
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Building Regulations 2010 and shall come into force on 1st October 2010.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Building Act 1984;

[^{F1}“Green Deal Framework Regulations” means the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012;]

“amendment notice” means a notice given under section 51A of the Act ^{M1};

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

“building notice” means a notice given in accordance with regulations 12(2)(a) and 13;

“building work” has the meaning given in regulation 3(1);

“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;

“controlled service or fitting” means a service or fitting in relation to which Part G, H, J, L or P of Schedule 1 imposes a requirement;

“day” means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday;

“dwelling” includes a dwelling-house and a flat;

“dwelling-house” does not include a flat or a building containing a flat;

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter;

“energy efficiency requirements” means the requirements of regulations 23, [^{F2}25A, 25B] 26, 28 [^{F3}, 29 and 40] and Part L of Schedule 1;

[^{F4}“energy performance certificate” means a certificate which complies with the requirements of regulation 29 of these Regulations;]

[^{F5}“excepted energy building” has the meaning given in the Schedule to The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009]

Status: Point in time view as at 27/01/2013.

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“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;

“final certificate” means a certificate given under section 51 of the Act ^{M2};

[^{F6}“fixed building services” means any part of, or any controls associated with—

- (a) fixed internal or external lighting systems (but not including emergency escape lighting or specialist process lighting);
- (b) fixed systems for heating, hot water, air conditioning or mechanical ventilation; or
- (c) any combination of systems of the kinds referred to in paragraph (a) or (b);]

“flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

“floor area” means the aggregate area of every floor in a building or extension, calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the outermost edge of the floor;

“full plans” means plans deposited with a local authority for the purposes of section 16 of the Act ^{M3} in accordance with regulations 12(2)(b) and 14;

[^{F7}“green deal disclosure obligations” means the obligations to provide an energy performance certificate in section 12 of the Energy Act 2011 and Part 7 of the Green Deal Framework Regulations;

“green deal property” has the meaning given in section 12(5)(b) of the Energy Act 2011;]

“height” means the height of the building measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher;

“independent access” means, in relation to a part of a building (including any extension to that building), a route of access to that part which does not require the user to pass through any other part of the building;

“initial notice” means a notice given under section 47 of the Act ^{M4};

“institution” means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons—

- (a) suffering from disabilities due to illness or old age or other physical or mental incapacity, or
- (b) under the age of five years,

where such persons sleep on the premises;

“low voltage” means voltage not exceeding—

- (a) in relation to alternating current, 1000 volts between conductors or 600 volts between conductors and earth; or
- (b) in relation to direct current, 1500 volts between conductors or 900 volts between conductors and earth;

“material alteration” has the meaning given in regulation 3(2);

“material change of use” has the meaning given in regulation 5;

“microgeneration” means the use for the generation of electricity or the production of heat or cooling of any plant (which for this purpose includes any equipment, apparatus or appliance) which, in generating electricity or (as the case may be) producing heat or cooling, relies wholly or mainly on a source of energy or a technology mentioned in section 26(2) of the Climate Change and Sustainable Energy Act 2006 ^{M5};

[^{F8}“payment period” has the meaning given in regulation 2(1) of the Green Deal Framework Regulations;]

“public body's final certificate” means a certificate given under paragraph 3 of Schedule 4 to the Act;

“public body's notice” means a notice given under section 54 of the Act;

“renovation” in relation to a thermal element means the provision of a new layer in the thermal element [^{F9}(other than where that new layer is provided solely as a means of repair to a flat roof)] or the replacement of an existing layer, but excludes decorative finishes, and “renovate” shall be construed accordingly;

“room for residential purposes” means a room, or a suite of rooms, which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel, an hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital, or other similar establishment, used for patient accommodation;

“shop” includes premises—

- (a) used for the sale to members of the public of food or drink for consumption on or off the premises,
- (b) used for retail sales by auction to members of the public,
- (c) used by members of the public as a barber or hairdresser, or for the hiring of any item, and
- (d) where members of the public may take goods for repair or other treatment;

“softened wholesome water” means water which would be regarded as wholesome for the purposes of regulations made under section 67 of the Water Industry Act 1991 ^{M6} (standards of wholesomeness) as they apply for the purposes of Part G of Schedule 1 in accordance with paragraph (5) but for the presence of sodium in excess of the level specified in those regulations if it is caused by a water softener or water softening process which reduces the concentrations of calcium and magnesium.

(2) In these Regulations “public building” means a building consisting of or containing—

- (a) a theatre, public library, hall or other place of public resort;
- (b) a school or other educational establishment not exempted from the operation of building regulations by virtue of section 4(1)(a) of the Act ^{M7}; or
- (c) a place of public worship;

but a building is not to be treated as a place of public resort because it is, or it contains, a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

(3) 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—
 - (i) unconditioned;
 - (ii) an extension falling within class 7 of Schedule 2; or
 - (iii) where this paragraph applies, conditioned to a different temperature,

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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.

(4) Paragraph (3)(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.

(5) Section 67 of the Water Industry Act 1991 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.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), [regs. 1\(1\), 4\(2\)](#)
- F2** Words in [reg. 2\(1\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 3\(a\)](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#))
- F3** Words in [reg. 2\(1\)](#) substituted (15.7.2011) by [The Building \(Amendment\) Regulations 2011 \(S.I. 2011/1515\)](#), [regs. 1\(2\), 3\(2\)\(a\)](#)
- F4** Words in [reg. 2\(1\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 3\(b\)](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#))
- F5** Words in [reg. 2\(1\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2012) by [The Building \(Amendment\) Regulations 2012 \(S.I. 2012/718\)](#), [regs. 1\(2\), 3\(2\)](#) (with [reg. 1\(3\)](#))
- F6** Words in [reg. 2\(1\)](#) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 3\(c\)](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#))
- F7** Words in [reg. 2\(1\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), [regs. 1\(1\), 4\(3\)](#)
- F8** Words in [reg. 2\(1\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), [regs. 1\(1\), 4\(4\)](#)
- F9** Words in [reg. 2\(1\)](#) added (15.7.2011) by [The Building \(Amendment\) Regulations 2011 \(S.I. 2011/1515\)](#), [regs. 1\(2\), 3\(2\)\(b\)](#)

Marginal Citations

- M1** Section 51A was inserted by [S.I. 1996/1905](#).
- M2** Section 51 was amended by [S.I. 1996/1905](#).
- M3** Section 16 was amended by Part 13 of Schedule 1 to the [Statute Law \(Repeals\) Act 1993 \(c.50\)](#).
- M4** Section 47 was amended by section 8 of the Sustainable and Secure Buildings Act 2004 and [S.I. 1996/1905](#).
- M5** [2006 c. 19](#); section 26(2) was amended by [S.I. 2008/1767](#).
- M6** [1991 c. 56](#); regulations made under section 67 of that Act are [S.I. 2000/3184](#), [2009/3101](#), [2010/66](#) and [2010/994](#).
- M7** Section 4(1)(a) was amended by paragraph 59 of Schedule 37 to the [Education Act 1996 \(c.56\)](#), [Schedule 31](#) to the [School Standards and Framework Act 1998 \(c.31\)](#) and paragraph 6 of Schedule 21 to the [Education Act 2002 \(c.32\)](#), and is prospectively repealed by section 5(a) of and the Schedule to the Sustainable and Secure Buildings Act 2004.

PART 2

Control of Building Work

Meaning of building work

3.—(1) In these Regulations “building work” means—

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
- (d) work required by regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by regulation 22 (requirements relating to a change of energy status);
- (h) work required by regulation 23 (requirements relating to thermal elements);
- (i) work required by regulation 28 (consequential improvements to energy performance).

(2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—

- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

(3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely—

- Part A (structure)
- paragraph B1 (means of warning and escape)
- paragraph B3 (internal fire spread—structure)
- paragraph B4 (external fire spread)
- paragraph B5 (access and facilities for the fire service)
- Part M (access to and use of buildings).

Requirements relating to building work

4.—(1) Subject to paragraph (2) building work shall be carried out so that—

- (a) it complies with the applicable requirements contained in Schedule 1; and
- (b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) 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.

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- (3) Building work shall be carried out so that, after it has been completed—
- (a) any building which is extended or to which a material alteration is made; or
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or
 - (c) any controlled service or fitting,

complies with the applicable requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

Meaning of material change of use

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change—

- (a) the building is used as a dwelling, where previously it was not;
- (b) the building contains a flat, where previously it did not;
- (c) the building is used as an hotel or a boarding house, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not;
- (f) the building is not a building described in classes 1 to 6 in Schedule 2, where previously it was;
- (g) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously;
- (h) the building contains a room for residential purposes, where previously it did not;
- (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously; or
- (j) the building is used as a shop, where previously it was not.

Requirements relating to material change of use

6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of the following paragraphs of Schedule 1—

- (a) in all cases, B1 (means of warning and escape)
 - B2 (internal fire spread—linings)
 - B3 (internal fire spread—structure)
 - B4(2) (external fire spread—roofs)
 - B5 (access and facilities for the fire service)
 - C2(c) (interstitial and surface condensation)
 - F1 (ventilation)
 - 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)

F10
...

H1 (foul water drainage)

H6 (solid waste storage)

J1 to J4 (combustion appliances)

L1 (conservation of fuel and power)

P1 (electrical safety);

- (b) in the case of a material change of use described in regulation 5(c), (d), (e) or (f), A1 to A3 (structure);
 - (c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread—walls);
 - (d) in the case of a material change of use described in regulation 5(a), (b), (c), (d), (g), (h), (i) or, where the material change provides new residential accommodation, (f), C1(2) (resistance to contaminants);
 - (e) in the case of a material change of use described in regulation 5(a), C2 (resistance to moisture);
 - (f) in the case of a material change of use described in regulation 5(a), (b), (c), (g), (h) or (i), E1 to E3 (resistance to the passage of sound);
 - (g) in the case of a material change of use described in regulation 5(e), where the public building consists of or contains a school, E4 (acoustic conditions in schools);
 - (h) 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);
 - (i) in the case of a material change of use described in regulation 5(c), (d), (e) or (j), M1 (access and use).
- (2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that—
- (a) that part complies in all cases with any applicable requirements referred to in paragraph (1) (a);
 - (b) in a case in which sub-paragraphs (b), (e), (f), (g) or (h) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph;
 - (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph; and
 - (d) in a case to which sub-paragraph (i) of paragraph (1) applies—
 - (i) that part and any sanitary conveniences provided in or in connection with that part comply with the requirements referred to in that sub-paragraph; and
 - (ii) the building complies with requirement M1(a) of Schedule 1 to the extent that reasonable provision is made to provide either suitable independent access to that part or suitable access through the building to that part.

Textual Amendments

F10 Words in reg. 6(1)(a) omitted (15.7.2011) by virtue of [The Building \(Amendment\) Regulations 2011 \(S.I. 2011/1515\)](#), regs. 1(2), 3(3)

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Materials and workmanship

7. Building work shall be carried out—
- (a) with adequate and proper materials which—
 - (i) are appropriate for the circumstances in which they are used,
 - (ii) are adequately mixed or prepared, and
 - (iii) are applied, used or fixed so as adequately to perform the functions for which they are designed; and
 - (b) in a workmanlike manner.

Limitation on requirements

8. Parts A to D, F to K, N and P (except for paragraphs G2, H2 and J7) of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be affected by buildings, or matters connected with buildings).

Exempt buildings and work

9.—(1) Subject to paragraphs (2) and (3) and regulation 21(1), these Regulations do not apply to—

- (a) the erection of any building or extension of a kind described in Schedule 2; or
 - (b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.
- (2) The requirements of paragraphs G1 and G3(2) and (3) of Schedule 1 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 6 in Schedule 2; and
 - (ii) any extension of a building falling within class 7 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.
- (3) The requirements of Part P of Schedule 1 apply to—
- (a) any greenhouse;
 - (b) any small detached building falling within class 6 in Schedule 2; and
 - (c) any extension of a building falling within class 7 in Schedule 2,

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

Exemption of the [F11Mayor's Office for Policing and Crime] from procedural requirements

10.—(1) The [F11Mayor's Office for Policing and Crime] is hereby prescribed for the purposes of section 5 of the Act (exemption of public bodies from the procedural requirements and enforcement of building regulations).

(2) The [F11 Mayor's Office for Policing and Crime] is exempt from compliance with these Regulations, other than regulation 29, in so far as the requirements in these Regulations are not substantive requirements.

Textual Amendments

F11 Words in reg. 10 substituted (16.1.2012) by [The Local Policing Bodies \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/3058\)](#), regs. 1(2), **26(2)**

Power to dispense with or relax requirements

11.—(1) Subject to paragraph (3), the power under section 8(1) of the Act to dispense with or relax any requirement contained in these Regulations shall be exercisable by the local authority.

(2) Any notification by the local authority to an applicant that they have refused the applicant's application to dispense with or relax any requirement of these Regulations shall inform the applicant of the effect of section 39(1) and (3) of the Act (appeal against refusal etc. to relax building regulations).

(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to—

- (a) regulation 26 or 29; or
- (b) in the case of existing buildings with a total useful floor area over 1,000m², the energy efficiency requirements of these Regulations.

PART 3

Notices, Plans and Certificates

Giving of a building notice or deposit of plans

12.—(1) 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.

(2) 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.

(3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005^{M8} applies, or will apply after the completion of the building work, shall deposit full plans.

(4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall deposit full plans.

(5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall deposit full plans.

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(6) A person intending 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 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table; or
- (b) described in Schedule 4.

(7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010 ^{M9} (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(8) Where—

- (a) a person proposes to carry out building work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2) before commencing the work; and
- (c) paragraph (6) does not apply,

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

(9) In this regulation—

- “fronting” has the meaning given in section 203(3) of the Highways Act 1980 ^{M10}; and
- “private street” has the meaning given in section 203(2) of the Highways Act 1980 ^{M11}.

Marginal Citations

M8 S.I. 2005/1541.

M9 S.I. 2010/2215.

M10 1980 c. 66.

M11 Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the [Planning \(Consequential Provisions\) Act 1990 \(c.11\)](#) and Part 5 of Schedule 19 to the [Planning and Compensation Act 1991 \(c.34\)](#).

Particulars and plans where a building notice is given

13.—(1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by that person or on that person's behalf, and shall contain or be accompanied by—

- (a) a statement that it is given for the purpose of regulation 12(2)(a);
- (b) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use; and
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building.

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;
 - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;

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- (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
 - (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
 - (c) particulars of—
 - (i) the provision to be made for the drainage of the building or extension; and
 - (ii) the steps to be taken to comply with any local enactment which applies.
- (3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.
- (4) Neither a building notice nor plans which accompany it or are given under paragraph (3) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.
- (5) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period—
- (a) the building work to which the notice related was commenced; or
 - (b) the change to the building's energy status or the material change of use described in the notice was made.

Full plans

- 14.—**(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).
- (a) (2) (a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and
 - (b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.
- (3) Full plans shall consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use, and the plans, particulars and statements required by paragraphs (1) and (2) of regulation 13;
 - (b) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
 - (c) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.
- ^{F12}(5)
- (6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

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Textual Amendments

- F12** Reg. 14(5) omitted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 7, Sch. 1** (with regs. 1(3), 45-47)

Consultation with sewerage undertaker

15.—(1) This regulation applies where full plans have been deposited with the local authority and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

(2) Where this regulation applies the local authority shall consult the sewerage undertaker—

- (a) as soon as practicable after the plans have been deposited; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 [^{F13}or 17A].

(3) Where a local authority are required by paragraph (2) to consult the sewerage undertaker they shall—

- (a) give to the sewerage undertaker, in a case where the authority are consulting them following the deposit of full plans, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
- (b) have regard to any views expressed by the sewerage undertaker; and
- (c) not pass plans or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.

Textual Amendments

- F13** Words in reg. 15(2)(b) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 8, Sch. 1** (with regs. 1(3), 45-47)

Notice of commencement and completion of certain stages of work

16.—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not commence that work unless—

- (a) that person has given the local authority notice of intention to commence work; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

(2) Subject to paragraph (8), a person carrying out building work shall not—

- (a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or
- (b) cover up in any way any drain or sewer to which these Regulations apply, unless that person has given the local authority notice of intention to commence that work, and at least one day has elapsed since the end of the day on which the notice was given.

(3) Subject to paragraph (8), a person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected, and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) A person who fails to comply with paragraphs (1) to (3) shall comply within a reasonable time with any notice given by the local authority requiring that person to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these Regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.

(9) Paragraph (1) does not apply where regulation 12(8) applies.

Completion certificates

17.—^[F14](1) A local authority shall within the specified period give a completion certificate in all cases (including a case where a certificate has already been given under regulation 17A) where they are satisfied, after taking all reasonable steps, that, following completion of building work carried out on it, a building complies with the relevant provisions.

(2) The specified period referred to in paragraph (1) is eight weeks starting from the date on which the person carrying out the building work notifies the local authority that the work has been completed.

(2A) The relevant provisions referred to in paragraph (1) are any applicable requirements of the following provisions—

- (a) regulation 25A (high-efficiency alternative systems for new buildings),
- (b) regulation 26 (target CO² emission rates for new buildings),
- (c) regulation 29 (energy performance certificates),
- (d) regulation 36 (water efficiency of new dwellings),
- (e) regulation 38 (fire safety information), and
- (f) Schedule 1.]

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

^[F15](5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph(4).]

Textual Amendments

F14 Reg. 17(1)-(2A) substituted for reg. 17(1)-(3) (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 10\(a\)](#), Sch. 1 (with [regs. 1\(3\)](#), 45-47)

F15 Reg. 17(5) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 10\(b\)](#), Sch. 1 (with [regs. 1\(3\)](#), 45-47)

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[^{F16}Certificate for building occupied before work is completed

17A.—(1) A local authority shall within the specified period give a completion certificate in respect of part or all of a building where building work is being carried out and where all of the following circumstances apply—

- (a) part or all of the building is to be occupied before the work is completed;
- (b) the building is subject to the Regulatory Reform (Fire Safety) Order 2005; and
- (c) the authority is satisfied, after taking all reasonable steps, that, regardless of completion of the current building work, those parts of the building which are to be occupied before completion of the work currently comply with regulation 38 and Part B of Schedule 1.

(2) The specified period referred to in paragraph (1) is four weeks starting from the date that notice is received by the local authority in accordance with regulation 16(5).

(3) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with, and the certificate shall contain this wording.

(4) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (3)]

Textual Amendments

F16 Reg. 17A inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 11, Sch. 1](#) (with [regs. 1\(3\), 45-47](#))

Unauthorised building work

18.—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the local authority as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or

- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
 - (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.
- (5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—
- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or
 - (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),
- they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).
- (6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.
- (7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.
- (8) In this regulation, “unauthorised building work” means building work other than work in relation to which an initial notice, an amendment notice or a public body's notice has effect, which is done without—
- (a) a building notice being given to the local authority;
 - (b) full plans of the work being deposited with the local authority; or
 - (c) a notice of commencement of work being given, in accordance with regulation 16(1), where a building notice has been given or full plans have been deposited.

PART 4

Supervision of Building Work Otherwise than by Local Authorities

Supervision of building work otherwise than by local authorities

19.—(1) Regulations 12 (giving of a building notice or deposit of plans), 16 (notice of commencement and completion of certain stages of work), 17 (completion certificates), [F17 17A (Certificate for building occupied before work is completed)] 20 (provisions applicable to self-certification schemes), 27 (CO₂ emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing), 44 (commissioning), 45 (testing of building work) and 46 (sampling of material) shall not apply in respect of any work specified in an initial notice, an amendment notice or a public body's notice, which is in force.

(2) Regulations 45 and 46 shall not apply in respect of any work in relation to which a final certificate or a public body's final certificate has been accepted by the local authority.

Textual Amendments

- F17** Words in reg. 19(1) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 12, Sch. 1** (with regs. 1(3), 45-47)

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PART 5

Self-certification Schemes

Provisions applicable to self-certification schemes

20.—(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 3 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 are 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 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 any building work described in Schedule 4.

Modifications etc. (not altering text)

- C1 Reg. 20 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

PART 6

Energy Efficiency Requirements

Application of energy efficiency requirements

21.—(1) The energy efficiency requirements 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 to which paragraph (4) applies; and
- (c) the carrying out of any work to or in connection with any such building or extension.

(2) A building falls within paragraph (1) if it—

- (a) is a roofed construction having walls;
- (b) uses energy to condition the indoor climate; and
- (c) does not fall within one or more of the categories listed in paragraph (3).

(3) The categories referred to in paragraph (2)(c) are—

- (a) buildings which are—
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ^{M12};

- (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 ^{M13},
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;
 - (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 50m².
- (4) This paragraph applies to any extension of a building falling within class 7 in Schedule 2 except a conservatory or porch—
- (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window; or
 - (b) into which the building's heating system has been extended.
- (5) In this regulation, the following terms have the same meaning as in [^{F18}European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast)] —
- (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”.

Textual Amendments

F18 Words in reg. 21(5) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 14**, Sch. 1 (with reg. 1(3)(4), 45-47)

Marginal Citations

M12 1990 c.9.

M13 1979 c.46; section 1 was amended by Schedule 4 to the [National Heritage Act 1983 \(c.47\)](#).

Requirements relating to a change to energy status

22. 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.

Status: Point in time view as at 27/01/2013.

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[^{F19}Requirements relating to thermal elements][^{F19}Requirements for the renovation or replacement of thermal elements]

23.—[^{F19}(1) Where the renovation of an individual thermal element—

- (a) constitutes a major renovation; or
- (b) amounts to the renovation of more than 50% of the element’s surface area;

the renovation must be carried out so as to ensure that the whole of the element complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.

(2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement—

- (a) constitutes a major renovation; or
- (b) (in the case of part replacement) amounts to the replacement of more than 50% of the thermal element’s surface area;

the whole of the thermal element must be replaced so as to ensure that it complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.]

Textual Amendments

F19 Reg. 23 and heading substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 15, Sch. 1** (with [reg. 1\(3\)\(4\), 45-47](#))

Methodology of calculation and expression of energy performance

24.—(1) The Secretary of State shall approve—

- (a) a methodology of calculation of the energy performance of buildings, including methods for calculating asset ratings and operational ratings of buildings; and
- (b) ways in which the energy performance of buildings, as calculated in accordance with the methodology, shall be expressed.

(2) In this regulation—

“asset rating” means a numerical indicator of the amount of energy estimated to meet the different needs associated with a standardised use of the building; and

“operational rating” means a numerical indicator of the amount of energy consumed during the occupation of a building over a period of time.

Minimum energy performance requirements for new buildings

25. The Secretary of State shall approve minimum energy performance requirements for new buildings, in the form of target CO₂ emission rates, which shall be [^{F20}set in accordance with] the methodology approved pursuant to regulation 24.

Textual Amendments

F20 Words in reg. 25 substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by

Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 16](#), Sch. 1 (with [reg. 1\(3\)\(4\)](#), 45-47)

[^{F21}Consideration of high-efficiency alternative systems for new buildings

25A.—(1) Before construction of a new building starts, the person who is to carry out the work must analyse and take into account the technical, environmental and economic feasibility of using high-efficiency alternative systems (such as the following systems) in the construction, if available—

- (a) decentralised energy supply systems based on energy from renewable sources;
- (b) cogeneration;
- (c) district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable sources; and
- (d) heat pumps.

(2) The person carrying out the work must—

- (a) not later than the beginning of the day before the day on which the work starts, give the local authority a notice which states that the analysis referred to in paragraph (1)—
 - (i) has been undertaken;
 - (ii) is documented; and
 - (iii) the documentation is available to the authority for verification purposes; and
- (b) ensure that a copy of the analysis is available for inspection at all reasonable times upon request by an officer of the local authority.

(3) An authorised officer of the local authority may require production of the documentation in order to verify that this regulation has been complied with.

(4) The analysis referred to in paragraph (1)—

- (a) may be carried out for individual buildings or for groups of similar buildings or for common typologies of buildings in the same area; and
- (b) in so far as it relates to collective heating and cooling systems, may be carried out for all buildings connected to the system in the same area.

(5) In this regulation—

- (a) “cogeneration” means simultaneous generation in one process of thermal energy and one or both of the following—
 - (i) electrical energy;
 - (ii) mechanical energy;
- (b) “district or block heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network of multiple buildings or sites, for the use of space or process heating or cooling;
- (c) “energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; and
- (d) “heat pump” means a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. (For reversible heat pumps, it may also move heat from the building to the natural surroundings.)]

Status: Point in time view as at 27/01/2013.

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Textual Amendments

- F21** Regs. 25A, 25B inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 17, Sch. 1** (with [reg. 1\(3\)\(4\), 45-47](#))

[^{F21}Nearly zero-energy requirements for new buildings

- 25B.** Where a building is erected, it must be a nearly zero-energy building.]

Textual Amendments

- F21** Regs. 25A, 25B inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 17, Sch. 1** (with [reg. 1\(3\)\(4\), 45-47](#))

CO₂ emission rates for new buildings

26. Where a building is erected, it shall not exceed the target CO₂ emission rate for the building that has been approved pursuant to regulation 25.

CO₂ emission rate calculations

- 27.—(1)** This regulation applies where a building is erected and regulation 26 applies.
- (2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—
- (a) the target CO₂ emission rate for the building,
 - (b) the calculated CO₂ emission rate for the building as designed, and
 - (c) a list of specifications to which the building is to be constructed.
- (3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—
- (a) a notice which specifies—
 - (i) the target CO₂ emission rate for the building,
 - (ii) the calculated CO₂ emission rate for the building as constructed, and
 - (iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(c), and if not a list of any changes to those specifications; or
 - (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).
- (4) A local authority are authorised to accept, as evidence that the requirements of regulation 26 have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

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(5) In this regulation, “specifications” means specifications used for the calculation of the CO₂ emission rate.

Modifications etc. (not altering text)

- C2** Reg. 27 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**
- C3** Reg. 27(3) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(2)**

Consequential improvements to energy performance

28.—(1) Paragraph (2) applies to an existing building with a total useful floor area over 1,000m² 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.

Energy performance certificates

29.—(1) This regulation applies where—

- (a) a building is erected ^{M14}; or
- (b) a building is modified so that it has a greater or lesser number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation.

(2) The person carrying out the work shall—

- (a) give an energy performance certificate for the building to the owner of the building; and
- (b) give to the local authority notice to that effect, including the reference number under which the energy performance certificate has been registered in accordance with regulation 30(4).

(3) The energy performance certificate and notice shall be given not later than five days after the work has been completed.

(4) An energy performance certificate must—

- (a) express the asset rating of the building in a way approved by the Secretary of State under regulation 24;
- (b) include a reference value such as a current legal standard or benchmark;
- (c) be issued by an energy assessor who is accredited to produce energy performance certificates for ^{F22}the category of building to which the certificate relates] ; ^{F23}...

^{F24}(cc) include a recommendation report unless there is no reasonable potential for energy performance improvements (in terms of the applicable energy efficiency requirements);

- (cd) be valid in accordance with paragraph (9); and]
- (d) include the following information—

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- [^{F25}(i) the reference number under which the set of data from which the certificate may be produced has been entered onto the register in accordance with regulation 30(4);]
- (ii) the address of the building, or in the case of a portable building the address of the owner;
- (iii) an estimate of the total useful floor area of the building; [^{F26}and]
- ^{F27}(iv)
- ^{F28}(v)
- (vi) the date on which it was issued [^{F29}.]
- ^{F30}(vii)

[^{F31}(e) where it relates to a building which is a green deal property, include the information specified in Schedule 4A in connection with each green deal plan that has been entered into in respect of that green deal property and for which payments are still to be made under that plan.]

^{F32}(5)

(6) Certification for apartments or units designed or altered for separate use in blocks may be based—

- (a) except in the case of a dwelling, on a common certification of the whole building for blocks with a common heating system; or
- (b) on the assessment of another representative apartment or unit in the same block.

(7) Where—

- (a) a block with a common heating system is divided into parts designed or altered for separate use; and
- (b) one or more, but not all, of the parts are dwellings,

certification for those parts which are not dwellings may be based on a common certification of all the parts which are not dwellings.

[^{F33}(8) Certification for a building which consists of a single dwelling may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality, provided such correspondence is guaranteed by the energy assessor issuing the energy performance certificate.

(9) An energy performance certificate is only valid if—

- (a) it was entered on the register no more than 10 years before the date on which it is made available; and
- (b) no other energy performance certificate for the building has since been entered on the register.

[^{F34}(9A) An energy performance certificate is only valid for the purposes of complying with the green deal disclosure obligations if it was—

- (a) issued by an energy assessor; or
- (b) produced under regulation 30 of the Energy Performance of Buildings (England and Wales) Regulations 2012 pursuant to a request for the disclosure of general access data relating to a green deal property,

no more than twelve months before the date on which the energy performance certificate is provided in connection with those obligations.]

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(10) An energy performance certificate must not contain any information or data (except for the address of the building) from which a living individual (other than the energy assessor or his employer) can be identified.]

[^{F35}(11) An energy performance certificate must not contain any information relating to a green deal plan for which the payment period has finished.

(12) In this regulation, “green deal plan” has the meaning given in section 1 of the Energy Act 2011.]

Textual Amendments

- F22** Words in reg. 29(4)(c) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 18\(a\)](#), Sch. 1 (with reg. 1(3)(4), 45-47)
- F23** Word in reg. 29(4)(c) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 18\(b\)\(i\)](#), Sch. 1 (with reg. 1(3)(4), 45-47)
- F24** Reg. 29(4)(cc)(cd) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 18\(b\)\(ii\)](#), Sch. 1 (with reg. 1(3)(4), 45-47)
- F25** Reg. 29(4)(d)(i) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 18\(c\)](#), Sch. 1 (with reg. 1(3)(4), 45-47)
- F26** Word in reg. 29(4)(d)(iii) inserted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), [11\(1\)\(a\)](#)
- F27** Reg. 29(4)(d)(iv) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), [11\(1\)\(b\)](#)
- F28** Reg. 29(4)(d)(v) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), [11\(1\)\(b\)](#)
- F29** Word in reg. 29(4)(d)(vi) substituted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), [11\(1\)\(c\)](#)
- F30** Reg. 29(4)(d)(vii) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), [11\(1\)\(b\)](#)
- F31** Reg. 29(4)(e) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), [5\(2\)](#)
- F32** Reg. 29(5) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 18\(d\)](#), Sch. 1 (with reg. 1(3)(4), 45-47)
- F33** Reg. 29(8)-(10) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by

Status: Point in time view as at 27/01/2013.

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- Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 18(e)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F34** Reg. 29(9A) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **5(3)**
- F35** Reg. 29(11)(12) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **5(4)**

Modifications etc. (not altering text)

- C4** Reg. 29 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**
- C5** Reg. 29(3) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(3)**

Marginal Citations

- M14** Regulation 9 of [S.I. 2007/991](#) contains a requirement to provide an energy performance certificate five days after the completion of construction work on certain buildings exempt from these Regulations.

[^{F36}Recommendation reports

29A.—(1) In these Regulations a “recommendation report” means recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building.

(2) A recommendation report must include—

- (a) recommended cost-effective measures that could be carried out in connection with a major renovation of the building envelope or fixed building services;
- (b) recommended cost-effective measures for individual building elements that could be carried out without the necessity for a major renovation of the building envelope or fixed building services;
- (c) an indication as to how the owner or tenant can obtain more detailed information about improving the energy efficiency of the building, including more detailed information about the cost-effectiveness of the recommendations; and
- (d) information on the steps to be taken to implement the recommendations.

(3) Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.

(4) In this regulation “building element” means a controlled service or fitting or a thermal element of the building envelope.]

Textual Amendments

- F36** Reg. 29A inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 19**, Sch. 1 (with reg. 1(3)(4), 45-47)

Energy assessors

30.—(1) An energy assessor must be a member of an accreditation scheme approved by the Secretary of State.

(2) The terms of approval of any accreditation scheme may be limited in relation to the categories of building for which members may produce certificates.

(3) Before approving an accreditation scheme the Secretary of State must be satisfied that the scheme contains adequate provision—

- (a) for ensuring that members of the scheme carry out consistent and accurate energy assessments in an independent manner;
- (b) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to carry out energy assessments;
- (c) for requiring members of the scheme to prepare energy performance certificates and recommendation reports using a standard form for each type of document;
- (d) for ensuring the production and publication of a code as regards the conduct required of its members;
- (e) for indemnity arrangements in relation to owners and prospective or actual buyers or tenants;
- (f) for facilitating the resolution of complaints against members of the scheme;
- [^{F37}(g) for requiring the sets of data from which may be produced energy performance certificates and recommendation reports prepared by members of the scheme to be entered onto the relevant register referred to in paragraph (4);]
- (h) for the keeping of a register of the members of the scheme.

(4) An energy assessor who issues an energy performance certificate and recommendation report must ensure [^{F38}that the data used to produce them is] entered onto the relevant register maintained by the Secretary of State in accordance with [^{F39}regulation 27 of the Energy Performance of Buildings (England and Wales) Regulations 2012]^{M15} before giving them to the person who requested them.

Textual Amendments

- F37** Reg. 30(3)(g) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 20(a)**, Sch. 1 (with regs. 1(3), 45-47)
- F38** Words in reg. 30(4) substituted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(2)**
- F39** Words in reg. 30(4) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 20(b)**, Sch. 1 (with regs. 1(3), 45-47)

Marginal Citations

- M15** S.I. 2012/ 3118.

Related party disclosures

31. An energy assessor must include in an energy performance certificate a declaration of any personal or business relationship (other than in relation to producing the certificate) that the energy assessor has with—

- (a) the person who commissioned the certificate; and
- (b) any person who the energy assessor believes—
 - (i) has or may have a personal or business relationship with the person who commissioned the certificate; or
 - (ii) has or may have an interest in the building.

Status: Point in time view as at 27/01/2013.

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Duty of care

- 32.**—(1) Energy assessors must carry out energy assessments with reasonable care and skill.
- (2) The duty imposed by paragraph (1) shall be enforceable by the following persons—
- (a) the owner; and
 - (b) any prospective or actual buyer or tenant of the building during the period of validity of the certificate.
- (3) Any cause of action arising in relation to the duty imposed by paragraph (1) is deemed not to be an action founded on tort for the purposes of the Limitation Act 1980^{M16}.

Marginal Citations

M16 1980 c.58.

Right to copy documents

33. Any person may, for the purpose of complying with any duty imposed by these Regulations or [^{F40}the Energy Performance of Buildings (England and Wales) Regulations 2012], copy or issue a copy of any document produced by an energy assessor.

Textual Amendments

F40 Words in reg. 33 substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 21**, Sch. 1 (with regs. 1(3), 45-47)

[^{F41}Application of building regulations to educational buildings, buildings of statutory undertakers and Crown buildings

- 34.**—(1) Regulations 23(1)(a), 25A, 25B, 26, 29 (apart from regulation 29(10)), 29A apply (in so far as applicable by virtue of regulation 21) to—
- (a) educational buildings and buildings of statutory undertakers (notwithstanding section 4(1) of the Act);
 - (b) Crown buildings; and
 - (c) building work carried out or proposed to be carried out by Crown authorities.
- (2) In this regulation, a reference to “educational buildings and buildings of statutory undertakers” means buildings which fall within paragraphs (a), (b) or (c) of section 4(1) of the Act.]

Textual Amendments

F41 Reg. 34 and heading substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 22**, Sch. 1 (with reg. 1(3)(4), 45-47)

Interpretation of Part 6

35.—(1) In this Part—

“building” means the building as a whole or parts of it that have been designed or altered to be used separately;

[^{F42}“building envelope” in relation to a building means the walls, floor, roof, windows, doors, roof windows and roof-lights;

“Crown authority” means the Crown Estate Commissioners, a Minister of the Crown, a government department, any other person or body whose functions are performed on behalf of the Crown (not being a person whose functions are performed on behalf of Her Majesty in her private capacity), or a person acting in right of the Duchy of Lancaster or the Duchy of Cornwall;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government Department, or held in trust for Her Majesty for the purposes of a government department;

“Crown building” means a building in which there is a Crown interest or a Duchy interest;

“Duchy interest” means an interest belonging to her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;]

“energy assessor” means an individual who is a member of an accreditation scheme approved by the Secretary of State in accordance with regulation 30; ^{F43} ...

[^{F44}“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation; and

“nearly zero-energy building” means a building that has a very high energy performance, as determined in accordance with a methodology approved under regulation 24, where the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.]

^{F45} ...

(2) In this Part a reference to “energy assessment” includes a reference to—

- (a) the preparation and issuing of energy performance certificates;
- (b) the preparation and issuing of recommendation reports; and
- (c) the carrying out of any inspections undertaken for the purposes of preparing energy performance certificates or recommendation reports.

Textual Amendments

- F42** Words in reg. 35(1) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(a)**, Sch. 1 (with **reg. 1(3)(4)**, 45-47)
- F43** Word in reg. 35(1) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(b)(i)**, Sch. 1 (with **reg. 1(3)(4)**, 45-47)
- F44** Words in reg. 35(1) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by

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- Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 23\(b\)\(ii\)](#), Sch. 1 (with [reg. 1\(3\)\(4\)](#), 45-47)
- F45** Words in reg. 35(1) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 23\(c\)](#), Sch. 1 (with [reg. 1\(3\)\(4\)](#), 45-47)

PART 7

Water Efficiency

Water efficiency of new dwellings

36.—(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”, published in September 2009 by the Department for Communities and Local Government ^{M17}.

(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).

Marginal Citations

M17 Published May 2009 by the Department for Communities and Local Government under ISBN 978-1-4098-1378-1.

Wholesome water consumption calculation

37.—(1) Where regulation 36 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.

Modifications etc. (not altering text)

- C6** Reg. 37 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), [regs. 1, 20\(1\)](#)
- C7** Reg. 37(2) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), [regs. 1, 20\(4\)](#)

PART 8

Information to be Provided by the Person Carrying Out Work

Fire safety information

38.—(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.

(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, 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.

Information about ventilation

39.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed give sufficient information to the owner about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation.

Information about use of fuel and power

40.—(1) This regulation applies where paragraph L1 of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed provide 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.

Status: Point in time view as at 27/01/2013.

Changes to legislation: The Building Regulations 2010 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 9

Testing and Commissioning

Sound insulation testing

- 41.**—(1) Subject to paragraph (4) below, this regulation applies to—
- (a) building work in relation to which paragraph E1 of Schedule 1 imposes a requirement; and
 - (b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(f) or 6(2)(b).
- (2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1—
- (a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and
 - (b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local authority.
- (3) The results of the testing referred to in paragraph (2)(a) shall be—
- (a) recorded in a manner approved by the Secretary of State; and
 - (b) given to the local authority in accordance with paragraph (2)(b) not later than the date on which the notice required by regulation 16(4) is given.
- (4) Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which notice of commencement of the work is given under regulation 16(1), that, for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1, the person is using one or more design details approved by Robust Details Limited^{M18}, provided that—
- (a) the notification specifies—
 - (i) the part or parts of the building in respect of which the person is using the design detail;
 - (ii) the design detail concerned; and
 - (iii) the unique number issued by Robust Details Limited in respect of the specified use of that design detail; and
 - (b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

Modifications etc. (not altering text)

- C8** Reg. 41 modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(5)** (as amended (1.10.2023) by [S.I. 2023/906](#), regs. 1(2), **13(1)(d)**)
- C9** Reg. 41 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

Marginal Citations

- M18** A company formed and registered under the Companies Acts with the registration number 04980223.

Mechanical ventilation air flow rate testing

42.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to the creation of a new dwelling by building work.

(2) The person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(1) of Schedule 1—

- (a) ensure that testing of the mechanical ventilation air flow rate is carried out in accordance with a procedure approved by the Secretary of State; and
 - (b) 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 five days after the final test is carried out.

Modifications etc. (not altering text)

C10 Reg. 42 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

Pressure testing

43.—(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 26 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 are 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^{F46}[^{F47}or the Air Tightness Testing and Measurement Association]^{M19} 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.

Textual Amendments

F46 A charity registered under number 260666.

Status: Point in time view as at 27/01/2013.

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F47 Words in reg. 43(4) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 24**, Sch. 1 (with regs. 1(3), 45-47)

Modifications etc. (not altering text)

C11 Reg. 43 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

Marginal Citations

M19 A company formed and registered under the Companies Act (defined in section 2 of the [Companies Act 2006 \(c.46\)](#) with the registration number 7885199.

Commissioning

44.—(1) This regulation applies to building work in relation to which paragraph F1(2) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed system for mechanical ventilation or any associated controls where testing and adjustment is not possible.

(2) This regulation also 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) Where this regulation applies the person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(2) or 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.

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

- (a) not later than the date on which the notice required by regulation 16(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.

Modifications etc. (not altering text)

C12 Reg. 44 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

C13 Reg. 44 modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(6)**

PART 10

Miscellaneous

Testing of building work

45. The local authority may make such tests of any building work as may be necessary to establish whether it complies with regulation 7 or any of the applicable requirements contained in Schedule 1.

Sampling of material

46. The local authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable them to ascertain whether such materials comply with the provisions of these Regulations.

Contravention of certain regulations not to be an offence

47. ^[F48]Regulations 17, 27, 29, 37, 41, 42, 43 and 44 are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply.]

^[F48]The following regulations are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply—

- (a) regulations 17, 17A, 25A, 27, 29, 37, 41, 42, 43 and 44; and
- (b) regulations 23, 25B and 26, in so far as these Regulations apply to Crown buildings or to building work carried out or proposed to be carried out by Crown authorities.]

Textual Amendments

F48 Reg. 47 substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 25, Sch. 1** (with [regs. 1\(3\), 45-47](#))

Electronic service of documents

48.—(1) Section 94A of the Act ^{M20} (electronic service of documents) shall have effect as if the following documents were documents mentioned in subsection (7) of that section—

- (a) a building notice and any accompanying statement, description, particulars or plan under regulation 13;
- (b) full plans and any accompanying statement under regulation 14;
- (c) a notice under regulation 16;
- (d) a completion certificate under regulation 17 ^[F49]or regulation 17A] ;
- (e) an application for a regularisation certificate under regulation 18(2);
- (f) a regularisation certificate under regulation 18(5);
- (g) a certificate or notice under regulation 20;
- ^[F50](ga) a notice under regulation 25A;]
- (h) a notice under regulation 27(2) or (3);
- (i) an energy performance certificate under regulation 29(2)(a);
- (j) a notice under regulation 29(2)(b);
- (k) a notice under regulation 37(1);
- (l) results of sound insulation testing under regulation 41(2)(b);
- (m) a notice under regulation 42(2)(b);
- (n) a notice of the results of pressure testing under regulation 43(2)(b);
- (o) a notice under regulation 44(3).

(2) Where full plans are deposited by means of an electronic communication in accordance with section 94A of the Act, regulation 14 shall apply as if—

Status: Point in time view as at 27/01/2013.

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- (a) sub-paragraph (a) of paragraph (2) were omitted;
- (b) in sub-paragraph (b) of that paragraph—
 - (i) the words “ a copy ” were substituted for the words “an additional two copies”;
 - (ii) the word “ and ” was substituted for the words “, both of which”;
- (c) in paragraph (6) the words “ a copy ” were substituted for the words “additional copies”.

Textual Amendments

- F49** Words in reg. 48(1)(d) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 26(a)**, Sch. 1 (with regs. 1(3), 45-47)
- F50** Reg. 48(1)(ga) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 26(b)**, Sch. 1 (with regs. 1(3), 45-47)

Marginal Citations

- M20** Section 94A was inserted by [S.I. 2008/2334](#).

Transitional provisions: interpretation

49. In regulations 50 to 53—

“the 2009 Regulations” means the Building (Amendment No. 2) Regulations 2009 ^{M21};

^{F51} ...

Textual Amendments

- F51** Words in reg. 49 omitted (15.7.2011) by virtue of [The Building \(Amendment\) Regulations 2011 \(S.I. 2011/1515\)](#), regs. 1(2), **3(4)**

Marginal Citations

- M21** [S.I. 2009/2397](#) amended by [S.I. 2009/2465](#) and 2010/719.

Transitional provisions: work already started before 1st October

50.—(1) Subject to paragraph (2), where before 1st October 2010 building work is started in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A) of the Building Regulations 2000 ^{M22} (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations ^{M23} (notice of commencement and completion of certain stages of work);
- (b) an initial notice or an amendment notice given in accordance with section 47(1) (giving and acceptance of initial notice) or 51A(2) of the Act ^{M24} (variation of work to which initial notice relates);
- (c) a public body's notice given in accordance with section 54 (giving, acceptance and effect of public body's notice) of the Act,

the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

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(2) Where before 1st October 2010 building work is started in accordance with an initial notice which is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply 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 2010 building work is started to which regulation 12(5)(a) or (b)^{M25} of the Building Regulations applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

Marginal Citations

M22 S.I. 2000/2531; regulation 12(2A) was inserted by S.I. 2006/652.

M23 Regulation 15(1) was amended by S.I. 2002/440 and 2006/652.

M24 Section 47(1) was amended by section 8 of the Sustainable and Secure Buildings Act 2004 (c.22) and S.I. 1996/1905. Section 51A(2) was inserted by S.I. 1996/1905.

M25 Regulation 12(5) was substituted by S.I. 2004/3210 and amended by S.I. 2008/671.

Transitional provisions: work for which notification is not required

51. Where before 1st October 2010 a contract is entered into for the provision of building work to which regulation 12(5)(a) or (b) of the Building Regulations 2000 applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that work.

Transitional provisions: notice given or plans deposited before 1st October 2010

52.—(1) Subject to paragraph (2), the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply in relation to building work where—

- (a) before 1st October 2010 a building notice, an initial notice, a plans certificate, an amendment notice or a public body's notice has been given to, or full plans deposited with, a local authority; and
- (b) the 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,

provided that the work is started before 1st October 2011.

(2) Where an initial notice given before 1st October 2010 is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply 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, provided that the work is started before 1st October 2011.

Transitional and saving provisions: earlier Building Regulations

53.—(1) If immediately before 1st October 2010 any of the transitional provisions listed in paragraph (2) applied in relation to building work, the Regulations specified in Schedule 5 shall continue to apply in relation to that building work in accordance with that provision as if these Regulations had not been made.

(2) The provisions are—
 regulation 4 of the Building (Amendment) Regulations 2001^{M26}; regulation 3 of the Building (Amendment) Regulations 2002^{M27}; regulations 3 and 4 of the Building (Amendment) (No. 2) Regulations 2002^{M28}; regulation 3 of the Building (Amendment) Regulations 2003^{M29}; regulation 3 of the Building (Amendment) Regulations 2004^{M30}; regulation 3 of the Building

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(Amendment) (No. 3) Regulations 2004^{M31}; regulations 29 to 34 of the Building and Approved Inspectors (Amendment) Regulations 2006^{M32} in so far as they relate to the Building Regulations 2000; regulation 4 of the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006^{M33} in so far as it relates to the Building Regulations 2000; regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007^{M34} in so far as it relates to the Building Regulations 2000; regulations 4 to 8 of the Building and Approved Inspectors (Amendment) Regulations 2009^{M35} in so far as they relate to the Building Regulations 2000.

(3) Regulation 22A of the Building Regulations 2000^{M36} (time limit for prosecution for contravention of certain regulations) shall continue to have effect in relation to contraventions of building regulations committed before 22nd September 2008 as if the 2009 Regulations had not been made.

(4) If immediately before 1st October 2010 regulation 23 of the Building Regulations 2000 applied in relation to building work, the Regulations specified in Schedule 3 to those Regulations shall continue to apply in relation to that building work in accordance with that transitional provision as if these Regulations had not been made.

Marginal Citations

M26 [S.I. 2001/3335](#).

M27 [S.I. 2002/440](#).

M28 [S.I. 2002/2871](#) amended by [S.I. 2003/3133](#).

M29 [S.I. 2003/2692](#).

M30 [S.I. 2004/1465](#).

M31 [S.I. 2004/3210](#).

M32 [S.I. 2006/652](#).

M33 [S.I. 2006/3318](#).

M34 [S.I. 2007/3384](#).

M35 [S.I. 2009/1219](#) amended by [S.I. 2009/2465](#) and 2010/719.

M36 Regulation 22A was inserted by [S.I. 2008/671](#) and is revoked by [S.I. 2009/2397](#).

Revocations and consequential amendments

54.—^{F52}(1) The Regulations specified in the first column of the table in Schedule 5 are revoked to the extent specified in relation to each in the third column of that table.]

^{F53}(2) Schedule 6, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010^{M37} and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007^{M38}, has effect.]

Textual Amendments

F52 Reg. 54(1) revoked in part (9.1.2013) by [The Energy Performance of Buildings \(England and Wales\) Regulations 2012 \(S.I. 2012/3118\)](#), reg. 1(4), **Sch. 3** (with reg. 44)

F53 Reg. 54(2) revoked in part (9.1.2013) by [The Energy Performance of Buildings \(England and Wales\) Regulations 2012 \(S.I. 2012/3118\)](#), reg. 1(4), **Sch. 3** (with reg. 44)

Marginal Citations

M37 [S.I. 2010/404](#).

M38 [S.I. 2007/991](#).

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Signed by authority of the Secretary of State

Department for Communities and Local
Government

Andrew Stunell
Parliamentary Under Secretary of State

Status:

Point in time view as at 27/01/2013.

Changes to legislation:

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