

2007 No. 3384

BUILDING AND BUILDINGS, ENGLAND AND WALES

**The Building and Approved Inspectors (Amendment)
Regulations 2007**

Made - - - - - *28th November 2007*

Laid before Parliament *5th December 2007*

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 section 1(1) of, and paragraphs 2, 4, 4A, 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) Regulations 2007.

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

- (a) this regulation and regulations 2(1), 2(4) and 4 shall come into force on 2nd January 2008; and
- (b) regulations 2(2), 2(3), 2(5) and 3 shall come into force on 6th April 2008.

Amendment of the Building Regulations 2000

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

(2) In regulation 20C(c) (commissioning) for paragraph (1) substitute—

“(1) This regulation applies to building work in relation to which paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed building service where testing and adjustment is not possible or would not affect the energy efficiency of that fixed building service.”.

(3) In column 1 of paragraph L1 of Part L of Schedule 1(d) (conservation of fuel and power) for sub-paragraph (b) substitute—

(a) 1984 c.55; section 1(1) was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c.22); paragraph 4A of Schedule 1 was inserted by section 8 of that Act, and 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. 2006/652.
(d) Part L was substituted by S.I. 2006/652.

“(b) providing fixed building services which—

- (i) are energy efficient;
- (ii) have effective controls;
- and
- (iii) are commissioned by testing and adjusting as necessary to ensure they use no more fuel and power than is reasonable in the circumstances; and”.

(4) In Schedule 2A(a) (self-certification schemes)—

- (a) in column 2 of paragraph 3 for “An individual registered by” substitute “A person registered by NICEIC Group Limited(b), Association of Plumbing and Heating Contractors (Certification) Limited(c),”;
- (b) in column 1 of paragraph 4 for “50 kilowatts” substitute “100 kilowatts”.

(5) In Schedule 2B(d) (descriptions of work where no building notice or deposit of full plans required)—

(a) In paragraph 1—

(i) For sub-paragraphs (f) and (g) substitute—

“(f) in relation to an existing fixed building service, which is not a fixed internal or external lighting system—

- (i) replacing any part which is not a combustion appliance;
- (ii) adding an output device; or
- (iii) adding a control device,

where testing and adjustment of the work is not possible or would not affect the use by the fixed building service of no more fuel and power than is reasonable in the circumstances;

(g) providing a self-contained fixed building service, which is not a fixed internal or external lighting system, where—

- (i) it is not a combustion appliance;
- (ii) any electrical work associated with its provision is exempt from the requirement to give a building notice or to deposit full plans by virtue of regulation 9 or regulation 12(5)(b);
- (iii) testing and adjustment is not possible or would not affect its energy efficiency; and
- (iv) in the case of a mechanical ventilation appliance, the appliance is not installed in a room containing an open-flued combustion appliance whose combustion products are discharged through a natural draught flue;”;

(ii) at the end add—

“(j) replacing—

- (i) a sanitary convenience;
- (ii) a washbasin;
- (iii) a fixed bath;
- (iv) a fixed shower bath;

(a) Inserted by S.I. 2002/440; substituted by S.I. 2006/652 and amended by S.I. 2006/3318.

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

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

(d) Inserted by S.I. 2004/3210, amended by S.I. 2006/652.

- (v) a rainwater gutter; or
- (vi) a rainwater downpipe,

where the work does not include any work to underground drainage, and includes no work to the hot or cold water system or above ground drainage which may prejudice the health or safety of any person on completion of the work.”; and

- (b) in paragraph 4 after the definition of “kitchen” insert—
 - ““self-contained” in relation to a fixed building service means consisting of a single appliance and any associated controls which is neither connected to, nor forms part of, any other fixed building service;”

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 12C(b) (commissioning)—

- (a) for paragraph (1) substitute—

“(1) This regulation applies to building work which is the subject of an initial notice, and in relation to which paragraph L1(b) of Schedule 1 to the Principal Regulations imposes a requirement, but does not apply to the provision or extension of any fixed building service where testing and adjustment is not possible or would not affect the energy efficiency of that fixed building service.”; and

- (b) for paragraph (3) substitute—

“(3) Subject to paragraphs (4) and (5), the notice shall be given to the approved inspector not later than five days after completion of the work to which the initial notice relates.

(4) Where regulation 11A applies, the notice shall be given not later than the date on which the notice or certificate required by that regulation must be given.

(5) Where regulation 18 applies, the notice shall be given not later than the date on which the initial notice ceases to be in force or, if earlier, the end of the period referred to in paragraph (3).”(c).

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 to any building work as if the amendments made by regulations 2(2), 2(5) and 3(2) had not been made where—

- (a) before 6th April 2008 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 2008 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(5) 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.

(3) Subject to paragraph (4), where before 2nd January 2008—

- (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

(a) S.I. 2000/2532.

(b) Inserted by S.I. 2006/652.

(c) Regulation 11A was inserted by S.I. 2006/652.

(b) building work to which regulation 12(5) of the Building Regulations applies (exemption from the requirement to give a building notice or deposit full plans) is commenced, the Building Regulations shall continue to apply to that work as if the amendment made by regulation 2(4)(b) of these Regulations had not been made.

(4) Where an initial notice given before 2nd January 2008 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 amendment made by regulation 2(4)(b) 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 Building Regulations and the Approved Inspectors Regulations shall continue to apply to any building work as if the amendments made by regulations 2(2), 2(5) and 3(2) had not been made where building work is—

- (a) commenced before 6th April 2008; or
- (b) the contract for the provision of the work is entered into before that date and the work is commenced before 1st October 2008.

Signed by authority of the Secretary of State

28th November 2007

Iain Wright
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:

Paragraph (2) amends regulation 20C to ensure that the requirement to notify the local authority that new or altered fixed building services have been commissioned in accordance with an approved procedure only applies where such commissioning is possible and could affect the energy efficiency of the fixed building service.

Paragraph (3) amends Part L of Schedule 1 to clarify the energy efficiency requirements for new and altered fixed building services.

Paragraph (4) amends Schedule 2A to change the registration category for self-certification schemes for oil-fired installations from 'individual' to 'person', to add new bodies who are able to register persons in such schemes, and to increase the maximum heat output of a solid fuel burning combustion appliance which can be installed under a self-certification scheme.

Paragraph (5) amends Schedule 2B to alter, and to extend, the categories of building work for which notification to the local authority is not required.

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

Paragraph (2)(a) amends regulation 12C to ensure that the requirement to notify the approved inspector that new or altered fixed building services have been commissioned in accordance with an approved procedure only applies where such commissioning is possible and could affect the energy efficiency of the fixed building service.

Paragraph (2)(b) has two effects. First, new paragraph (4) of regulation 12C amends the time limit for giving the notice required by that regulation in cases where regulation 11A applies (i.e. where work has been carried out under a self-certification scheme). The time limit is amended from not later than 5 days after completion of the work included in an initial notice to not more than 30 days after completion of the self-certified work, which is the time limit in regulation 11A. Secondly, new paragraph (5) of regulation 12C ensures that where regulation 18 (which sets out the events that cause an initial notice to cease to be in force) applies the notice must be given on or before the date an initial notice ceases to be in force.

Regulation 4 contains transitional provisions.

The Secretary of State intends to approve, under section 6(4) of the Building Act 1984, four new approved documents providing practical guidance with respect to the requirements of regulation 20C of, and Part L of Schedule 1 to, the Building Regulations 2000 (and also regulations 4A, 4B, 17C, 17D, 20B and 20D of those Regulations).

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.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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