

2004 No. 3210

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Amendment) (No.3) Regulations 2004

Made - - - - *6th December 2004*

Laid before Parliament *10th December 2004*

Coming into force - - *31st December 2004*

The First Secretary of State in exercise of the powers conferred upon him by sections 1(1) and 3 of, and paragraphs 2, 4(a), 7, 8 and 10 of Schedule 1 to, the Building Act 1984(a), 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 revocation

1.—(1) These Regulations may be cited as the Building (Amendment) (No. 3) Regulations 2004 and shall come into force on 31st December 2004.

(2) The Building (Amendment) (No. 2) Regulations 2004(b) are revoked.

Amendment of the Building Regulations 2000

2.—(1) The Building Regulations 2000(c) (“the principal Regulations”) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “controlled service or fitting” for “Part G, H, J or L”, substitute “Part G, H, J, L or P”;
- (b) after the definition of “dwelling-house” insert—
 - “ “electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;”;
- (c) after the definition of “European Technical Approval issuing body” insert—
 - “ “extra-low voltage” means voltage not exceeding—
 - (a) in relation to alternating current, 50 volts between conductors and earth; or
 - (b) in relation to direct current, 120 volts between conductors;”;
- (d) after the definition of “institution” insert—
 - “ “low-voltage” means voltage not exceeding—
 - (a) in relation to alternating current, 1000 volts between conductors or 600 volts between conductors and earth; or

(a) 1984 c.55.

(b) S.I. 2004/1808.

(c) S.I. 2000/2531. Relevant amending instruments are S.I. 2001/3335, 2002/440, 2002/2871 and 2003/2692.

(b) in relation to direct current, 1500 volts between conductors or 900 volts between conductors and earth;”.

(3) In regulation 3 (meaning of building work), in paragraph (1A)(b), for “Part G, H or J” substitute “Part G, H, J or P”.

(4) In regulation 6 (requirements relating to material change of use), in paragraph (1)(a), after the reference to L2 add “P1 and P2 (electrical safety);”.

(5) In regulation 8 (limitation on requirements), for “Parts A to D, F to K and N” substitute “Parts A to D, F to K, N and P”.

(6) At the beginning of regulation 9 (exempt buildings and work) insert “Subject to paragraph (2)” and add to that regulation the following paragraph—

“(2) The requirements of Part P of Schedule 1 apply to—

- (a) any greenhouse;
- (b) any small detached building falling within class VI in Schedule 2; and
- (c) any extension of a building falling within class VII in Schedule 2,

which in any case receives its electricity from a source shared with or located inside a dwelling.”.

(7) In regulation 12 (giving of a building notice or deposit of plans), for paragraph (5) substitute the following—

“(5) A person who intends to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—

- (a) described in column 1 of the Table in Schedule 2A if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table, and paragraphs 1 and 2 of that Schedule have effect for the purposes of the descriptions in the Table; or
- (b) described in Schedule 2B.”.

(8) For regulation 16A (provisions applicable to replacement windows, rooflights, roof windows and doors) substitute the following—

“Provisions applicable to self certification schemes

16A.—(1) This regulation applies to the extent that the building work consists only of work of a type described in column 1 of the Table in Schedule 2A and the work is carried out by a person who is described in the corresponding entry in column 2 of that Table in respect of that type of work.

(2) Where this regulation applies, the local authority is authorised to accept, as evidence that the requirements of regulations 4 and 7 have been satisfied, a certificate to that effect by the person carrying out the building work.

(3) Where this regulation applies, the person carrying out the work shall, not more than 30 days after the completion of the work—

- (a) give to the occupier a copy of the certificate referred to in paragraph (2); and
- (b) give to the local authority—
 - (i) notice to that effect, or
 - (ii) the certificate referred to in paragraph (2).

(4) Paragraph (3) of this regulation does not apply where a person carries out the building work described in Schedule 2B which consists only of work on a low voltage or an extra-low voltage electrical installation.”.

(9) In Schedule 1 (requirements), add Part P set out in Part 1 of the Schedule to these Regulations.

(10) In Schedule 2A (exemptions from requirements to give building notice or deposit full plans), in the Table, after the paragraph relating to “the installation of replacement windows” insert in columns 1 and 2 the following—

“Installation of fixed low or extra-low voltage electrical installations.	A person registered by BRE Certification Limited(a), British Standards Institution(b), ELECSA Limited(c), NICEIC Certification Services Ltd(d), or NAPIT Certification Limited(e) in respect of that type of work.
Installation of fixed low or extra-low voltage electrical installations as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered by CORGI Services Limited(f), ELECSA Limited(g), NAPIT Certification Limited(h), NICEIC Certification Services Limited(i) or Oil Firing Technical Association for the Petroleum Industry Ltd(j) in respect of that type of electrical work.”

(11) After Schedule 2A, insert Schedule 2B as set out in Part 2 of the Schedule to these Regulations.

Transitional provisions

3.—(1) Subject to paragraph (2), where before 1st January 2005 building work is 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 or an amendment notice given in accordance with section 47(1) or 51A(2), respectively, of the Building Act 1984 (“the Act”),

the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(2) to (6) and (9) had not been made.

(2) Where an initial notice given before 1st January 2005 is varied by an amendment notice given on or after that date, the principal Regulations shall continue to apply as if the amendments made by regulation 2(2) to (6) and (9) 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 January 2005 full plans of building work are deposited with a local authority in accordance with regulation 12(2) of the principal Regulations and the local authority, before that date—

- (a) gives notice under section 16(6) of the Act that they have passed those plans without conditions; or
- (b) signifies 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,

(a) A company incorporated under the Companies Act 1985 (c.6) with the registration number 3548352.
(b) Incorporated by Royal Charter.
(c) A company incorporated under the Companies Act 1985 with the registration number 5131470.
(d) A company incorporated under the Companies Act 1985 with the registration number 4411293.
(e) A company incorporated under the Companies Act 1985 with the registered number 05190452.
(f) A company incorporated under the Companies Act 1985 with the registration number 03268198
(g) A company incorporated under the Companies Act 1985 with the registration number 5131470
(h) A company incorporated under the Companies Act 1985 with the registration number 05190452
(i) A company incorporated under the Companies Act 1985 with the registration number 4411293
(j) A company incorporated under the Companies Act 1985 with the registration number 2739706

the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(2) to (6) and (9) had not been made, whether or not the building work departs from those plans.

(4) Where plans of work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st January 2005 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the principal Regulations shall continue to apply to that building work as if the amendments made by regulations 2(2) to (6) and (9) had not been made, whether or not the building work departs from those plans.

(5) In relation to building work of a description within the first 3 heads of column 1 of Schedule 2A (installation of a heat-producing gas appliance, of an oil-fired combustion appliance or oil storage tanks and pipes, or of a solid fuel burning combustion appliance) where the contract for the provision of the work is entered into before 1st April 2005 and the work is completed before 1st July 2005, the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(8) had not been made.

(6) In relation to building work of a description added to Schedule 2A by regulation 2(10) (installation of fixed low or extra-low voltage electrical installations in dwellings) where the contract for the work is entered into before 1st January 2005 and the work is completed before 1st April 2005, the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(8) had not been made.

Signed by authority of the First Secretary of State

6th December 2004

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

SCHEDULE

Regulation 2(9) and (11)

PART 1

PART P OF SCHEDULE 1 TO THE BUILDING REGULATIONS 2000, ADDED BY THESE REGULATIONS

<i>Requirement</i>	<i>Limits on application</i>
PART P ELECTRICAL SAFETY	
Design, installation, inspection and testing	
P1 Reasonable provision shall be made in the design, installation, inspection and testing of electrical installations in order to protect persons from fire or injury.	The requirements of this Part apply only to electrical installations that are intended to operate at low or extra-low voltage and are— <ul style="list-style-type: none">(a) in a dwelling;(b) in the common parts of a building serving one or more dwellings, but excluding power supplies to lifts;(c) in a building that receives its electricity from a source located within or shared with a dwelling; or(d) in a garden or in or on land associated with a building where the electricity is from a source located within or shared with a dwelling.”
Provision of information	
P2 Sufficient information shall be provided so that persons wishing to operate, maintain or alter an electrical installation can do so with reasonable safety.	

PART 2

NEW SCHEDULE 2B TO THE BUILDING REGULATIONS 2000

“SCHEDULE 2B

Regulation 12(5)

DESCRIPTIONS OF WORK WHERE NO BUILDING NOTICE OR DEPOSIT OF FULL PLANS REQUIRED

1. Work consisting of—
 - (a) replacing any socket-outlet, control switch or ceiling rose;
 - (b) replacing a damaged cable for a single circuit only;
 - (c) re-fixing or replacing enclosures of existing installation components, where the circuit protective measures are unaffected;
 - (d) providing mechanical protection to an existing fixed installation, where the circuit protective measures and current carrying capacity of conductors are unaffected by the increased thermal insulation.
2. Work which—
 - (a) is not in a kitchen, or a special location,
 - (b) does not involve work on a special installation, and
 - (c) consists of—
 - (i) adding light fittings and switches to an existing circuit;
 - (ii) adding socket outlets and fused spurs to an existing ring or radial circuit; or
 - (iii) installing or upgrading main or supplementary equipotential bonding.
3. Work on—
 - (a) telephone wiring or extra-low voltage wiring for the purposes of communications, information technology, signalling, control and similar purposes, where the wiring is not in a special location;
 - (b) equipment associated with the wiring referred to in sub-paragraph (a).

4. For the purposes of this Schedule—

“kitchen” means a room or part of a room which contains a sink and food preparation facilities;

“special installation” means an electric floor or ceiling heating system, a garden lighting or electric power installation, an electricity generator, or an extra-low voltage lighting system which is not a pre-assembled lighting set bearing the CE marking referred to in regulation 9 of the Electrical Equipment (Safety) Regulations 1994^(a); and

“special location” means a location within the limits of the relevant zones specified for a bath, a shower, a swimming or paddling pool or a hot air sauna in the Wiring Regulations, sixteenth edition, published by the Institution of Electrical Engineers and the British Standards Institution as BS 7671: 2001 and incorporating amendments 1 and 2.”.

(a) S.I. 1994/3260 to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Building Regulations 2000 (S.I.2000/2531 as amended by S.I. 2000/3335, S.I. 2002/440, S.I. 2002/2871 and S.I. 2003/2692), “the principal Regulations”, impose requirements on people carrying out certain building operations. The Building (Amendment) (No.2) Regulations 2004 (“the No. 2 Regulations”) made certain amendments with respect to electrical safety. These Regulations revoke the No. 2 Regulations, and incorporate the same amendments with some minor alterations and additional amendments to the principal Regulations. In addition to minor and drafting amendments the following changes of substance to the principal Regulations are made.

1. The definition of “controlled service or fitting” in regulation 2(1) of the principal Regulations is extended to include services or fittings in relation to which Part P (electrical safety) imposes a requirement (regulation 2(2)(a)).
2. A new definition of “electrical installation” is inserted, as Part P imposes a requirement that reasonable provision shall be made in the design, installation, inspection and testing of ‘electrical installations’ (regulation (2)(2)(b)).
3. New definitions of “low voltage” and “extra low voltage” are inserted as Part P limits its application to these types of installations (regulations (2)(2) (c) and (d)).
4. A reference to Part P is added to paragraph (1A)(b) in regulation 3 (meaning of building work) of the principal Regulations, so that the limitation on the definition of “building work” in relation to the provision of certain controlled services or fittings in existing dwellings does not apply to Part P (regulation 2(3)).
5. Changes are made to the requirements for specified material changes of use (amendments to regulation 6(1)(a)) of the principal Regulations (regulation 2(4)).
6. A reference to Part P is added to regulation 8 of the principal Regulations which provides that compliance with the listed Parts does not require anything to be done beyond what is necessary to secure reasonable standards of health and safety (regulation 2(5)).
7. A new paragraph is inserted in regulation 9 of the principal Regulations in order to make provision for Part P to apply to certain greenhouses, small-detached building and extensions (regulation 2(6)).
8. Changes are made to regulation 12(5) of the principal Regulations (the giving of a building notice or deposit of plans), which confers exemptions where the work is within Schedule 2A or 2B. Schedule 2A is extended, and Schedule 2B inserted (regulation 2(7), (10) and (11), and Part 2 of the Schedule).
9. Regulation 16A, which applies in relation to the works described in Schedule 2A, is substituted so as to extend the application of self certification schemes (regulation 2(8)).
10. Part P is inserted into Schedule 1 to the principal Regulations (regulation 2(9)).
11. Regulation 3 contains transitional provisions.

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 contained in Part P. The Approved Document P has been published by The Stationery Office and is available on the ODPM website at www.odpm.gov.uk. It is intended that the Secretary of State will approve amendments to the Approved Document P that will also be available from the Stationery Office and on the ODPM website.

A regulatory impact assessment was prepared in relation to the No. 2 Regulations. A copy may be obtained from Buildings Division, ODPM (Tel: 020 7944 5755; Fax 020 7944 5739; Email:

enquiries.br@odpm.gsi.gov.uk) or from the ODPM website. The further impact of the additional amendments made in these Regulations on business, voluntary bodies or the public sector is negligible.

The Wiring Regulations BS 7671: 2001 and amendments (ISBN 0-86341-373-0) can be obtained from the Institution of Electrical Engineers, P.O. Box 96, Stevenage, Herts SG1 2SD (email sales@iee.org.uk) or the British Standards Institution, Customer Services, 389 Chiswick High Road, London W4 4AL (email cservices@bsi-global.com).

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