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STATUTORY INSTRUMENTS

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**2006 No. 652**

**The Building and Approved Inspectors  
(Amendment) Regulations 2006**

**PART 2**

**Amendment of the Building Regulations 2000**

**Amendment of the Building Regulations 2000**

2. The Building Regulations 2000(1) are amended in accordance with this Part.

**Amendment of regulation 2 (interpretation)**

- 3.—(1) In regulation 2(1)(2)—

- (a) after the definition of “building work” insert—

““change to a building’s energy status” means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;”;

- (b) after the definition of “electrical installation” insert—

““energy efficiency requirements” means the requirements of regulations 4A, 17C and 17D and Part L of Schedule 1;”;

- (c) after the definition of “final certificate” insert—

““fixed building services” means any part of, or any controls associated with,—

- (a) fixed internal or external lighting systems, but does not include emergency escape lighting or specialist process lighting; or

- (b) fixed systems for heating, hot water service, air conditioning or mechanical ventilation;”;

- (d) after the definition of “public body’s notice” insert—

““renovation” in relation to a thermal element means the provision of a new layer in the thermal element or the replacement of an existing layer, but excludes decorative finishes, and “renovate” shall be construed accordingly;”.

- (2) After paragraph (2) insert—

“(2A) In these Regulations “thermal element” means a wall, floor or roof (but does not include windows, doors, roof windows or roof-lights) which separates a thermally conditioned part of the building (“the conditioned space”) from—

- (a) the external environment (including the ground); or

- (b) in the case of floors and walls, another part of the building which is—

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(1) S.I.2000/2531.

(2) Amended by S.I. 2002/2871, 2004/1465, 2004/3210.

(i) unconditioned;  
(ii) an extension falling within class VII in Schedule 2; or  
(iii) where this paragraph applies, conditioned to a different temperature,  
and includes all parts of the element between the surface bounding the conditioned space and the external environment or other part of the building as the case may be.

(2B) Paragraph (2A)(b)(iii) only applies to a building which is not a dwelling, where the other part of the building is used for a purpose which is not similar or identical to the purpose for which the conditioned space is used.”.

#### **Amendment of regulation 3 (meaning of building work)**

4. In regulation 3(3)—

- (a) in paragraph (1)(b) omit “subject to paragraph (1A),”;
- (b) at the end of paragraph (1) add—
  - “(g) work required by regulation 4A (requirements relating to thermal elements);
  - (h) work required by regulation 4B (requirements relating to a change of energy status);
  - (i) work required by regulation 17D (consequential improvements to energy performance).”; and
- (c) omit paragraph (1A)(4).

#### **Amendment of regulation 4 (requirements relating to building work)**

5. In regulation 4—

- (a) in paragraph (1) at the beginning insert “Subject to paragraph (1A)”;
- (b) after paragraph (1) insert—
  - “(1A) Where—
  - (a) building work is of a kind described in regulation 3(1)(g), (h) or (i); and
  - (b) the carrying out of that work does not constitute a material alteration,
that work need only comply with the applicable requirements of Part L of Schedule 1.”.

#### **New regulations 4A (requirements relating to thermal elements) and 4B (requirements where exemption from energy efficiency requirements ceases)**

6. After regulation 4 (requirements relating to building work) insert—

##### **“Requirements relating to thermal elements**

**4A.**—(1) Where a person intends to renovate a thermal element, such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of paragraph L1(a)(i) of Schedule 1.

(2) Where a thermal element is replaced, the new thermal element shall comply with the requirements of paragraph L1(a)(i) of Schedule 1.

(3) Relevant amending instruments are S.I. 2001/3335, S.I. 2004/3210.

(4) Paragraph (1A) was inserted by S.I. 2001/3335, and amended by S.I. 2004/3210.

### **Requirements relating to a change to energy status**

**4B.**—(1) Where there is a change to a building’s energy status, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1.

(2) In this regulation “building” means the building as a whole or parts of it that have been designed or altered to be used separately.”.

### **Amendment of regulation 6 (requirements relating to material change of use)**

7. In regulation 6(1)(a)(5)—

- (a) for “L1 (conservation of fuel and power – dwellings)” substitute “L1 (conservation of fuel and power)”;
- (b) omit “L2 (conservation of fuel and power – buildings other than dwellings)”;
- (c) in the last line omit “and P2”.

### **Amendment of regulation 9 (exempt buildings and work)**

8.—(1) In regulation 9(6)—

- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (3)”;
- (b) at the end add—

“(3) The energy efficiency requirements of these Regulations apply to—

- (a) the erection of any building of a kind falling within this paragraph;
- (b) the extension of any such building, other than an extension falling within class VII in Schedule 2; and
- (c) the carrying out of any work to or in connection with any such building or extension.

(4) A building falls within paragraph (3) if it—

- (a) is a roofed construction having walls;
- (b) uses energy to condition the indoor climate; and
- (c) does not fall within the categories listed in paragraph (5).

(5) The categories referred to in paragraph (4)(c) are—

- (a) buildings which are—
  - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(7);
  - (ii) in a conservation area designated in accordance with section 69 of that Act; or
  - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(8),

where compliance with the energy efficiency requirements would unacceptably alter their character or appearance;

- (b) buildings which are used primarily or solely as places of worship;

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(5) Amended by S.I. 2001/3335; there are other amending instruments but none is relevant.

(6) Amended by S.I. 2004/3210.

(7) 1990 c. 9.

(8) 1979 c. 46; section 1 (3), (5), (6), (7) were amended, and section 1(6A), (7A), (8A) were inserted, by the National Heritage Act 1983 (c. 47), section 33 and Schedule 4, paragraph 25.

- (c) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
- (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50m<sub>2</sub>.
- (6) In this regulation—
  - (a) “building” means the building as a whole or parts of it that have been designed or altered to be used separately; and
  - (b) the following terms have the same meaning as in European Parliament and Council Directive 2002/91/EC on the energy performance of buildings<sup>(9)</sup>—
    - (i) “industrial sites”;
    - (ii) “low energy demand”;
    - (iii) “non-residential agricultural buildings”;
    - (iv) “places of worship”;
    - (v) “stand-alone”;
    - (vi) “total useful floor area”;
    - (vii) “workshops”.”.

#### **Amendment of regulation 11 (power to dispense with or relax requirements)**

- 9.—(1) In regulation 11(1) at the beginning insert “Subject to paragraph (3).”.
- (2) At the end of regulation 11 add—
  - “(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to—
    - (a) regulation 17C; or
    - (b) in the case of existing buildings with a total useful floor area over 1,000m<sub>2</sub>, the energy efficiency requirements of these Regulations.”.

#### **Amendment of regulation 12 (giving of a building notice or deposit of plans)**

- 10. In regulation 12<sup>(10)</sup>—
  - (a) for paragraph (2) substitute—
    - “(2) This regulation applies to a person who intends to—
      - (a) carry out building work;
      - (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
      - (c) make a change to a building’s energy status; or
      - (d) make a material change of use.
    - (2A) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—
      - (a) give to the local authority a building notice in accordance with regulation 13; or
      - (b) deposit full plans with the local authority in accordance with regulation 14.”;

<sup>(9)</sup> OJ No L 1, 4.1.2003, p65.

<sup>(10)</sup> Amended by S.I. 2005/1541; there are other amending instruments but none is relevant.

(b) for paragraphs (3) and (4) substitute—

“(3) A person shall deposit full plans where he intends to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005<sup>(11)</sup> applies, or will apply after the completion of the building work.

(4) A person shall deposit full plans where he intends to carry out work which includes the erection of a building fronting on to a private street.”; and

(c) at the end add—

“(7) Where—

(a) a person proposes to carry out work which consists of emergency repairs;

(b) it is not practicable to comply with paragraph (2A) before commencing the work; and

(c) paragraph (5) does not apply,

he shall give a building notice to the local authority as soon as reasonably practicable after commencement of the work.”.

#### **Amendment of regulation 13 (particulars and plans where a building notice is given)**

**11.** In regulation 13<sup>(12)</sup>—

(a) in paragraph (1)(b) after “proposed building work” insert “, renovation or replacement of a thermal element, change to the building’s energy status”;

(b) in paragraph (5) after “building work” insert “, renovation or replacement of a thermal element, change to the building’s energy status”; and

(c) at the beginning of paragraph (7)(b) insert “the change to the building’s energy status or”.

#### **Amendment of regulation 14 (full plans)**

**12.** In regulation 14(3)(a)<sup>(13)</sup> after “proposed building work” insert “, renovation or replacement of a thermal element, change to the building’s energy status”.

#### **Amendment of regulation 15 (notice of commencement and completion of certain stages of work)**

**13.** In regulation 15<sup>(14)</sup>—

(a) in paragraph (1) for “paragraph (8)” substitute “paragraphs (8) and (9)”; and

(b) at the end add—

“(9) Paragraph (1) does not apply where regulation 12(7) applies.”.

#### **Amendment of regulation 16A (provisions applicable to self certification schemes)**

**14.** In regulation 16A(4)<sup>(15)</sup> omit “which consists only of work on a low voltage or an extra-low voltage electrical installation”.

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<sup>(11)</sup> S.I. 2005/1541; amended by S.I. 2006/484, which makes provision for fire safety in non-domestic premises.

<sup>(12)</sup> There are amendments not relevant to these Regulations.

<sup>(13)</sup> There is an amendment not relevant to these Regulations.

<sup>(14)</sup> Amended by S.I. 2002/440.

<sup>(15)</sup> Substituted by S.I. 2004/3210.

**New Part VA (energy performance of buildings)**

15. After Part V (notices and plans) insert the following Part—

**“PART VA**

**Energy Performance of Buildings**

**Methodology of calculation of the energy performance of buildings**

17A. The Secretary of State shall approve a methodology of calculation of the energy performance of buildings.

**Minimum energy performance requirements for buildings**

17B. The Secretary of State shall approve minimum energy performance requirements for new buildings, in the form of target CO<sub>2</sub> emission rates, which shall be based upon the methodology approved pursuant to regulation 17A.

**New buildings**

17C. Where a building is erected, it shall not exceed the target CO<sub>2</sub> emission rate for the building that has been approved pursuant to regulation 17B.

**Consequential improvements to energy performance**

17D.—(1) Paragraph (2) applies to an existing building with a total useful floor area over 1,000m<sup>2</sup> where the proposed building work consists of or includes—

- (a) an extension;
- (b) the initial provision of any fixed building services; or
- (c) an increase to the installed capacity of any fixed building services.

(2) Subject to paragraph (3), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(3) Nothing in paragraph (2) requires work to be carried out if it is not technically, functionally and economically feasible.

**Interpretation**

17E. In this Part “building” means the building as a whole or parts of it that have been designed or altered to be used separately.”.

**Amendment of regulation 20 (supervision of building work otherwise than by local authorities)**

16. In regulation 20(1)(16) for “and 20A” substitute “, 20A, 20B, 20C and 20D”.

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(16) Amended by S.I. 2002/2871; there is another amending instrument but it is not relevant.

## **New regulations 20B, 20C and 20D (pressure testing, commissioning and CO<sub>2</sub> emission rate calculations)**

17. After regulation 20A(17) (sound insulation testing) insert—

### **“Pressure testing**

**20B.**—(1) This regulation applies to the erection of a building in relation to which paragraph L1(a)(i) of Schedule 1 imposes a requirement.

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with regulation 17C and paragraph L1(a)(i) of Schedule 1—

(a) ensure that—

(i) pressure testing is carried out in such circumstances as are approved by the Secretary of State; and

(ii) the testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) subject to paragraph (5), give notice of the results of the testing to the local authority.

(3) The notice referred to in paragraph (2)(b) shall—

(a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and

(b) be given to the local authority not later than seven days after the final test is carried out.

(4) A local authority is authorised to accept, as evidence that the requirements of paragraph (2)(a)(ii) have been satisfied, a certificate to that effect by a person who is registered by the British Institute of Non-destructive Testing<sup>(18)</sup> in respect of pressure testing for the air tightness of buildings.

(5) Where such a certificate contains the information required by paragraph (3)(a), paragraph (2)(b) does not apply.

### **Commissioning**

**20C.**—(1) This regulation applies to building work in relation to which paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply where the work consists only of work described in Schedule 2B.

(2) Where this regulation applies the person carrying out the work shall, for the purpose of ensuring compliance with paragraph L1(b) of Schedule 1, give to the local authority a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the Secretary of State.

(3) The notice shall be given to the local authority—

(a) not later than the date on which the notice required by regulation 15(4) is required to be given; or

(b) where that regulation does not apply, not more than 30 days after completion of the work.

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<sup>(17)</sup> Inserted by 2002/2871; there are amending instruments but none is relevant.

<sup>(18)</sup> A company incorporated under the Companies Act 1985 (c. 6) with registration number 00969051.

**CO<sub>2</sub> emission rate calculations**

**20D.**—(1) Subject to paragraph (4), where regulation 17C applies the person carrying out the work shall give the local authority a notice which specifies—

- (a) the target CO<sub>2</sub> emission rate for the building; and
- (b) the calculated CO<sub>2</sub> emission rate for the building as constructed.

(2) The notice shall be given to the local authority not later than the date on which the notice required by regulation 20B is required to be given.

(3) A local authority is authorised to accept, as evidence that the requirements of regulation 17C would be satisfied if the building were constructed in accordance with an accompanying list of specifications, a certificate to that effect by a person who is registered by—

- (a) FAERO Limited<sup>(19)</sup>; or
- (b) BRE Certification Limited<sup>(20)</sup>,

in respect of the calculation of CO<sub>2</sub> emission rates of buildings.

(4) Where such a certificate is given to the local authority—

- (a) paragraph (1) does not apply; and
- (b) the person carrying out the work shall provide to the local authority not later than the date on which the notice required by regulation 20B is required to be given a notice which—
  - (i) states whether the building has been constructed in accordance with the list of specifications which accompanied the certificate; and
  - (ii) if it has not, lists any changes to the specifications to which the building has been constructed.”.

**Amendment of regulation 22 (contravention of certain regulations not to be an offence)**

**18.** In regulation 22, for “Regulation 17 is designated as a provision” substitute “Regulations 16, 17, 20A, 20B, 20C and 20D are designated as provisions”.

**Substitution of Part L (conservation of fuel and power)**

**19.** For Part L of Schedule 1<sup>(21)</sup> substitute—

<i>“Requirement</i>	<i>Limit on application</i>
<b>PART L CONSERVATION OF FUEL AND POWER</b>	
<b>L1</b> Reasonable provision shall be made for the conservation of fuel and power in buildings by—	
(a) limiting heat gains and losses—	
(i) through thermal elements and other parts	

<sup>(19)</sup> A company incorporated under the Companies Act 1985 with the registration number 05716745.

<sup>(20)</sup> A company incorporated under the Companies Act 1985 with the registration number 03548352.

<sup>(21)</sup> Substituted by S.I. [2001/3335](#).



<i>“Requirement</i>	<i>Limit on application</i>
	of the building fabric; and
	(ii) from pipes, ducts and vessels used for space heating, space cooling and hot water services;
(b)	providing and commissioning energy efficient fixed building services with effective controls; and
(c)	providing to the owner sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.”

**Amendment of Part P (electrical safety)**

**20.** In Part P of Schedule 1(22)—

(a) for paragraph P1 substitute—

**“Design and installation**

**P1** Reasonable provision shall be made in the design and installation of electrical installations in order to protect persons operating, maintaining or altering the installations from fire or injury.”;

(b) omit paragraph P2; and

(c) in the second column, in paragraph (a) after “in” insert “or attached to”.

**Substitution of Schedule 2A (self-certification schemes and exemptions from requirement to give building notice or deposit full plans)**

**21.** For Schedule 2A(23), substitute the Schedule as set out in the Schedule to these Regulations.

**Amendment of Schedule 2B (descriptions of work where no building notice or deposit of full plans required)**

**22.** In Schedule 2B(24)—

(a) in paragraph 1—

(i) for sub-paragraph (a) substitute—

(22) Inserted by S.I. 2004/3210.

(23) Inserted by S.I. 2002/440; amended by 2003/2692 and 2004/3210.

(24) Inserted by S.I. 2004/3210.

- “(a) replacing any fixed electrical equipment which does not include the provision of—
  - (i) any new fixed cabling; or
  - (ii) a consumer unit;” and
- (ii) at the end add—
  - “(e) installing or upgrading main or supplementary equipotential bonding;
  - (f) in heating or cooling systems—
    - (i) replacing control devices that utilise existing fixed control wiring or pneumatic pipes;
    - (ii) replacing a distribution system output device;
    - (iii) providing a valve or a pump;
    - (iv) providing a damper or a fan;
  - (g) in hot water service systems, providing a valve or a pump;
  - (h) replacing an external door (where the door together with its frame has not more than 50% of its internal face area glazed);
  - (i) in existing buildings other than dwellings, providing fixed internal lighting where no more than 100m<sup>2</sup> of the floor area of the building is to be served by the lighting.”;
- (b) in paragraph 2(c)—
  - (i) at the end of paragraph (i) add “or”; and
  - (ii) omit paragraph (iii) and the word “or” immediately preceding it;
- (c) at the end of paragraph 3 add—
  - “(c) pre-fabricated equipment sets and associated flexible leads with integral plug and socket connections.”; and
- (d) in paragraph 4 in the definition of “special installation”, for “a garden” substitute “an outdoor”.