

---

STATUTORY INSTRUMENTS

---

**1994 No. 1850**

**BUILDING AND BUILDINGS**

**The Building Regulations (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>12th July 1994</i>
<i>Laid before Parliament</i>		<i>15th July 1994</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 2(3)</i>		<i>1st October 1994</i>
<i>For the purposes of regulation 2(2)(a), (4) and (5)(b) and (c)</i>		<i>1st July 1995</i>
<i>For all other purposes</i>		<i>1st September 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), 3(1) and 126(1) of, and paragraphs 1, 2, 4, 7, 8 and 10 of Schedule 1 to, the Building Act 1984<sup>(2)</sup> 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.—(1) These Regulations may be cited as the Building Regulations (Amendment) Regulations 1994 and except for the provisions mentioned in paragraph (2) shall come into force on 1st September 1994.

(2) Paragraph (3) of regulation 2 shall come into force on 1st October 1994, and paragraphs (2) (a), (4) and (5)(b) and (c) of that regulation shall come into force on 1st July 1995.

**Amendment of the Building Regulations 1991**

2.—(1) The Building Regulations 1991<sup>(3)</sup> shall be amended in accordance with the following paragraphs.

(2) In regulation 6 (requirements relating to material change of use)—

---

(1) See the definition of “prescribed”.  
(2) 1984 c. 55.  
(3) S.I. 1991/2768, amended by S.I. 1992/1180.

- (a) there shall be added to sub-paragraph (a) of paragraph (1) the following—
  - “L1 (conservation of fuel and power)”:
- (b) in sub-paragraph (b) of paragraph (1), for “A4” there shall be substituted “A3”.
- (3) After regulation 13 there shall be inserted the following—

**“Unauthorised building work**

- 13A.**—(1) This regulation applies where it appears to a local authority that—
- (a) work (in this regulation referred to as “the unauthorised work”) has been commenced on or after 11th November 1985, and
  - (b) the person who carried out the unauthorised work was, at the time it was carried out, required by building regulations to deposit plans with the authority, to give a building notice or to give an initial notice jointly with an approved inspector in respect of the work, and
  - (c) that person did not deposit plans or give any such notice.
- (2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with 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”).
- (3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.
- (4) Having taken such steps as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—
- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
  - (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
  - (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.
- (5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that so far 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 contravening work satisfies the relevant requirements (taking account of any such dispensation or relaxation), they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

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

(7) Where this regulation applies, regulations 11 and 13 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

(8) This regulation is without prejudice to the powers of a local authority under section 36 of the Act.”.

(4) After regulation 14 there shall be inserted the following—

**“Energy Rating**

**14A.**—(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 shall give notice of that rating to the local authority.

(3) The notice shall be given—

- (a) not later than the notice required by paragraph (4) of regulation 14, and
- (b) when the occupation of a building or part of a building referred to in paragraph (5) of the regulation is occupation of a dwelling, not later than the notice referred to in that paragraph.”.

(5) In Schedule 1 (requirements)—

- (a) paragraph A4 (disproportionate collapse) shall be omitted;
- (b) in paragraph F1 (means of ventilation), for the limits on application specified in the second column, there shall be substituted the following—

“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.”;

(c) for a paragraph L1 (conservation of fuel and power), there shall be substituted the following—

---

<p>“<b>L1.</b> Reasonable provision shall be made for the conservation of fuel and power in buildings by:</p> <ul style="list-style-type: none"><li>(a) limiting the heat loss through the fabric of the building;</li><li>(b) controlling the operation of the space heating and hot water systems;</li></ul>	<p>Requirements L1(a), (b), (c) and (d) apply only to—</p> <ul style="list-style-type: none"><li>(a) dwellings;</li><li>(b) other buildings whose floor area exceeds 30m<sup>2</sup></li></ul>
--	--

---

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

---

- (c) limiting the heat loss from hot water vessels and hot water service pipework;
- (d) limiting the heat loss from hot water pipes and hot air ducts used for space heating;
- (e) installing in buildings artificial lighting systems which are designed and constructed to use no more fuel and power than is reasonable in the circumstances and making reasonable provision for controlling such systems.

Requirement L1(e) applies only within buildings where more than 100m<sup>2</sup> of floor area is to be provided with artificial lighting and does not apply within dwellings.”

---

Department of the Environment  
12th July 1994

*John Selwyn Gummer*  
One of Her Majesty's Principal Secretaries of  
State

---

## EXPLANATORY NOTE

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

These Regulations further amend the Building Regulations 1991 (S.I.1991/2768). The amendments—

- (a) insert a new regulation 13A providing for regularisation certificates in relation to unauthorised work (Regulation 2(3));
- (b) insert a new regulation 14A providing for energy rating of new dwellings (regulation 2(4));
- (c) revoke Requirement A4 relating to disproportionate collapse (regulation 2(5)(a)) and make a consequential amendment (regulation 2(2)(b));
- (d) substitute the limits on application of Requirement F1 relating to means of ventilation (regulation 2(5)(b)); and
- (e) substitute Requirement L1 relating to conservation of fuel and power (regulation 2(5)(c)) and apply that Requirement in certain cases of material change of use (regulation 2(2)(a)).

The Secretary of State proposes to approve under section 6 of the Building Act 1984 new documents in connection with the amended Requirement F1 and the new Requirement L1. Approved Document F—Ventilation and Approved Document L—Conservation of Fuel and Power 1995 editions (published in 1994) can be obtained from HMSO. The procedure described in Appendix G to Approved Document L will be approved by the Secretary of State as a means of calculating the energy rating required by the new regulation 14A.