



Sustainable and Secure Buildings Act 2004

2004 CHAPTER 22

4 Continuing requirements of building regulations

(1) After section 2 of the Building Act 1984 (c. 55) insert—

“2A Continuing requirements in relation to fuel, power and emissions

- (1) Building regulations may impose, on owners and occupiers of buildings, continuing requirements that fall within subsection (2) below.
- (2) A continuing requirement falls within this subsection if—
 - (a) it requires the inspection and testing of a building—
 - (i) as respects the use of fuel and power in or in connection with the building; or
 - (ii) as respects its contribution to or effect on emissions (whether or not from the building) of smoke, gases, vapours or fumes;
 - (b) it requires the inspection and testing of any service, fitting or equipment provided in or in connection with a building—
 - (i) as respects the use of fuel and power in or in connection with the service, fitting or equipment; or
 - (ii) as respects its contribution to or effect on emissions (whether or not from it or the building) of smoke, gases, vapours or fumes;
 - (c) it requires the implementation, in relation to a building, or any service, fitting or equipment provided in or in connection with a building, of—
 - (i) measures for the purpose mentioned in section 1(1)(b) above; or
 - (ii) measures (otherwise than for that purpose) that are calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question or a

- thing provided in or in connection with it) of smoke, gases, vapours or fumes;
- (d) it requires the keeping of records in relation to matters within paragraph (a), (b) or (c); or
 - (e) it requires the making of reports in relation to any of those matters to a prescribed authority.
- (3) Those requirements may be imposed in the case of buildings, or in the case of services, fittings and equipment provided in or in connection with buildings, irrespective of both—
- (a) when the buildings were erected; and
 - (b) whether building regulations were applicable to them at the time of their erection.
- (4) Subsections (3) to (6) of section 2 above apply in relation to continuing requirements imposed by virtue of this section as they apply in relation to continuing requirements imposed by virtue of that section.
- (5) Paragraph 8(2) of Schedule 1 to this Act does not impose any restriction on the building regulations that may be made by virtue of this section.”
- (2) In section 33(4) of that Act (powers of local authorities in relation to contraventions of continuing requirements), after “section 2(1) or (2)” insert “or 2A”.
- (3) In section 38(2) of that Act (provision relating to civil liability), after “section 2(2)” insert “or 2A”.
- (4) In section 44 of that Act (Crown application)—
- (a) in subsection (3)(a) after “section 2” insert “or 2A”; and
 - (b) in subsection (8) for the definition of “continuing requirement” substitute—

““continuing requirement” means a continuing requirement of building regulations—

 - (a) imposed by virtue of section 2(1) or (2)(a) or (b) above; or
 - (b) of a kind mentioned in subsection (2)(a), (b) or (c) of section 2A above and imposed by virtue of subsection (1) of that section;”.
- (5) In section 126 of that Act (general interpretation), in the definition of “substantive requirements” after “(b) above” insert “and requirements that are of a kind mentioned in subsection (2)(a), (b) or (c) of section 2A above and are imposed by virtue of subsection (1) of that section”.