

2006 No. 3318

BUILDING AND BUILDINGS, ENGLAND AND WALES

**The Building and Approved Inspectors (Amendment) (No. 2)
Regulations 2006**

Made - - - - - *13th December 2006*

Laid before Parliament *18th December 2006*

Coming into force in accordance with regulation 1

The Secretary of State for Communities and Local Government makes the following Regulations in exercise of the powers conferred by sections 1(1), 35 and 47(4) of, and paragraphs 1, 4, 7, 8 and 10 of Schedule 1 to, the Building Act 1984(a).

In accordance with section 14(3) of that Act she has consulted the Building Regulations Advisory Committee and such other bodies as appeared to her to be representative of the interests concerned.

Citation and commencement

1.—(1) These Regulations may be cited as the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006.

(2) Subject to regulation 4 (transitional provisions)—

- (a) regulations 1, 2(1), 2(5), 3(1), 3(3), 3(4) and 4 shall come into force on 15th January 2007; and
- (b) regulations 2(2), 2(3), 2(4) and 3(2) shall come into force on 6th April 2007.

Amendment of the Building Regulations 2000

2.—(1) The Building Regulations 2000(b) are amended as follows.

(2) After regulation 16A(c) (provisions applicable to self certification schemes) insert—

“Fire safety information

16B.—(1) This regulation applies where building work—

- (a) consists of or includes the erection or extension of a relevant building; or
- (b) is carried out in connection with a relevant change of use of a building,

and Part B of Schedule 1 imposes a requirement in relation to the work.

(a) 1984 c.55; section 1(1) was amended by section 1 of the Sustainable and Secure Building Act 2004 (c.22); paragraphs 7 and 8 of Schedule 1 were amended by section 3 of that Act.
(b) S.I. 2000/2531.
(c) Inserted by S.I. 2002/440 and substituted by S.I. 2004/3210. There has been a subsequent amendment but it is not relevant.

(2) The person carrying out the work shall give fire safety information to the responsible person not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier.

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;
- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies^(a), or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In regulation 17**(b)** (completion certificates)—

- (a) in paragraph (2) omit “of Schedule 1”;
- (b) in paragraph (3)(a) after “the applicable requirements of” insert “regulation 16B and”; and
- (c) in paragraph (3)(b) after “any applicable requirements of” insert “regulation 17C (target CO₂ emission rates for new buildings) and”.

(4) For column 1 of paragraph B3(3) in Part B of Schedule 1**(c)** (requirements relating to internal fire spread (structure)) substitute the following—

“(3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following—

- (a) sub-division of the building with fire-resisting construction;
- (b) installation of suitable automatic fire suppression systems.”.

(5) In Schedule 2A**(d)** (self-certification schemes)—

- (a) In column 2 of paragraph 3 for “NAPIT Certification Limited” substitute “NAPIT Registration Limited^(e)”;
- (b) in column 2 of paragraph 4 for “NAPIT Certification Limited” substitute “NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited^(f), NICEIC Group Limited^(g)”;
- (c) in column 1 of paragraph 5 at the end add “, other than a combustion appliance or its associated controls.”;
- (d) in column 2 of paragraph 5 after “Building Engineering Services Competence Accreditation Limited” insert “, Association of Plumbing and Heating Contractors (Certification) Limited, NICEIC Group Limited, Corgi Services Limited^(h) or NAPIT Registration Limited”;

(a) S.I. 2005/1541; *see* article 6.

(b) There is an amendment not relevant to these Regulations.

(c) Part B was substituted by S.I. 2002/2871.

(d) Inserted by S.I. 2002/440 and substituted by S.I. 2006/652.

(e) A company incorporated under the Companies Act 1985 with the registration number 05190452.

(f) A company incorporated under the Companies Act 1985 with the registration number 02876277.

(g) A company incorporated under the Companies Act 1985 with the registration number 02513162.

(h) A company incorporated under the Companies Act 1985 with the registration number 03268198.

- (e) in column 1 of paragraph 6 at the end add “, other than a combustion appliance or its associated controls.”;
- (f) in column 2 of paragraph 6 after “Building Engineering Services Competence Accreditation Limited” insert “or NICEIC Group Limited”;
- (g) in column 2 of paragraph 7 for “or NAPIT Certification Limited” substitute “, NAPIT Registration Limited or NICEIC Group Limited”;
- (h) in column 2 of paragraph 8 after “Corgi Services Limited” insert “or NICEIC Group Limited”;
- (i) in column 2 of paragraph 9 after “The Electrical Contractors Association Limited” insert “or NICEIC Group Limited”;
- (j) in column 2 of paragraph 10 for “NAPIT Certification Limited” substitute “NAPIT Registration Limited”;
- (k) in column 2 of paragraph 11 for “NAPIT Certification Limited” substitute “NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited”;
- (l) in column 2 of paragraph 13 for “or NAPIT Certification Limited” substitute “, NAPIT Registration Limited, Association of Plumbing and Heating Contractors (Certification) Limited or NICEIC Group Limited”; and
- (m) in paragraph 14(1) omit “, other than the provision of a masonry chimney,”.

Amendment of the Building (Approved Inspectors etc.) Regulations 2000

3.—(1) The Building (Approved Inspectors etc.) Regulations 2000(a) are amended as follows.

(2) In regulation 11(1)(a)(b) (functions of approved inspectors) after “regulations 4, 4A, 4B, 6, 7,” insert “16B,”.

(3) In regulation 18(2)(i)(c) (events causing initial notice to cease to be in force) after “regulation 13(1)(b),” insert “except where it contains only flats and common parts for those flats,”.

(4) In regulation 31(d) (contravention of certain regulations not to be an offence) for “regulations 12, 12A, 12B, 12C and 20” substitute “regulation 20”.

Transitional provisions

4.—(1) Subject to paragraph (2), the Building Regulations 2000 (“the Building Regulations”) and the Building (Approved Inspectors etc.) Regulations 2000 (“the Approved Inspectors Regulations”) shall continue to apply in relation to any building work as if the amendments made by regulations 2(2), 2(3)(b), 2(4) and 3(2) had not been made where—

- (a) before 6th April 2007 a building notice, an initial notice, an amendment notice or a public body’s notice has been given to, or full plans have been deposited with, a local authority; and
- (b) building work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans.

(2) Where an initial notice given before 6th April 2007 is varied by an amendment notice given on or after that date, the Building Regulations and the Approved Inspectors Regulations shall continue to apply as if the amendments made by regulations 2(2), 2(3)(b), 2(4) and 3(2) 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.

(a) S.I. 2000/2532.

(b) Amended by S.I. 2001/3336 and 2006/652.

(c) Amended by S.I. 2005/1541.

(d) Amended by S.I. 2006/652.

(3) Subject to paragraph (4), where before 15th January 2007—

- (a) work is commenced in accordance with a building notice, an initial notice, an amendment notice or a public body's notice given to, or full plans deposited with, a local authority; or
- (b) building work to which regulation 12(5) of the Building Regulations applies is commenced,

the Building Regulations shall continue to apply to that work as if the amendments made by regulations 2(5)(c) and (e) of these Regulations had not been made.

(4) Where an initial notice given before 15th January 2007 is varied by an amendment notice given on or after that date, the Building Regulations shall continue to apply as if the amendments made by regulations 2(5)(c) and (e) 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.

(5) The amendment made by regulation 2(3)(c) of these Regulations only applies to building work in relation to which regulation 17C of the Building Regulations applies.

Signed by authority of the Secretary of State

13th December 2006

Angela Smith
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000.

Regulation 2 amends the Building Regulations 2000. In particular:

(1) Paragraph (2) inserts a new regulation 16B which requires a person carrying out work to a building or part of a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply to give fire safety information in relation to that building to the responsible person. The Regulatory Reform (Fire Safety) Order 2005 applies to all premises other than houses occupied as single private dwellings.

(2) Paragraph (3) amends regulation 17 to add compliance with the requirements of regulation 16B and 17C to the matters which a local authority may specify in a completion certificate.

(3) Paragraph (4) amends Part B of Schedule 1 to require the provision of automatic fire suppression systems to inhibit fire spread within buildings where reasonably necessary.

(4) Paragraph (5) amends Schedule 2A to add new bodies who are able to register persons for the purposes of self-certification schemes, and to reflect the change in the name of one of those bodies.

Regulation 3 amends the Building (Approved Inspectors etc.) Regulations 2000 (“the Approved Inspectors Regulations”). In particular:

(1) Paragraph (2) amends regulation 11 to add compliance with regulation 16B of the Building Regulations to those matters which an approved inspector must monitor while an initial notice remains in force.

(2) Paragraph (3) restores the 8 week time limit between occupation of a building comprising only flats and common parts and the expiry of an initial notice, which had been reduced to 4 weeks.

(3) Paragraph (4) corrects a drafting error in regulation 31.

Regulation 4 contains transitional provisions.

The Secretary of State will approve, under section 6(4) of the Building Act 1984, two new approved documents providing practical guidance with respect to the requirements of regulation 16B of, and Part B of Schedule 1 to, the Building Regulations 2000.

The approved documents will be published by NBS, part of RIBA Enterprises Ltd, and will be available via the Communities and Local Government website at www.communities.gov.uk/buildingregs.

A final regulatory impact assessment of the effect that this instrument will have on the costs of business in relation to the amendments made by regulations 2(2), 2(3)(b), 2(4) and 3(2), incorporating the revised guidance in the new approved documents, is available from the Department’s website at www.communities.gov.uk or from Communities and Local Government publications, PO Box 236, Wetherby LS23 7NB (Tel: 0870 1226 236; Fax: 0870 1226 237; Textphone: 0870 1207 405; Email: communities@twoten.com).

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