

2002 No. 2872

BUILDING AND BUILDINGS, ENGLAND AND WALES

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

Made - - - - - 16th November 2002

Laid before Parliament 25th November 2002

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred upon him by sections 1(1), 35 and 47(1) of, and paragraphs 1, 2 and 10 of Schedule 1 to, the Building Act 1984(a) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Building (Approved Inspectors etc.) (Amendment) Regulations 2002 and shall come into force—

- (a) insofar as the amendments made by the Regulations require the carrying out of sound insulation testing in relation to the erection of a dwelling-house or a building containing flats, 1st January 2004;
- (b) for all other purposes, 1st July 2003.

(2) In these Regulations, “the Act” means the Building Act 1984.

Amendment of the Building (Approved Inspectors etc) Regulations 2000

2.—(1) The Building (Approved Inspectors etc) Regulations 2000(b) (“the Approved Inspectors Regulations”) are amended as follows.

(2) In regulation 11 (1)(c) (functions of approved inspectors) after “regulation 12” insert “and 12A”.

(3) After regulation 12 insert the following—

“Sound insulation testing

12A.—(1) This regulation applies to—

- (a) building work in relation to which paragraph E1 of Schedule 1 to the Principal Regulations imposes a requirement; and

(a) 1984 c. 55. Sections 47 and 50 were amended by, and section 51A was inserted by, S.I. 1996/1905.

(b) S.I. 2000/2532 as amended by S.I. 2001/3336.

(b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 to the Principal Regulations by virtue of regulation 6(1)(e) or 6(2)(b) of those Regulations, which is the subject of an initial notice.

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1—

(a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) give a copy of the results of the testing referred to in sub-paragraph (a) to the approved inspector who gave the initial notice.

(3) The results of the testing referred to in paragraph (2)(a) shall be—

(a) recorded in a manner approved by the Secretary of State; and

(b) given to the approved inspector in accordance with paragraph (2)(b) not later than 5 days after completion of the work to which the initial notice relates.”.

(4) In regulation 31 (contravention of certain regulations not to be an offence) after “12” insert “, 12A”.

Transitional provisions

3.—(1) Subject to paragraph (2), where before 1st July 2003 building work has commenced in accordance with an initial notice or an amendment notice given in accordance with section 47(1) or 51A(2) respectively of the Act, the Approved Inspectors Regulations shall continue to apply to that building work as if these Regulations had not been made.

(2) Where an initial notice given before 1st July 2003 is varied by an amendment notice given on or after that date, the Approved Inspectors Regulations 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 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 July 2003 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the Approved Inspectors Regulations 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.—(1) Paragraph (2) applies for the purpose of the amendments made to the Approved Inspectors Regulations which come into force on 1st January 2004.

(2) Where before 1st January 2004 building work which consists of the erection of a dwelling-house or a building containing flats has commenced in accordance with an initial notice or an amendment notice given in accordance with section 47(1) or 51A(2) respectively of the Act, the Approved Inspectors Regulations shall continue to apply to that building work as if these Regulations had not been made.

Signed by authority of the First Secretary of State

16th November 2002

Christopher Leslie
Parliamentary Under-Secretary of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532 amended by S.I. 2001/3336) are principally concerned with the inspection of plans and of building work by approved inspectors in place of local authorities (as provided for in the Building Act 1984). These Regulations amend the 2000 Regulations in consequence of the amendments made to the Building Regulations 2000 (S.I. 2000/2531 amended by S.I. 2001/3335 and 2002/440) by the Building (Amendment) (No. 2) Regulations 2002 (S.I. 2002/2871) and in particular the substitution of Part E of Schedule 1 (resistance to the passage of sound).

New regulation 12A imposes a duty on persons carrying out building work to carry out sound insulation testing in certain circumstances where the work is the subject of an initial notice (regulation 2(3)). The new requirement matches an equivalent duty inserted in the Building Regulations 2000 which applies where building work is subject to local authority inspection.

Regulation 11 (functions of approved inspectors) is amended to include the requirements of regulation 12A amongst the requirements approved inspectors must check compliance with (*regulation 2(2)*).

Regulation 31 (contravention of certain regulations not to be an offence) is amended so that breach of regulation 12A is an offence under the Building Act 1984 (*regulation 2(4)*).

Regulations 3 and 4 contain transitional provisions.

The Secretary of State has approved, under section 6(1) of the Building Act 1984, a new approved document containing practical guidance with respect to the requirements contained in regulation 12A and Part E. "Approved Document E—Resistance to the passage of sound" (2003 Edition, ISBN 011 7536423, £14.00) will be published by The Stationery Office. The sound insulation testing procedure described in Appendix B to Approved Document E and the manner of recording test results set out in paragraph 1.41 of the Approved Document have been approved by the Secretary of State for the purposes of regulations 12A(2)(a) and (3)(a) respectively.

A regulatory impact assessment has been prepared in relation to the Building (Amendment) (No. 2) Regulations 2002 and these Regulations. A copy may be obtained from Building Regulations Division, ODPM, 18/B Portland House, Stag Place, London SW1E 5LP (Tel: 020 7944 5755; Fax 020 7944 5739; Email: bregsa.br@odpm.gov.uk).

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