

2009 No. 1219

BUILDING AND BUILDINGS, ENGLAND AND WALES

**The Building and Approved Inspectors (Amendment)
Regulations 2009**

<i>Made</i> - - - -	<i>12th May 2009</i>
<i>Laid before Parliament</i>	<i>13th May 2009</i>
<i>Coming into force</i> - -	<i>1st October 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1, 3, 34, 35 and 47 of, and paragraphs 1, 2, 4, 4A, 7, 8 and 10 of Schedule 1 to, the Building Act 1984(a), having consulted, in accordance with section 14(3) of that Act, the Building Regulations Advisory Committee and such other bodies as appear to the Secretary of State 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 2009.

(2) These Regulations shall come into force on 1st October 2009.

Amendments to the Building Regulations 2000

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

(2) In regulation 2(c) (interpretation)—

(a) in paragraph (1) in the definition of “fixed building services” omit “service” in subparagraph (b); and

(b) after paragraph (2B) insert—

“(2C) Section 67 of the Water Industry Act 1991(d) and such regulations as have been made under that section apply for the purposes of Part G of Schedule 1 as they apply for the purposes of Chapter 3 of Part 3 of that Act.”.

(3) In regulation 6(e)(requirements relating to material change of use)—

(a) 1984 c.55. Section 1 was amended by the Sustainable and Secure Buildings Act 2004 (c.22), section 1(1) to (3); section 47 was amended by section 8(2) of that Act and article 3(2) of S.I. 1996/1905; paragraph 4A of Schedule 1 was inserted by section 8(1) of that Act; paragraph 7 of Schedule 1 was amended by section 3(1), (4) and (5) of that Act- there are other amendments to that paragraph but none is relevant; paragraph 8 of Schedule 1 was amended by section 3(1), (6) and (7) of that Act.

(b) S.I. 2000/2531.

(c) Amended by S.I. 2006/652; there are other amending instruments, but none is relevant.

(d) 1991 c.56. Regulations made under section 67 are the Private Water Supplies Regulations 1991 (S.I. 1991/2790), the Water Supply (Water Quality) Regulations 2000 (S.I. 2000/3184, as amended by S.I. 2001/2885 and S.I. 2007/2734, and, in relation to Wales, the Water Supply (Water Quality) Regulations 2001 (S.I. 2001/3911, as amended by S.I. 2007/3374).

(e) Amended by S.I. 2002/2871 and S.I. 2003/2692; there are other amending instruments, but none is relevant.

- (a) in paragraph (1)(a) for “G1 (sanitary conveniences and washing facilities) G2 (bathrooms)” substitute—
 - “G1 (cold water supply)
 - G3(1) to (3) (hot water supply and systems)
 - G4 (sanitary conveniences and washing facilities)
 - G5 (bathrooms)
 - G6 (kitchens and food preparation areas)”;
- (b) after paragraph (1)(f) insert—
 - “(ff)in the case of a material change of use described in regulation 5(a) or (b), G2 (water efficiency) and G3(4) (hot water supply and systems- hot water supply to fixed baths)”;
- (c) in paragraph (2)(b) for “or (f)” substitute “, (f) or (ff)”.
- (4) In regulation 8(a) (limitation on requirements) after “paragraphs” insert “G2,”.
- (5) In regulation 9(b) (exempt buildings and work)—
 - (a) in paragraph (1) after “paragraphs” insert “(1A),”; and
 - (b) after paragraph (1) insert—
 - “(1A) The requirements of paragraph G1 and paragraph G3(2) and (3) apply—
 - (a) to any greenhouse which receives a cold or hot water supply from a source shared with or located inside a dwelling; and
 - (b) to—
 - (i) any small detached building falling within class VI in Schedule 2; and
 - (ii) any extension of a building falling within class VII in Schedule 2,
 which in either case receives a cold or hot water supply from a source shared with or located inside any building other than a building or extension of a kind described in Schedule 2.”.
- (6) Omit regulation 13(4) (particulars and plans where a building notice is given).
- (7) In regulation 14(3)(a)(c) (full plans) for “(4)” substitute “(3)”.
- (8) In regulation 17(3)(b)(d) (completion certificates) for “17C and 17E (target CO₂ emission rates for new buildings)” substitute “17C (target CO₂ emission rates for new buildings), 17E (energy performance certificates), 17K (water efficiency of new dwellings)”.
- (9) After regulation 17J(e) (energy performance of buildings - interpretation) insert—

“PART 5B

Water efficiency

Water efficiency of new dwellings

17K.—(1) The potential consumption of wholesome water by persons occupying a dwelling to which this regulation applies must not exceed 125 litres per person per day, calculated in accordance with the methodology set out in the document “The Water Efficiency Calculator for New Dwellings”(f).

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- (a) Substituted by S.I. 2002/2871 and amended by S.I. 2004/3210.
 - (b) Amended by S.I. 2004/3210 and S.I. 2006/652.
 - (c) Amended by S.I. 2006/652.
 - (d) Amended by S.I. 2006/3318 and S.I. 2007/991.
 - (e) Inserted by S.I. 2006/652 and substituted by S.I. 2007/991.
 - (f) Published May 2009 by the Department for Communities and Local Government- ISBN: 978-1-4098-1378-1.

(2) This regulation applies to a dwelling which is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).”.

(10) In regulation 20(1)(a) (supervision of building work otherwise than by local authorities) for “and 20D” substitute “, 20D and 20E”.

(11) After regulation 20D(b) (CO₂ emission rate calculations) insert—

“Wholesome water consumption calculation

20E.—(1) Where regulation 17K applies, the person carrying out the work must give the local authority a notice which specifies the potential consumption of wholesome water per person per day calculated in accordance with the methodology referred to in that regulation in relation to the completed dwelling.

(2) The notice shall be given to the local authority not later than five days after the work has been completed.”.

(12) In regulation 22(c) (contravention of certain regulations not to be an offence) for “and 20D” substitute “, 20D and 20E”.

(13) In regulation 22B(1)(d) (electronic service of documents) after sub-paragraph (k) insert—

“(ka) a notice under regulation 20E(1);”.

(14) In Schedule 1 (requirements) for Part G substitute the Part set out in the Schedule to these Regulations.

(15) In Schedule 2A(e) (self-certification schemes and exemptions from requirement to give building notice or deposit full plans), in column 1—

- (a) in paragraphs 2 to 6 omit “service”; and
- (b) in paragraph 13 for “washing facility” substitute “sink, washbasin, bidet, fixed bath, shower”.

(16) In Schedule 2B(f) (descriptions of work where no building notice or deposit of full plans required), in paragraph 1—

- (a) in sub-paragraph (j)(i) after “sanitary convenience” add “with one that uses no more water than the one that it replaces”;
- (b) in sub-paragraph (j)(ii) after “washbasin” insert “, sink or bidet”;
- (c) in sub-paragraph (j)(iv) for “fixed shower bath” substitute “shower”; and
- (d) after sub-paragraph (j) insert—

“(k) in relation to an existing cold water supply—

- (i) replacing any part,
 - (ii) adding an output device, or
 - (iii) adding a control device;
- (l) providing a hot water storage system that has a storage vessel with a capacity not exceeding 15 litres, where 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)”.

(a) Amended by S.I. 2002/440, S.I. 2002/2871, S.I. 2006/652 and S.I. 2007/991.

(b) Inserted by S.I. 2006/652 and amended by S.I. 2008/2363.

(c) Amended by S.I. 2006/652 and S.I. 2007/991.

(d) Inserted by S.I. 2008/2334.

(e) Inserted by S.I. 2002/440, substituted by S.I. 2006/652, and amended by S.I. 2006/3318 and S.I. 2007/3384; there other amendments but none is relevant.

(f) Inserted by S.I. 2004/3210, and amended by S.I. 2007/3384; there other amendments but none is relevant.

Amendments to the Building (Approved Inspectors) Regulations 2000

- 3.—(1) The Building (Approved Inspectors) Regulations 2000(a) are amended as follows.
- (2) In regulation 11(1)(b) (functions of approved inspectors)—
- (a) in sub-paragraph (a) for “and 17D” substitute “, 17D and 17K”; and
 - (b) in sub-paragraph (c) for “and 12D” substitute “, 12D and 12E”.
- (3) After regulation 12D(c) (CO₂ emission rate calculations) insert—

“Wholesome water consumption calculation

12E.—(1) Where regulation 17K of the Principal Regulations applies to work which is the subject of an initial notice, the person carrying out the work must give the approved inspector a notice which specifies the potential consumption of wholesome water per person per day calculated in accordance with the methodology referred to in that regulation in relation to the completed dwelling.

(2) The notice shall be given to the approved inspector not later than—

- (a) five days after the work has been completed; or
- (b) the date on which, in accordance with regulation 18, the initial notice ceases to be in force,

whichever is the earlier.”.

- (4) In regulation 31A(d) (electronic service of documents) after (h) insert—
- “(ha) a notice under regulation 12E(1);”.

Transitional provisions: interpretation and application

4.—(1) In regulations 5 to 8—

“the Act” means the Building Act 1984;

“the Building Regulations” means the Building Regulations 2000;

“the Approved Inspectors Regulations” means the Building (Approved Inspectors) Regulations 2000.

(2) Regulations 5 to 8 shall not apply in relation to work to which any amendment made by regulation 2(15) or (16)(b), (c) or (d) applies.

Transitional provisions: work already commenced

5.—(1) Subject to paragraph (2), where before 1st October 2009 building work is commenced in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A)(e) (giving a building notice or deposit of plans) of the Building Regulations and a notice given to the local authority under regulation 15(1)(f) (notice of commencement and completion of certain stages of work) of those Regulations;
- (b) an initial notice or an amendment notice given in accordance with section 47(1)(g) (giving and acceptance of initial notice) or 51A(2)(h) (variation of work to which initial notice relates) of the Act; or

(a) S.I. 2000/2532.

(b) Amended by S.I. 2006/652 and S.I. 2006/3318; there are other amendments but none is relevant.

(c) Inserted by S.I. 2006/652, and amended by S.I. 2008/2363.

(d) Inserted by S.I. 2008/2334.

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

(f) Amended by S.I. 2002/440 and S.I. 2006/652.

(g) Section 47(1) was amended by article 3(2) of (S.I. 1996/1905) and section 8(2) of the Sustainable and Secure Buildings Act 2004 (c.22).

(h) Section 51A was inserted by article 2 of S.I. 1996/1905.

- (c) a public body's notice given in accordance with section 54 (giving, acceptance and effect of a public body's notice) of the Act,

the Building Regulations and the Approved Inspectors Regulations shall continue to apply to that building work as if the amendments made by regulations 2 and 3 had not been made.

(2) Where before 1st October 2009 work is commenced in accordance with an initial notice, which 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 and 3 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 October 2009 building work is commenced to which regulation 12(5)(a) of the Building Regulations applies, those Regulations shall continue to apply to that building work as if the amendments made by regulation 2 had not been made.

Transitional provisions: work for which full plans are not required

6. Where before 1st October 2009 a contract is entered into for the provision of building work in respect of which regulation 12(b) of the Building Regulations does not require the deposit of full plans, the Building Regulations and the Approved Inspectors Regulations shall continue to apply to that work as if the amendments made by regulations 2 and 3 had not been made, provided that the work is commenced before 6th April 2010.

Transitional provisions: full plans

7. Where before 1st October 2009—

- (a) full plans of building work are deposited with a local authority in accordance with regulation 12(2A) of the Building Regulations; and
- (b) the local authority—
 - (i) gives notice under section 16(6) (passing or rejection of plans) of the Act that they have passed those plans without conditions, or
 - (ii) 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,

the Building Regulations shall continue to apply to the work to which those plans relate as if the amendments made by regulation 2 had not been made, provided that the work is commenced before 1st October 2010, whether or not the work departs from those plans.

Transitional provisions: plans certificates

8. Where before 1st October 2009 plans of work are the subject of—

- (a) a plans certificate, or a plans certificate combined with an initial notice, given to a local authority in accordance with section 50(c) of the Act; or
- (b) a public body's plans certificate, or a combined public body's notice and plans certificate, given to a local authority in accordance with paragraph 2 of Schedule 4 to the Act

and accepted in either case by the local authority (whether or not before 1st October 2009), the Building Regulations and the Approved Inspectors Regulations shall continue to apply to the work to which those plans relate as if the amendments made by regulations 2 and 3 had not been made, provided that the work is commenced before 1st October 2010, whether or not the building work departs from those plans.

(a) Substituted by S.I. 2004/3210.

(b) Amended by S.I. 2001/3335, S.I. 2004/3210, S.I. 2005/1541, S.I. 2006/652 and S.I. 2008/671.

(c) Section 50(1) and (5) were amended by article 3(4) of S.I. 1996/1905.

Signed by authority of the Secretary of State

12th May 2009

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local Government

Substituted Part G of Schedule 1 to the Building Regulations 2000

PART G SANITATION, HOT WATER SAFETY AND WATER EFFICIENCY

Cold water supply

G1.—(1) There must be a suitable installation for the provision of wholesome water to—

- (a) any place where drinking water is drawn off;
- (b) any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience;
- (c) any washbasin, bidet, fixed bath and shower in a bathroom; and
- (d) any sink provided in any area where food is prepared.

(2) There must be a suitable installation for the provision of water of suitable quality to any sanitary convenience fitted with a flushing device.

Water efficiency

G2. Reasonable provision must be made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water.

Requirement G2 applies only when a dwelling is—

- (a) erected; or
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

Hot water supply and systems

G3.—(1) There must be a suitable installation for the provision of heated wholesome water to—

- (a) any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience;
- (b) any washbasin, bidet, fixed bath and shower in a bathroom; and
- (c) any sink provided in any area where food is prepared.

(2) A hot water system, including any cistern or other vessel that supplies water to or receives expansion water from a hot water system, must be designed, constructed and installed so as to resist the effects of temperature and pressure that may occur either in normal use or in the

event of such malfunctions as may reasonably be anticipated, and must be adequately supported.

(3) A hot water system that has a hot water storage vessel must incorporate precautions to—

- (a) prevent the temperature of the water stored in the vessel at any time exceeding 100°C;
- (b) ensure that any discharge from safety devices is safely conveyed to where it is visible but will not cause a danger to persons in or about the building.

(4) The hot water supply to any fixed bath must be so designed and installed as to incorporate measures to ensure that the temperature of the water that can be delivered to that bath does not exceed 48°C.

Requirement G3(3) does not apply to a system which heats or stores water for the purposes only of an industrial process.

Requirement G3(4) applies only when a dwelling is—

- (a) erected;
- (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).

Sanitary conveniences and washing facilities

G4.—(1) Adequate and suitable sanitary conveniences must be provided in rooms provided to accommodate them or in bathrooms.

(2) Adequate hand washing facilities must be provided in—

- (a) rooms containing sanitary conveniences; or
- (b) rooms or spaces adjacent to rooms containing sanitary conveniences.

(3) Any room containing a sanitary convenience, a bidet, or any facility for washing hands provided in accordance with paragraph (2)(b), must be separated from any kitchen or any area where food is prepared.

Bathrooms

G5. A bathroom must be provided containing a washbasin and either a fixed bath or a shower.

Requirement G5 applies only to dwellings and to buildings containing one or more rooms for residential purposes.

Kitchens and food preparation areas

G6. A suitable sink must be provided in any area where food is prepared.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends the Building Regulations 2000 as follows.

Paragraph (2) amends regulation 2. It amends the definition of “fixed building services” and provides for a standard of wholesomeness in relation to water.

Paragraph (3) amends regulation 6. It applies most of the requirements of the substituted Part G (sanitation, hot water safety and water efficiency) of Schedule 1 where there is a material change of use of any sort as defined in regulation 5 in relation to a building. The exceptions are Part G2 (water efficiency) and Part G3(4) (hot water supply and systems - hot water supply to fixed baths), which it applies only when a dwelling is formed as a result of a material change of use consisting of the conversion of a non-domestic building or the provision of a flat in a building.

Paragraph (4) makes a consequential amendment to regulation 8.

Paragraph (5) amends regulation 9 by inserting a new paragraph (1A) to apply the provisions of the substituted Part G of Schedule 1 that deal with cold water supply and hot water safety to small buildings and extensions that are exempt from building regulations in other respects.

Paragraphs (6) and (7) omit regulation 13(4) and amend regulation 14(3)(a), removing a requirement for certain information to accompany building notices where a hot water storage system is provided.

Paragraph (8) amends regulation 17(3)(b) so that the relevant requirements that a local authority giving a completion certificate on request in accordance with regulation 14(5) must ascertain to have been satisfied include the new minimum water efficiency requirement for new dwellings in regulation 17K.

Paragraph (9) inserts a new Part 5B “Water efficiency” containing a single regulation, 17K. Regulation 17K imposes a minimum water efficiency requirement for any dwelling that is newly erected, or that is newly converted, either from a non-domestic building or by the provision of a flat in a building. Water efficiency is expressed in terms of the potential consumption of wholesome water per person per day by persons occupying it, calculated in accordance with the methodology set out in the document “The Water Efficiency Calculator for New Dwellings” (published in May 2009, ISBN: 978-1-4098-1378-1, available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB, or online via the Communities and Local Government website www.communities.gov.uk).

Paragraph (10) amends regulation 20(1) to add new regulation 20E to the list of provisions of the Regulations that do not apply to work that is supervised by an approved inspector after an initial notice has been given to a local authority in accordance with section 47 of the Building Act 1984.

Paragraph (11) inserts a new regulation 20E, which provides that where regulation 17K applies the person carrying out the building work must give the local authority not later than five days after the completion of that work a notice which specifies the potential consumption of wholesome water per person per day calculated in relation to the new dwelling.

Paragraph (12) amends regulation 22 to add regulation 20E to the list of requirements to which section 35 of the Building Act 1984 (penalty for contravening building regulations) does not apply.

Paragraph (13) amends regulation 22B(1) to add the notice under regulation 20E to the list of documents that may be served electronically.

Paragraph (14) introduces the Schedule to these Regulations, which substitutes Part G in Schedule 1 to the Building Regulations 2000. The substituted Part G deals with sanitation, hot water safety

and water efficiency. It provides for cold and hot water supply, provision of sanitary conveniences and bathrooms, and safety of hot water systems. New provisions require sinks with cold and hot water supply in food preparation areas, and require washbasins in addition to baths or showers in bathrooms. A bathroom is now required in any building with one or more rooms for residential purposes, such as hotel or hostel rooms. Safety requirements for non-vented hot water systems above a certain storage capacity are extended to all systems, irrespective of their storage capacity and including vented systems. Other new requirements are, relating to new dwellings only, to make reasonable provision to prevent undue consumption of water by installing efficient fittings and appliances, and to incorporate measures in the hot water supply to restrict the temperature of hot water that can be delivered to fixed baths to a maximum of 48 degrees C. New dwellings for these purposes are the same as those described in this note in relation to new regulation 17K and Part G2 of Schedule 1.

Paragraph (15) makes minor amendments to Schedule 2A (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) consequential upon the provisions of the new Part G.

Paragraph (16) amends Schedule 2B (descriptions of work where no building notice or deposit of full plans required). It adds replacement of kitchen sinks and bidets, replacement of parts of, and certain additions to, existing cold water supplies, and the provision of hot water storage systems with a storage vessel not exceeding 15 litres capacity. It restricts the existing exemption for replacement of sanitary conveniences to those cases where the replacement will use no more water than the appliance replaced. It makes a minor amendment concerning showers consequential upon the provisions of the new Part G.

Regulation 3 amends the Building (Approved Inspectors) Regulations 2000 as follows.

Paragraph (2) amends regulation 11(1) to add new regulation 17K of the Building Regulations 2000 and new regulation 12E of the Building (Approved Inspectors) Regulations 2000 to the provisions concerning which an approved inspector by whom an initial notice has been given must take reasonable steps to be satisfied that they are complied with.

Paragraph (3) inserts the new regulation 12E, which provides that where new regulation 17K of the Building Regulations 2000 applies the person carrying out the building work must give the approved inspector not later than five days after the completion of the work a notice which specifies the potential consumption of wholesome water per person per day calculated in relation to the new dwelling.

Paragraph (4) amends regulation 31A to add the notice under new regulation 12E to the list of documents that may be served electronically.

Regulations 4 to 8 provide for transitional arrangements in cases where, before 1st October 2009, building work has commenced, contracts for building work have been entered into, or full plans have been deposited with, or plans certificates have been given to, the local authority.

An impact assessment of the effect that these Regulations will have on the costs of business and the public and voluntary sectors is available from the Department for Communities and Local Government website or from the Sustainable Buildings Division of the Department (Tel: 020 7944 5711; E-mail: enquiries.br@communities.gsi.gov.uk). A copy is annexed to the explanatory memorandum to these Regulations, which is available alongside the Regulations on the OPSI website at www.opsi.gov.uk.

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