

---

STATUTORY INSTRUMENTS

---

**2001 No. 3335**

**The Building (Amendment) Regulations 2001**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2001 and shall come into force on 1st April 2002.

(2) In these Regulations—

“the Act” means the Building Act 1984; and

“the principal Regulations” means the Building Regulations 2000(1).

**Amendment of the Building Regulations 2000**

2.—(1) The principal Regulations shall be amended as follows.

(2) In regulation 2 (interpretation), in the definition of “controlled service or fitting” in paragraph (1), for the words “Part G, H or J” there shall be substituted the words “Part G, H, J or L”.

(3) In regulation 3(1) (meaning of building work), in sub-paragraph (b), before the words “the provision or” there shall be inserted the words “subject to paragraph (1A),”.

(4) After regulation 3(1) there shall be inserted the following paragraph—

“(1A) The provision or extension of a controlled service or fitting—

(a) in or in connection with an existing dwelling; and

(b) being a service or fitting in relation to which paragraph L1, but not Part G, H or J, of Schedule 1 imposes a requirement,

shall only be building work where that work consists of the provision of a window, rooflight, roof window, door (being a door which together with its frame has more than 50 per cent of its internal face area glazed), a space heating or hot water service boiler, or a hot water vessel.”.

(5) In regulation 6 (requirements relating to material change of use), in paragraph (1)(a)—

(a) after “G2 (bathrooms)” there shall be inserted “H1 (foul water drainage)”;

(b) for “H4” there shall be substituted “H6”;

(c) for the words “heat producing appliances” there shall be substituted the words “combustion appliances”;

(d) after the words “conservation of fuel and power” there shall be inserted the word “-dwellings”; and

(e) at the end of the sub-paragraph there shall be added “L2 (conservation of fuel and power —buildings other than dwellings);”.

(6) In regulation 8 (limitation on requirements) after the words “A to K and N” there shall be inserted the words “(except for paragraphs H2 and J6)”.

(7) In regulation 12 (giving of a building notice or deposit of plans), after paragraph (4), there shall be inserted the following paragraph—

“(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.”

(8) In regulation 13 (particulars and plans where a building notice is given), paragraph (2)(c)(ii) shall be omitted.

(9) In regulation 14 (full plans), after paragraph (3)(a), there shall be inserted the following sub-paragraph—

“(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”

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

**“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.”

(11) For regulation 18 there shall be substituted the following regulation—

**“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.”

(12) For Parts H, J and L of Schedule 1 there shall be substituted the Parts set out respectively in the Schedule to these Regulations.

**Repeals and modifications of the Building Act 1984**

**3.**—(1) Section 18 (building over sewer etc.) of the Act, and in section 21 (provision of drainage) of the Act, subsections (1) and (2), shall be repealed.

(2) In section 21(3) of the Act—

- (a) for the words “(1) above” there shall be substituted the words “(4) below”; and

(b) for paragraphs (a) and (b) there shall be substituted the words “whether a proposed drain shall be required to connect with a sewer”.

(3) In section 21(4) of the Act for the words “A proposed drain” to “a sewer unless” there shall be substituted the following—

“Where plans of a building or of an extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority, or on appeal a magistrates' court, may require a proposed drain to connect with a sewer where”.

(4) In section 59 (drainage of building) of the Act—

(a) in subsection (1)(a) the words “as defined in section 21(2) above” shall be omitted; and

(b) after subsection (4) there shall be added the following subsection—

“(5) In subsection (1) above, “drainage” includes the conveyance, by means of a sink and any other necessary appliance, of refuse water and the conveyance of rainwater from roofs.”.

### **Transitional provisions**

4.—(1) Subject to paragraph (2), where before 1st April 2002 building work has commenced in accordance with—

(a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2) of the principal Regulations and a notice given to the local authority under regulation 15(1) of the principal Regulations; or

(b) an initial notice, an amendment notice or a public body's notice<sup>(2)</sup> given in accordance with section 47(1), 51A(2) or 54(1) respectively of the Act,

the principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall continue to apply to that building work as if these Regulations had not been made.

(2) Where an initial notice given before 1st April 2002 is varied by an amendment notice given on or after that date, the principal Regulations and the provisions of the Act repealed or modified by regulation 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.

(3) Where before 1st April 2002 full plans of building work have been deposited with a local authority in accordance with regulation 12(2) of the principal Regulations and the local authority has, before that date—

(a) given notice under section 16(6) of the Act that they have passed those plans without conditions; or

(b) 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 principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall continue to apply to that building work as if these Regulations had not been made, whether or not the building work departs from those plans.

(4) Where plans of building work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st April 2002 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall

---

(2) As respects initial notices, amendment notices and public body's notices see respectively, sections 47, 51A and 54 of the Building Act 1984.

---

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

---

continue to apply to that building work as if these Regulations had not been made, whether or not the building work departs from those plans.

(5) Paragraphs (1) to (4) shall not apply to the amendment made by these Regulations to regulation 18 of the principal Regulations.

(6) In paragraphs (1) to (4) “building work” has the same meaning as in the principal Regulations.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

*Nick Raynsford*  
Minister of State  
Department for Transport, Local Government  
and the Regions

4th October 2001