

OFFICE OF THE DEPUTY PRIME MINISTER

ODPM Circular 03/2002
Office of the Deputy Prime Minister
Portland House, Stag Place, London SW1E 5LP

19 December 2002

THE BUILDING ACT 1984

The Building (Amendment) (No. 2)
Regulations 2002 and

The Building (Approved Inspectors etc.)
(Amendment) Regulations 2002:

- **New Parts B and E in Schedule 1 to the Building Regulations 2000**
- **New requirements on sound insulation testing in the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000**
- **Related amendments to the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000**

Amendment of Approved Document
giving guidance on Part B (Fire safety)

New Approved Document giving guidance
on Part E (Resistance to the passage of
sound) and on sound insulation testing

INTRODUCTION

1. I am directed by the First Secretary of State to draw your attention to the Building (Amendment) (No. 2) Regulations 2002 (SI 2002/2871) and the Building (Approved Inspectors etc.) (Amendment) Regulations 2002 (SI 2002/2872). These were made on 16 November 2002. The coming into force date for the new Part B (Fire safety) is 1 March 2003. The coming into force date for the new Part E (Resistance to the passage of sound) and some related amendments is 1 July 2003. The requirements on

sound insulation testing will come into force on 1 July 2003, for work other than the erection of new dwelling-houses and flats; and on 1 January 2004, for new-build dwelling-houses and flats. The transitional provisions for the new Part E, the new requirements on sound insulation testing and the other related amendments, are referred to in paragraph 22 below. For the reason given in paragraph 6 below, there are no transitional provisions in relation to the new Part B.

2. In accordance with section 14(3) of the Building Act 1984, these Amendment Regulations were made after consultation with the Building Regulations Advisory Committee and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
 - draw attention to these Amendment Regulations and explain the changes they make to the Building Regulations 2000 (“the Building Regulations”) and to the Building (Approved Inspectors etc.) Regulations 2000 (“the Approved Inspectors Regulations”)
 - explain the coming into force and transitional provisions
 - announce the approval and publication of new Approved Document E and a document containing amendments to Approved Document B
 - draw attention to action for building control bodies in relation to selection of buildings for sound insulation testing (see paragraph 15 below).
4. This Circular does not give advice on the technical requirements of Parts B and E because these are matters covered in the Approved Documents. Annexes A and B to this circular set out the changes to the Building Regulations and the Approved Inspectors Regulations made by SI 2002/2871 and SI 2002/2872, in tabular form.

NEW PART B (FIRE SAFETY)

5. SI 2002/2871 introduces a revised Part B (fire safety) into Schedule 1 to the Building Regulations and revokes the current Part B. The only change in the new Part B is in paragraph B2 (Internal fire spread (linings)). Revised wording has been introduced to take account of the new European reaction to fire test procedures. The Approved Document for Part B has been supplemented by “Amendments 2002 to Approved Document B (Fire safety)” (see paragraph 23 below and Annex C). This supplement contains guidance relating to the new European reaction to fire and fire resistance testing and classification procedures that have been produced in support of the Construction Products Directive.
6. Under regulation 1 of SI 2002/2871 the new Part B takes effect on 1 March 2003. There are no transitional provisions in relation to the new Part B, so it will apply to building work in progress on 1 March 2003 as well as to building work starting on or after that date. However, plans and work that comply with the current Part B will also comply with the new Part B.

NEW PART E (RESISTANCE TO THE PASSAGE OF SOUND) AND RELATED AMENDMENTS

7. SI 2002/2871 introduces a new Part E (Resistance to the passage of sound) into

Schedule 1 to the Building Regulations and revokes the current Part E. The main changes in Part E are noted inside the front cover of the 2003 edition of Approved Document E. (Paragraph 23 below refers to the formal approval of this new Approved Document; the notice of approval of the new Approved Document is contained in Annex C to this circular.) Paragraphs E1, E2 and E3 of the revised Part E deal with acoustic conditions in dwelling-houses, flats and “rooms for residential purposes”. Paragraph E4 deals with acoustic conditions in schools (for this purpose, “school” has the same meaning as in section 4 of the Education Act 1996).

8. SI 2002/2871 amends regulation 2(1) (Interpretation) of the Building Regulations to introduce a definition of “room for residential purposes”. This expression applies to accommodation of various sorts in which people live and sleep, that is not a dwelling-house or a flat. The term “flat” is already defined in regulation 2(1) of the Building Regulations. Regulation 2(1) also states that a “dwelling-house” does not include a flat or a building containing a flat.
9. The definition of “room for residential purposes” states that the expression includes rooms in hotels, hostels and boarding houses, halls of residence and residential homes, but does not include rooms in hospitals, or similar establishments, used for patient accommodation. The examples of accommodation encompassed by the new expression do not constitute an exhaustive list, so rooms or suites of rooms in some other sorts of building may be “rooms for residential purposes”.
10. SI 2002/2871 amends regulations 5 and 6 of the Building Regulations (Meaning of material change of use; Requirements relating to material change of use) so that
 - a) requirements E1 to E3 are applicable to changes of use where a building contains one or more “rooms for residential purposes” whereas previously it did not, and where the number of “rooms for residential purposes” in a building is increased or reduced;
 - b) requirement E4 is applicable to changes of use where a building is used as, or contains, a school, whereas previously it did not. (As noted in paragraph 7 above, the limits on application for the new Part E mean that, for the purposes of requirement E4, “school” has the same meaning as in section 4 of the Education Act 1996).
11. SI 2002/2871 replaces regulation 8 (Limitation on application) of the Building Regulations with a new version which consolidates previous amendment of the regulation and, in addition, excludes Part E. This is to reflect the fact that the purpose of the new Part E extends beyond the health and safety of building users to encompass considerations of welfare and convenience.

Commencement and transitional provisions in relation to the new Part E

12. The new Part E and the associated other amendments to the Building Regulations described above come into force on 1 July 2003. This is subject to the transitional provisions referred to in paragraph 22 below.

Sound insulation testing

13. SI 2002/2871 introduces a new regulation 20A (Sound insulation testing) into the Building Regulations. This new regulation applies

- (a) to building work in relation to which paragraph E1 of Schedule 1 imposes a requirement (this principally concerns the erection of dwelling-houses and buildings containing one or more flats or rooms for residential purposes); and
 - (b) to work which is required to be done to a building in a material change of use case to ensure it complies with requirement E1. This concerns, for example, projects involving the conversion of a building into flats.
14. Under the new regulation 20A, the person carrying out the work must ensure that “appropriate” sound insulation testing is carried out in accordance with a “procedure approved by the Secretary of State”. The results of the testing must be recorded “in a manner approved by the Secretary of State”. A copy of the results must be given to the local authority not later than the deadline for the completion notice required under regulation 15(4) of the Building Regulations (see paragraph 17 below for the position where building control is being done by an approved inspector).
 15. Section 1 of the 2003 Edition of Approved Document E contains practical guidance, approved by the Secretary of State under section 6 of the Building Act 1984, on what amounts to “appropriate” sound insulation testing for the purposes of regulation 20A (or regulation 12A of the Approved Inspectors Regulations – see paragraph 17 below). The duty of ensuring that appropriate sound insulation testing is carried out falls on the person carrying out the building work, who will normally discharge the duty by engaging a suitably qualified testing firm. The guidance in Section 1 of Approved Document E is therefore addressed, in the first place, to persons carrying out building work. However, the guidance is also addressed to building control bodies as the Secretary of State expects building control bodies to determine the sample of properties selected for testing in the case of multi-property developments.
 16. Section 1.41 of the new Approved Document E sets out the *manner of recording* approved by the Secretary of State for the purposes of regulation 20A of the Building Regulations (and regulation 12A of the Approved Inspectors Regulations). Annex B2 to the new Approved Document E describes the sound insulation testing *procedure* approved by the Secretary of State for the purposes of regulation 20A and 12A. Notice of these approvals is set out in Annex D to this circular.
 17. SI 2002/2871 amends regulation 20 of the Building Regulations (Supervision of building work other than by local authorities) so that Regulation 20A does not apply in respect of work specified in an initial notice or amendment notice that is in force. Instead, there is an equivalent duty placed on the person carrying out relevant building work by regulation 12A of the Approved Inspectors Regulations, introduced by SI 2002/2872 . The guidance on “appropriate” sound insulation testing, and the approved testing procedure and manner of recording of test results, are the same as for regulation 20A of the Building Regulations. In place of the requirement to give a copy of the test results to the local authority, there is a requirement to give a copy of the results to the approved inspector not later than five days after the completion of the work to which the initial notice relates.
 18. SI 2002/2872 amends regulation 11 of the Approved Inspectors Regulations (Functions of approved inspectors) so that the prescribed functions of approved inspectors include checking for compliance with regulation 12A.
 19. SI 2002/2872 amends regulation 31 of the Approved Inspectors Regulations (Contravention of certain regulations not to be an offence) so that contravention of

regulation 12A by a person carrying out building work is an offence. This parallels the position for regulation 12 (Energy rating) of the Approved Inspectors Regulations. (Contravention of new regulation 20A of the Building Regulations is also an offence. Under regulation 22 of the Building Regulations 2000, contraventions of all relevant provisions of those Regulations, other than regulation 17 (Completion certificates) is an offence.)

Coming into force of the requirements for sound insulation testing

20. Under regulation 1(b) of SI 2002/2871 and regulation 1(a) of SI 2002/2872 the sound insulation testing requirements of regulations 20A and 12A come into force, in relation to the erection of a dwelling-house or building containing one or more flats, on 1 January 2004. There are separate transitional provisions in relation to that coming into force date. In relation to other sorts of work to which regulations 20A and 12A apply (conversions, erection of new buildings containing rooms for residential purposes), the sound insulation testing requirements come into force on 1 July 2003, i.e. together with the revised Part E itself, subject to the same transitional provisions as apply to Part E.
21. This arrangement is to allow time for the house building industry to make a case for an amendment of the new sound insulation testing requirements in respect of the erection of new dwelling-houses and flats, disapplying those requirements if robust standard details are employed in the construction. If Ministers were satisfied that such a case had been demonstrated, the regulations would be further amended in the course of 2003.

Transitional provisions

22. Annex E to this circular explains the transitional provisions in SI 2002/2871 and SI 2002/2872 that apply, respectively, to the coming into force of provisions on 1 July 2003 and to the coming into force of provisions on 1 January 2004.

AMENDMENT DOCUMENT RELATING TO APPROVED DOCUMENT B

NEW APPROVED DOCUMENT E

23. The Secretary of State, in exercise of his powers under section 6(1) and 6(4) of the Building Act 1984, has
 - a) approved amendments to the Approved Document giving practical guidance with respect to the requirements of Part B of Schedule 1 to the Building Regulations. These amendments are set out in “Amendments 2002 to Approved Document B (Fire safety)” (ISBN 0 11 753637 7, price £4);
 - b) approved a new Approved Document giving practical guidance with respect to the requirements of Part E of Schedule 1 to the Building Regulations; and with respect to the requirements of regulation 20A of the Building Regulations and regulation 12A of the Approved Inspectors Regulations. This new document is entitled “Approved Document E: Resistance to the passage of sound” (2003 Edition, ISBN 0 11 753642 3, price £14).

Formal notice of these approvals, which take effect on 1 March 2003 (as regards

Approved Document B) and 1 July 2003 (as regards Approved Document E), is contained in Annex C to this Circular.

24. The amendments to Approved Document B and the new Approved Document E were notified in draft to the European Commission in accordance with Directive 83/189/EEC (1982 O.J. L109/8) (as amended).
25. The Secretary of State does not, for the time being, propose to withdraw approval of the previous edition of Approved Document E, insofar as it applies to building work which, in accordance with the transitional arrangements contained in SI 2002/2871, will continue to be subject to the current Building Regulations.
26. "Amendments 2002 to Approved Document B (Fire Safety)" and the new Approved Document E are published by The Stationery Office (TSO). Copies are available from TSO (tel: 0870 600 5522, fax: 0870 600 5533) and through booksellers. They can also be viewed on the ODPM web-site at www.safety.odpm.gov.uk/bregs/brads.htm.

ENQUIRIES

27. Enquiries on Part B of the Building Regulations should be addressed to:

Anthony Burd: Building Regulations Division, ODPM, Zone 18 A,
Portland House, Stag Place, London, SW1E 5LP.
Tel: 020 7944 5730
Fax: 020 7944 5739 or 5719
E-mail: firesafe.br@odpm.gov.uk

28. Enquiries on Part E of the Building Regulations should be addressed to:

Les Fothergill: Building Regulations Division, ODPM, Zone 18 A,
Portland House, Stag Place, London, SW1E 5LP.
Tel: 020 7944 5737
Fax: 020 7944 5739 or 5719
E-mail: partsefkn.br@odpm.gov.uk

29. Enquiries on administrative matters raised by this circular should be addressed to:

Kathleen Morris: Building Regulations Division, ODPM, Zone 18 B,
Portland House, Stag Place, London, SW1E 5LP.
Tel: 020 7944 5755
Fax: 020 7944 5739 or 5719
E-mail: bregsa.br@odpm.gov.uk

PAUL F. EVERALL

Assistant Secretary in the Office of the Deputy Prime Minister

File References: Part B – CI 43/04/22
Part E – CI 43/04/25

THE BUILDING (AMENDMENT) (NO. 2) REGULATIONS 2002

(SI 2002/2871)

The following table lists the changes made by SI 2002/2871 to the Building Regulations 2000 (SI 2000/2531) (as amended by the Building (Amendment) Regulations 2001 (SI 2001/3335) and the Building (Amendment) Regulations 2002 (SI 2002/440)).

SI 2000/2531 (as previously amended) Regulation No.	SI 2002/2871 Regulation No.	Action
2(1)	2(2)	Interpretation: definition of 'room for residential purposes' introduced – see paragraph 8.
5	2(3)	Meaning of material change of use: new subparagraphs (h) and (i) added, referring to rooms for residential purposes – see paragraph 10.
6	2(4)	Requirements relating to material change of use: paragraph 6(1)(e) amended to include reference to new subparagraphs (h) and (i) of regulation 5; paragraph 6(1)(f) introduced in relation to schools; paragraph 6(2)(b) amended to introduce reference to new paragraph 6(1)(f) – see paragraph 10.
8	2(5)	Limitation on requirements: new version of regulation 8 introduced to consolidate previous change and to except Part E from the limitation – see paragraph 11.
20(1)	2(6)	Supervision of building work otherwise than by local authorities: amended to include reference to new regulation 20A – see paragraph 17.
/	2(7)	Sound insulation testing: new regulation 20A introduced – see paragraphs 13-16.
Schedule 1, Part B	2(8) and Schedule 1	Part B (fire safety): revised Part B replaces old Part B – see paragraph 5.
Schedule 1, Part E	2(9) and Schedule 2	Part E (resistance to the passage of sound): revised Part E replaces old Part E – see paragraph 7.

THE BUILDING (APPROVED INSPECTORS ETC.) (AMENDMENT) REGULATIONS 2002 (SI 2002/2872)

The following table lists the changes made by SI 2002/2872 to the Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532) (as amended by the Building (Approved Inspectors etc.) (Amendment) Regulations 2001 SI 2001/3336.

SI 2000/2532 (as previously amended) Regulation No.	SI 2002/2872 Regulation No.	Action
11(1)(c)	2(2)	Functions of Approved Inspectors: amended to refer to new regulation 12A – see paragraph 18
/	2(3)	Sound insulation testing: new regulation 12A introduced – see paragraph 17.
31	2(4)	Contravention of certain regulations not to be an offence: amended to refer to new regulation 12A, so that contravention of regulation 12A is an offence – see paragraph 19.

BUILDING ACT 1984

NOTICE OF APPROVAL OF DOCUMENTS FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000 AND THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

The First Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in exercise of his powers under the said section 6, he has approved the documents listed below for the purpose of giving practical guidance with respect to the specified requirements of the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000 (in each case, as amended). The approvals take effect on 1 March 2003, as regards the first mentioned document; and on 1 July 2003, as regards the second mentioned document.

Document	Requirements of the Building Regulations 2000 and of the Building (Approved Inspectors etc.) Regulations 2000 in respect of which the document is approved
“Amendments 2002 to Approved Document B (Fire safety)”	Schedule 1 Part B of the Building Regulations 2000
“Approved Document E: Resistance to the Passage of Sound. 2003 Edition”	Regulation 20A and Schedule 1 Part E of the Building Regulations 2000; Regulation 12A of the Building (Approved Inspectors etc.) Regulations 2000

Signed by authority of the
First Secretary of State

Paul F. Everall
An Assistant Secretary
in the Office of the
Deputy Prime Minister

19 December 2002

BUILDING ACT 1984

REGULATION 20A OF THE BUILDING REGULATIONS 2000

AND

REGULATION 12A OF THE BUILDING (APPROVED INSPECTORS ETC.)
REGULATIONS 2000

**Notice of approval of a procedure for sound insulation testing and of a manner of
recording of the results of sound insulation testing**

The First Secretary of State hereby gives notice that he has approved for the purposes of the above-mentioned regulations 20A and 12A:

- a) the sound insulation testing procedure described in Section B2 of Annex B to Approved Document E: Resistance to the Passage of Sound, 2003 Edition;
- b) the manner of recording of testing set out in paragraph 1.41 in Section 1 of Approved Document E: Resistance to the Passage of Sound, 2003 Edition.

These approvals take effect on 1 July 2003.

Signed by authority of the
First Secretary of State

Paul F. Everall
An Assistant Secretary
in the Office of the
Deputy Prime Minister

19 December 2002

TRANSITIONAL PROVISIONS

Amendments other than those concerning sound insulation testing

- E.1 Regulation 3 of the Building (Amendment) (No. 2) Regulations 2002 contains transitional provisions which apply
- a) to the requirements of the new Part E;
 - b) to the associated amendments of regulations 2(1), 5, 6 and 8 of the Building Regulations 2000.

The transitional provisions apply in relation to school building projects, as well as in relation to dwelling-houses, flats and “rooms for residential purposes”.

Regulation 3(2) provides that the amended terms of the Building Regulations 2000 **will not apply in relation to building work which has already started before 1 July 2003**, provided that the building work began in accordance with:

- a building notice and a commencement notice given to the local authority; or
- full plans deposited with and a commencement notice given to the local authority; or
- an initial notice or an amendment notice given to the local authority.

There are supplementary provisions in Regulation 3(3), relating to cases where an initial notice given before 1 July 2003 is varied by an amendment notice given on or after that date. These are to the effect that, even if work pursuant to an initial notice has begun before 1 July 2003, so that it is not subject to the amended Regulations, work added to the scope of the initial notice by an amendment notice given on or after 1 July 2003 is subject to the amended Regulations.

E.2 Regulation 3(4) and 3(5) provide that the amended terms of the Building Regulations 2000 **will not apply in relation to building work begun on or after 1 July 2003** where:

- full plans have been deposited before that date **and** the local authority has passed the plans, without conditions, before that date; or
- full plans have been deposited before that date **and** the local authority has stated in writing, before that date, that any conditions subject to which they passed the plans have been fully met; or
- a plans certificate has been given by an approved inspector to a local authority before that date **and** is accepted (or is deemed to have been accepted) before, on or after that date.

The flow charts at Annexes E1, E2 and E3 illustrate how these transitional provisions work in relation to: the building notice route; the full plans route; and the approved inspector route.

E.3 It is important to note that (in a local authority building control case) there must be no outstanding conditions in relation to any of the provisions of Schedule 1 to the Building Regulations 2000, by the time of the coming into force date of 1 July 2003, if regulation 3(4) in the transitional provisions is to apply. For example, if there are outstanding conditions relating to compliance of a roof structure with Part A, then the exception provided for in regulation 3(4) will not apply. This will mean that (unless regulation 3(2) applies) the building will be subject to the revised version of Part E. Local authorities may wish to:

- a) alert all those with outstanding conditions on relevant sets of plans deposited before the date of this circular that they must submit the necessary further details well ahead of 1 July 2003, if there is to be a reasonable opportunity for the conditions to be discharged before that coming into force date;
- b) alert anyone they may know is intending to deposit plans for relevant sorts of projects that deposits must be made well ahead of 1 July 2003 if there is to be a reasonable opportunity for the plans to be fully passed before that date;
- c) warn those depositing plans for relevant sorts of projects at dates close to 1 July 2003 that it may not be possible to complete the process of considering the plans in time for them to be fully passed before that date.

Local authorities may also wish to alert those who have given **building notices** for relevant sorts of project that, unless the work has commenced before 1 July 2003 in accordance with a commencement notice given under Regulation 15(1) of the Building Regulations 2000, the work will be subject to the revised version of Part E.

E.4 Where the work covered by a building notice, deposited plans or an initial notice consists of or includes the erection of more than one new building (e.g. an estate of houses), the effect of the rule described in paragraph E.1 is that, unless the rule described in paragraph E.2 applies, a particular building within the overall project will be subject to the revised version of Part E if the erection of that building has not started before 1 July 2003. Thus if (for example) a project consists of the erection of 10 pairs of semi-detached houses and work has begun on only one pair of houses before 1 July 2003, the other nine pairs will be subject to the revised version of Part E, unless the rule described in paragraph E.2 applies.

E.5 The ODPM considers that the start of the erection of a building would usually be marked by work such as:

- excavation for strip or trench foundations or for pad footings;
- digging out and preparation of ground for raft foundations;

- vibrofloatation (stone columns) piling, boring for piles or pile driving.
- E.6 The ODPM considers that the following sorts of work would not be likely to constitute the start of erection of a building:
- removal of vegetation or top soil;
 - removal or treatment of contaminated soil;
 - excavation of trial holes;
 - dynamic compaction;
 - general site servicing works (e.g. roadways and drainage).
- E.7 Local authorities should note that where plans are deposited before 1 July 2003, but the plans have not been passed (or all conditions discharged) before that date, and work has not begun before that date in accordance with a commencement notice, decisions on the plans taken after 1 July 2003 should be based on the amended version of Part E, and, where relevant, the associated amendments of regulations 5 and 6 of the Building Regulations 2000.
- E.8 Where a building notice has been given before 1 July 2003, but work has not begun before that date in accordance with a commencement notice, local authorities' decisions on the work should be based on the amended version of Part E, and, where relevant, the associated amendments of regulations 5 and 6 of the Building Regulations 2000.
- E.9 Where an initial notice has been given before 1 July 2003, but work has not begun before that date, and no plans certificate has been given before that date, approved inspectors' decisions taken after 1 July 2003 on any plans certificate and on the work itself should be based on the amended version of Part E, and, where relevant, the associated amendments of regulations 5 and 6 of the Building Regulations 2000.

Amendments providing for sound insulation testing

The Building (Amendment) (No. 2) Regulations 2002

- E.10 The requirements of new Regulation 20A of the Building Regulations 2000 apply in relation to the creation of "rooms for residential purposes", and the creation of dwelling-houses and flats by conversion work, with effect from 1 July 2003. This is subject to the same transitional provisions as govern the coming into force of the revised requirements of Part E itself. These provisions are those of Regulation 3 of the Building (Amendment) (No. 2) Regulations 2002, described in paragraphs E.1 to E.4 above.
- E.11 The requirements of new Regulation 20A apply in relation to the erection of new dwelling-houses and flats with effect from 1 January 2004. This is subject to transitional provisions set out in Regulation 4 of the Building (Amendment) (No. 2) Regulations 2002.

E.12 Under regulation 4(2) of the Building (Amendment)(No. 2) Regulations 2002, the requirements of the new regulation 20A of the Building Regulations 2000 will not apply in relation to the erection of new dwelling-houses or flats if the work has started before 1 January 2004, provided that the building work has begun in accordance with

- a building notice **and** a commencement notice given to the local authority; or
- full plans deposited with **and** a commencement notice given to the local authority.

E.13 The same point as is made in paragraph E.4 above in relation to Regulation 3(2) of the Building (Amendment)(No. 2) Regulations 2002 applies in relation to Regulation 4(2) of those Regulations. If (for example) a project consists of the erection of 10 pairs of semi-detached houses and work has begun on only one pair of houses before 1 January 2004, the other nine pairs *will be subject to new Regulation 20A (if they are subject to the revised version of Part E1)*. **NB:** there are no provisions in Regulation 4 of the Amendment Regulations equivalent to those in Regulation 3(4). The requirements of new Regulation 20A will apply to buildings the erection of which commences on or after 1 January 2004, even if plans have been fully approved before that date (but after 30 June 2003).

The Building (Approved Inspectors etc.)(Amendment) Regulations 2002

E.14 Regulation 3 of the Building (Approved Inspectors etc.)(Amendment) Regulations 2002 contains transitional provisions which apply to the requirements for sound insulation testing in the new regulation 12A of the Approved Inspectors Regulations 2000.

E.15 Regulation 3(1) provides that the requirements of the new regulation 12A will not apply in relation to building work which has already started before 1 July 2003, if the building work began in accordance with an initial notice or an amendment notice. There are supplementary provisions in regulation 3(2), corresponding to those in regulation 3(3) of the Building (Amendment)(No. 2) Regulations 2002, relating to cases where an initial notice given before 1 July 2003 is varied by an amendment notice given on or after that date.

E.16 Regulation 3(3) provides that the new requirement for sound insulation testing will not apply to work begun on or after 1 July 2003 if a plans certificate has been given to a local authority before that date **and** is accepted (or is deemed to have been accepted) before, on or after that date.

E.17 Regulation 4 of the Building (Approved Inspectors etc.) (Amendment) Regulations 2002 contains transitional provisions applying to the requirements in new regulation 12A for sound insulation testing, insofar as they apply in relation to the erection of dwelling-houses and flats. In relation to the erection of dwelling-houses and flats, those requirements come into force on 1 January 2004.

E.18 Under regulation 4(2) of the Building (Approved Inspectors etc.)(Amendment) Regulations 2002, the requirements of the new regulation 12A of the Approved Inspectors Regulations 2000 will not apply to the erection of dwelling-houses or flats if the work has started before 1 January 2004, provided that the building work has begun in accordance with an initial notice or an amendment notice. As in the case of Regulation 4(2) of the Building (Amendment) (No. 2) Regulations 2002:

- a) Regulation 4(2) of the Approved Inspectors Amendment Regulations means that if (for example) a project consists of the erection of 10 pairs of semi-detached houses and work has begun on only one pair of houses before 1 January 2004, the other nine pairs will be subject to new Regulation 12A (unless the whole project is exempt from Regulation 12A under Regulation 3(3) of the Approved Inspectors Amendment Regulations);
- b) there are no provisions in Regulation 4 of the Approved Inspectors Amendment Regulations equivalent to those in Regulation 3(3). The requirements of new Regulation 12A will apply to buildings the erection of which commences on or after 1 January 2004, even if plans have been the subject of a plans certificate given before that date (but after 30 June 2003).

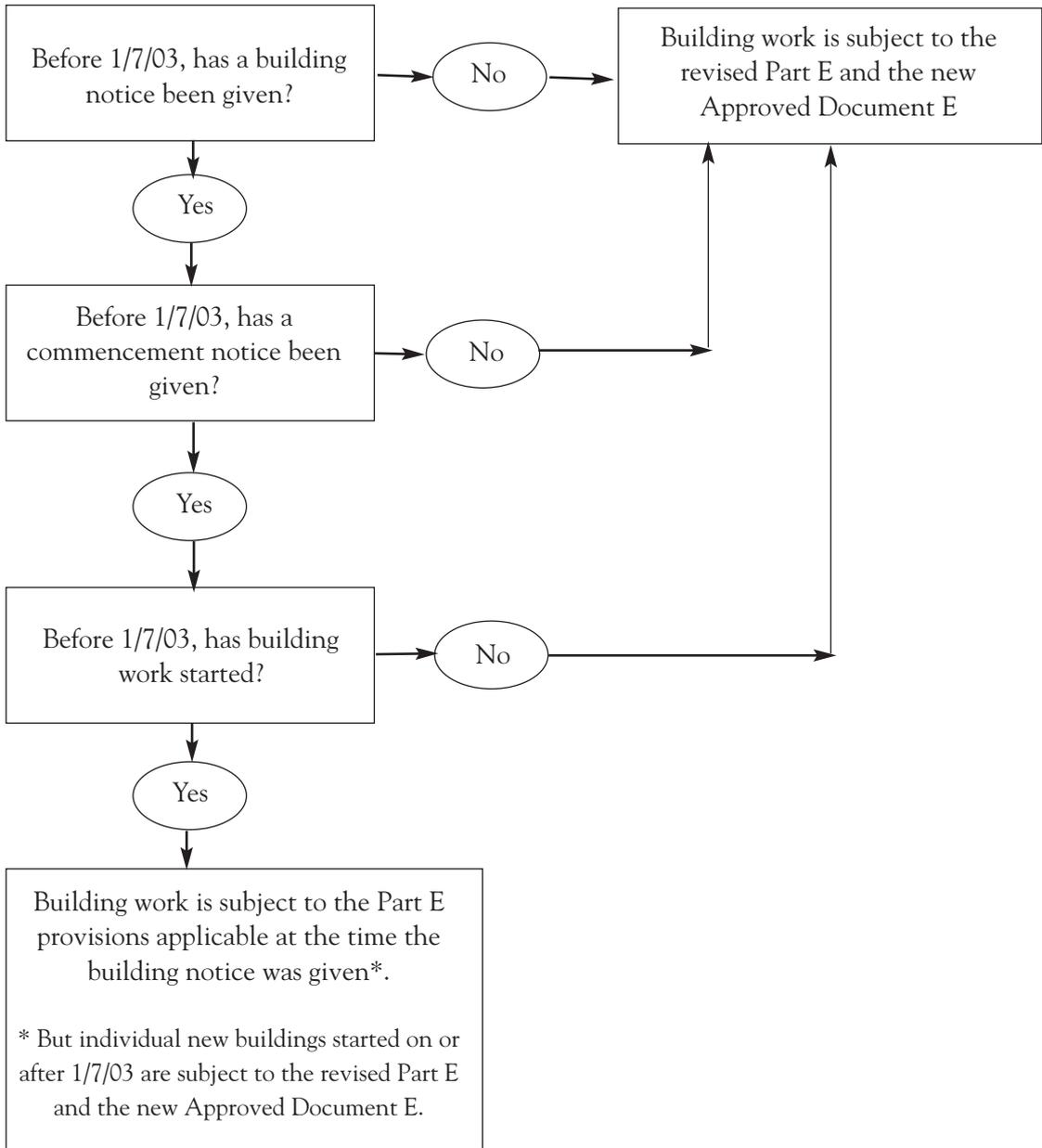
Flow chart

E.19 The flow chart at Annex E.4 below illustrates the transitional provisions applying to the requirements for sound insulation testing.

THE BUILDING (AMENDMENT) (No. 2)
REGULATIONS 2002:

TRANSITIONAL PROVISIONS IN
RELATION TO REQUIREMENTS OF PART E

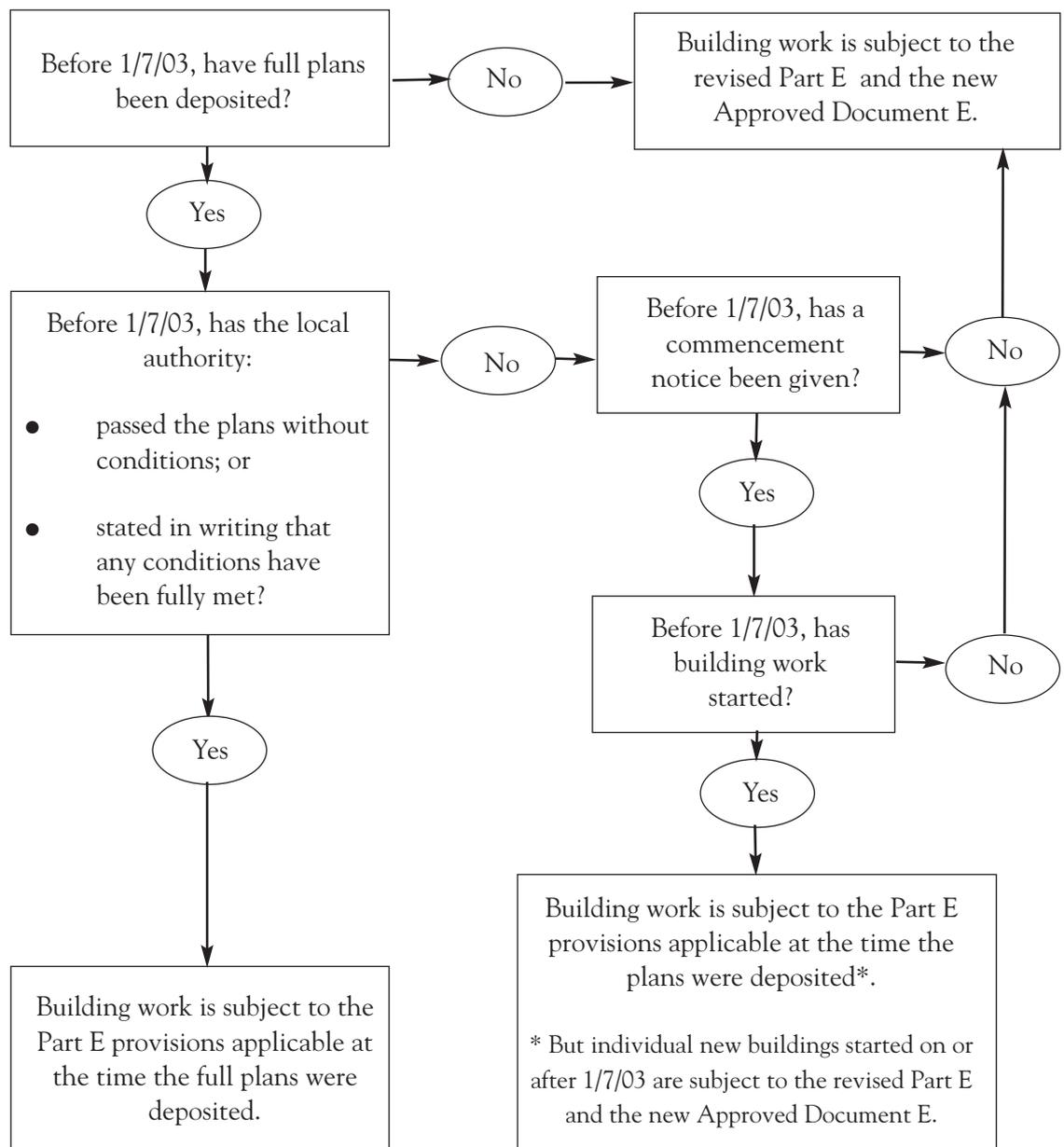
Local Authority Building Control – Building Notice Route



THE BUILDING (AMENDMENT) (No. 2) REGULATIONS 2002:

TRANSITIONAL PROVISIONS IN RELATION TO REQUIREMENTS OF PART E

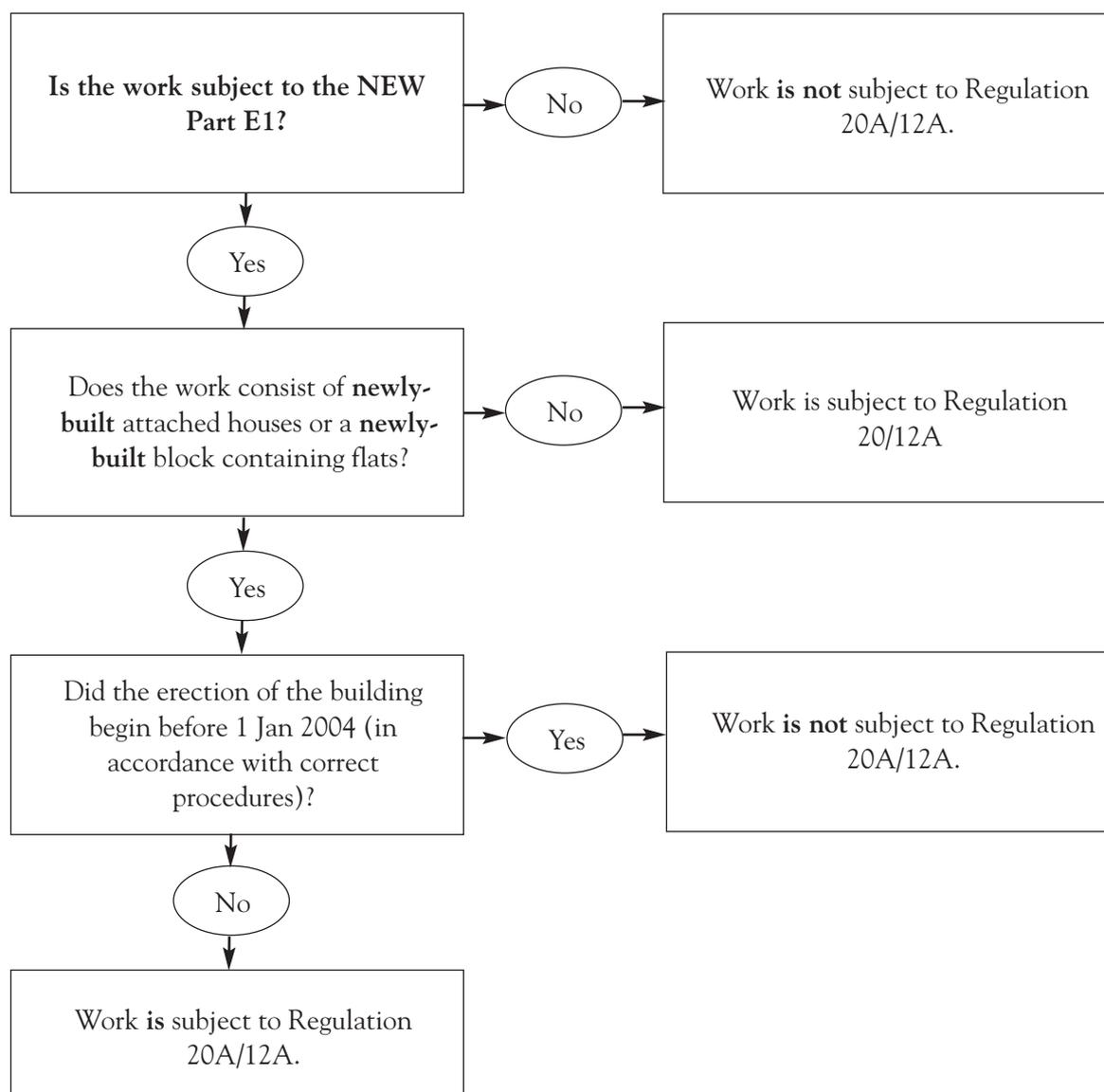
Local Authority Building Control – Full Plans Route



THE BUILDING (AMENDMENT) (NO. 2) REGULATIONS 2002 and

THE BUILDING (APPROVED INSPECTORS ETC.) (AMENDMENT) REGULATIONS 2002

Transitional provisions in relation to sound insulation testing requirements (Regulation 20A/12A)



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