Regulations 1998	S.I. 1998/2561
The Building Regulations (Amendment) Regulations 1999	S.I. 1999/77
The Building Regulations (Amendment) (No. 2) Regulations 1999	S.I. 1999/3410
The Building Regulations (Amendment) Regulations 2000	S.I. 2000/1554