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STATUTORY INSTRUMENTS

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**1998 No. 2561**

**BUILDING AND BUILDINGS**

**The Building Regulations (Amendment) Regulations 1998**

*Made* - - - - *19th October 1998*  
*Laid before Parliament* *26th October 1998*  
*Coming into force* - - *25th October 1999*

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), 3(1) and 126(1) of and paragraphs 2, 7, 8 and 10 of Schedule 1 to the Building Act 1984(2) (“the Act”) and of all other powers enabling him in that behalf, after consulting the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned in accordance with section 14(3) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building Regulations (Amendment) Regulations 1998 and shall come into force on 25th October 1999.

**Amendment of the Building Regulations 1991**

2. Schedule 1 to the Building Regulations 1991(3) (“the 1991 Regulations”) shall be amended in accordance with regulation 3.

3. For Part M (Access and Facilities for Disabled People) there shall be substituted the following Part—

**“PART M ACCESS AND FACILITIES FOR DISABLED PEOPLE**

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**Interpretation**

**M1.** In this Part “disabled people” means people who have—

1. The requirements of this Part do not apply to—

- (a) a material alteration;
- (b) an extension to a dwelling, or any other extension which

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(1) Section 126 is cited for the definition of “prescribed”.

(2) 1984 c. 55.

(3) S.I. 1991/2768; amended by S.I. 1992/1180, 1994/1850, 1995/1356 and 1997/1904.

- (a) an impairment which limits their ability to walk or which requires them to use a wheelchair for mobility, or
- (b) impaired hearing or sight.

- does not include a ground storey;
- (c) 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 and use**

**M2.** Reasonable provision shall be made for disabled people to gain access to and to use the building.

**Sanitary conveniences**

**M3.—**(1) Reasonable provision shall be made in the entrance storey of a dwelling 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 to the dwelling, 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.

(3) If sanitary conveniences are provided in any building which is not a dwelling, reasonable provision shall be made for disabled people.

**Audience or spectator seating**

**M4.** If the building contains audience or spectator seating, reasonable provision shall be made to accommodate disabled people.

2. Part M4 does not apply to dwellings.”

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**Transitional Provisions**

- 4. Where before 25th October 1999 the erection of a building has begun in accordance with—
  - (a) a building notice given to, or full plans deposited with, a local authority and a notice given to the local authority under regulation 14(1) of the 1991 Regulations; or
  - (b) an initial notice, an amendment notice or a public body’s notice given in accordance with section 47(1), 51A(2) or 54(1) respectively of the Act

the 1991 Regulations shall continue to apply to the erection of that building as if these Regulations had not been made.

5. Where before 1st June 1999 full plans of a building have been deposited with a local authority and either—

- (a) the local authority have, before that date, given notice under section 16(6) of the Act that they have passed those plans without conditions; or
- (b) the local authority have, before that date, signified in writing to the person by whom or on whose behalf the plans were deposited that any condition subject to which they passed the plans has been fully met

the 1991 Regulations shall apply to the erection of that building as if these Regulations had not been made, whether or not the erection of the building departs from those plans.

6. Where plans of a building are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st June 1999 in accordance with section 50 of the Act, and accepted by the local authority either before or after that date, the 1991 Regulations shall apply to the erection of that building as if these Regulations had not been made, whether or not the erection of the building departs from those plans.

Signed by authority of the Secretary of State

*Nick Raynsford*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

19th October 1998

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Building Regulations 1991 (S.I. 1991/2768), to substitute a new Part M in Schedule 1 to those regulations.

In the new Part M:

- (a) the limits on application have been amended so that, in general, Part M (which relates to access and facilities for disabled people) will apply to dwellings;
- (b) paragraph M3 has been amended to incorporate a new requirement in relation to sanitary conveniences in dwellings.

Regulations 4, 5 and 6 contain transitional provisions.

Regulation 4 provides that the Building Regulations 1991 will continue to apply, as though these Regulations had not been made, to the erection of a building which has begun in accordance with the relevant procedures before 25th October 1999, which is the date these Regulations come into force.

Regulations 5 and 6 provide that the Building Regulations 1991 will apply, as though these Regulations had not been made, to the erection of a building which begins on or after 25th October 1999, if the building is erected in accordance with full plans which have been passed by a local authority before 1st June 1999, or in accordance with plans which have been the subject of a plans certificate given by an approved inspector before 1st June 1999.

The Secretary of State has approved, under section 6(1) of the Building Act 1984, a new document containing practical guidance with respect to the requirements of Part M. The new Approved Document, "Part M: Access and Facilities for Disabled People" (1999 Edition, ISBN 0 11 753469 2, £7.95), is being published by TSO. Copies may be ordered from: TSO Publications Centre, PO Box 276, London SW8 5DT (telephone orders—0171 873 9090, fax orders—0171 873 8200); and through booksellers.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from Building Regulations Division, Department of the Environment, Transport and the Regions, Zone 3/A1, Eland House, Bressenden Place, London SW1E 5DU, telephone—0171 890 5755.