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STATUTORY INSTRUMENTS

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**2010 No. 2214**

**The Building Regulations 2010**

**PART 1** **E+W**

General

**Citation and commencement** **E+W**

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

**Interpretation** **E+W**

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

“the Act” means the Building Act 1984;

[<sup>F1</sup>“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 <sup>M1</sup>;

[<sup>F2</sup>“application for building control approval with full plans” means an application for building control approval in accordance with regulations 12(2)(b) and 14;

“application for a completion certificate” in relation to a higher-risk building work, has the same meaning as “completion certificate application” in regulation 2 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;]

[<sup>F3</sup>“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;]

[<sup>F3</sup>“building”—

(a) in the application of any provision of these Regulations to the construction of a higher-risk building, has the meaning given in regulation 4 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;

(b) in any other case, 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);

[<sup>F2</sup>“business” means a trade, business or other undertaking (whether for profit or not);]

“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;

[<sup>F2</sup>“client” means any person for whom a project is carried out;

“construction phase” means the period beginning when any building work on a project starts and ending when that project is completed;

“contractor” means any person (including a client, but not a domestic client) who, in the course of a business, carries out, manages or controls any building work;]

“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;

[<sup>F2</sup>“design work” means design of any building work;

“designer” means any person (including a client, contractor or other person referred to in Part 2A of these Regulations) who in the course of a business—

(a) carries out any design work, or

(b) arranges for, or instructs, any person under their control to do so;

“domestic client” means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client;]

“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, <sup>F4</sup>[<sup>F5</sup>25A, 25B] 26, <sup>F6</sup>[<sup>F7</sup>26A, 26B,][<sup>F8</sup>26A][<sup>F9</sup>, 26C], 28 <sup>F10</sup><sup>F11</sup> ... [<sup>F12</sup>, 40 and 43][<sup>F13</sup>40 and 40A,] and Part L of Schedule 1;

<sup>F14</sup><sup>F15</sup> ...

<sup>F16</sup>[<sup>F17</sup>“excepted energy building” has the meaning given in the Schedule to The Welsh Ministers (Transfer of Functions) (No. 2) Order 2009]

“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 <sup>M2</sup>;

<sup>F18</sup>[<sup>F19</sup>“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;

[<sup>F20</sup>“full plans” means plans deposited with a local authority for the purposes of section 16 of the Act <sup>M3</sup> in accordance with regulations 12(2)(b) and 14;]

[<sup>F21</sup>“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 <sup>M4</sup>;

“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 <sup>M5</sup>;

<sup>F16</sup>[<sup>F22</sup>“new dwelling” includes, except in Parts 6 and 7, a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(a), (b) or (g);

“optional requirement” means an optional requirement as described in regulation 4(1A)(b) or in regulation 36(2)(b);]

[<sup>F23</sup>“payment period” has the meaning given in regulation 2(1) of the Green Deal Framework Regulations;]

<sup>F16</sup>[<sup>F24</sup>“planning permission” has the meaning given in section 336(1) (interpretation) of the Town and Country Planning Act 1990;]

[<sup>F2</sup>“principal contractor” means the contractor appointed under regulation 11D (principal designer and principal contractor) to perform the duties of a principal contractor under these Regulations;

“principal designer” means the designer appointed under regulation 11D (principal designer and principal contractor) to perform the duties of a principal designer under these Regulations;

“project” means a project which includes or is intended to include any building work and includes all planning work, design work, management or other work involved in a project until the end of the construction phase;]

“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;

[<sup>F2</sup>“recipient”, in relation to a compliance notice or a stop notice, means the person to whom the notice will be or has been given;

“relevant authority” means—

- (a) in cases where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), the regulator;
- (b) in any other case, the local authority for the area in which the building is situated or the proposed building is to be situated;

“relevant day” means any day excluding Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971;]

“renovation” in relation to a thermal element means the provision of a new layer in the thermal element [<sup>F25</sup>(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 <sup>M6</sup> (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 [<sup>F26</sup>;

[<sup>F2</sup>“sole contractor” means a person fulfilling the duties of the principal contractor by virtue of regulation 11D(6);

“sole or lead designer” means a person fulfilling the duties of the principal designer by virtue of regulation 11D(7);]

“system for on-site electricity generation” means a system that produces electricity and has a direct electrical connection to the building in question].

- (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<sup>M7</sup>; 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,

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.

<sup>F27</sup><sup>F28</sup>(6) In these Regulations—

- (a) any reference to an “external wall” of a building includes a reference to—
  - (i) anything located within any space forming part of the wall;
  - (ii) any decoration or other finish applied to any external (but not internal) surface forming part of the wall;
  - (iii) any windows and doors in the wall; and
  - (iv) any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access, but not access only for the purpose of carrying out repairs or maintenance; [<sup>F29</sup>and]

[<sup>F30</sup>(b) “reaction to fire classification” means BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using data from reaction to fire tests.” published by the British Standards Institution in 2019;

- (c) “relevant metal composite material” means any panel or sheet, having a thickness of no more than 10mm, which is comprised of a number of layers—
  - (i) two or more of which are made of metal, alloy or metal compound; and
  - (ii) one or more of which is substantial and is made of a material having a gross calorific value of more than 35 MJ/kg when tested in accordance with BS EN ISO 1716:2018 entitled “Reaction to fire tests for products – Determination of the gross heat of combustion (calorific value)” published by the British Standards Institution in 2018;and for these purposes a substantial layer is one which is at least 1mm thick or has a mass per unit area of at least 1kg per m<sup>2</sup>;

- (d) “specified attachment” means—
  - (i) a balcony attached to an external wall;

- (ii) a solar shading device (excluding a solar shading device attached to the wall at a height of no more than 4.5 metres above ground level); or
  - (iii) a solar panel attached to an external wall; and
- (e) “solar shading device” means a device attached to the external surface of an external wall for reducing heat gain within a building by shading or deflecting sunlight.]]

### 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.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **3(a)** (with regs. 22-24)
- F3** Words in reg. 2(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **3(b)** (with regs. 22-24)
- F4** Words in reg. 2(1) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **3(a)** (with reg. 1(2)(3))
- F5** 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)
- F6** Word “26B,” in reg. 2(1) inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **3(a)(i)** (with reg. 29)
- F7** Words “26A, 26B,” in reg. 2(1) inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), **3** (with reg. 1(2))
- F8** Word “26A” in reg. 2(1) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/1959\)](#), regs. 1(5), **3** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F9** Word in reg. 2(1) inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **3(a)** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- F10** Words in reg. 2(1) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(2)(a)** (with reg. 1(3))
- F11** Word in reg. 2(1) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(2)(a)** (with reg. 1(3))
- F12** Words substituted (E.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(2)** (with reg. 1(3))
- F13** Words in reg. 2(1) substituted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **3(a)(ii)** (with reg. 21)
- F14** Words in reg. 2(1) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(2)(b)** (with reg. 1(3))
- F15** Words in reg. 2(1) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(2)(b)** (with reg. 1(3))
- F16** Definitions of “excepted energy building”, “new dwelling”, “optional requirement” and “planning permission” in reg. 2(1) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **3(b)** (with reg. 29)

- F17** 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)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F18** Words in reg. 2(1) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **3(c)** (with reg. 1(2)(3))
- F19** 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)
- F20** Words in reg. 2(1) omitted (E.) (1.10.2023) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **3(c)** (with regs. 22-24)
- F21** 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)**
- F22** Words in reg. 2(1) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(2)(a)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F23** 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)**
- F24** Words in reg. 2(1) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(2)(b)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F25** 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)**
- F26** Words in reg. 2(1) inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **3(b)** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- F27** Reg. 2(6) inserted (with a difference in the wording of reg. 2(6)(b)) (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(2)** (with reg. 3)
- F28** Reg. 2(6) inserted (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018 \(S.I. 2018/1230\)](#), regs. 1(4), **2(2)** (with regs. 1(3), 3)
- F29** Word in reg. 2(6)(a)(iv) omitted (E.) (1.12.2022) by virtue of [The Building etc. \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/603\)](#), regs. 1(4), **2(2)(a)** (with reg. 4)
- F30** Reg. 2(6)(b)-(e) substituted for reg. 2(6)(b) (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/603\)](#), regs. 1(4), **2(2)(b)** (with reg. 4)

### 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.

### [<sup>F31</sup>Application **E+W**

**2A.** Subject to regulation 2B, these Regulations apply to all buildings in England including higher-risk buildings.

#### Textual Amendments

**F31** Regs. 2A, 2B inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 4 (with regs. 22-24)

### Disapplication of certain procedural requirements of the Building Regulations 2010 in relation to higher-risk building work **E+W**

**2B.** The following regulations do not apply to higher-risk building work—

- (a) regulation 12 (giving of a building notice or an application for building control approval);
- (b) regulation 13 (particulars and plans where a building notice is given);
- (c) regulation 14 (applications for building control approval with full plans);
- (d) regulations 14A (determination of applications for building control approval with full plans);
- (e) regulation 14B (appeal against a local authority's rejection of an application for building control approval);
- (f) regulation 14C (appeal against the regulator's rejection of an application for building control approval for work that is not higher-risk building work);
- (g) regulation 15 (consultation with sewerage undertaker);
- (h) regulation 15A (consultation in relation to fire safety);
- (i) regulation 16 (notices in relation to building work);
- (j) regulation 17 (completion certificates);
- (k) regulation 17A (certificate for building occupied before work is completed);
- (l) regulation 18 (unauthorised building work);
- (m) regulation 18A (appeal against local authority's refusal to grant certain certificates);
- (n) regulation 18B (appeal to regulator in relation to certain decisions);
- (o) regulation 19 (supervision of building work otherwise than by local authorities);
- (p) regulation 38 (fire safety information);
- (q) regulation 39 (information about ventilation);
- (r) regulation 40 (information about use of fuel and power);
- (s) regulation 40A (information about systems for on-site generation of electricity);
- (t) regulation 40B (information about overheating).]

#### Textual Amendments

**F31** Regs. 2A, 2B inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 4 (with regs. 22-24)



## PART 2 E+W

### Control of Building Work

#### Meaning of building work E+W

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 E+W

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 <sup>F32</sup>[<sup>F33</sup>, except as may be provided for in paragraphs (1C) and (1D)].

<sup>F34</sup>[<sup>F35</sup>(1A) The applicable requirements contained in Schedule 1 are—

- (a) the applicable requirements contained in Schedule 1 that apply in all cases, subject to paragraph (1C); and

- (b) any applicable requirement contained in Schedule 1, and described in the first column of that Schedule as an optional requirement, that applies in relation to the building work in question by virtue of paragraphs (1B), (1C) and (1D).

(1B) An optional requirement as described in paragraph (1A)(b) shall apply to building work in any case where the planning permission under which the building work is carried out—

- (a) specifies that optional requirement by reference to these Regulations; and  
(b) makes it a condition that the requirement must be complied with.

(1C) An optional requirement shall apply in substitution for a requirement of Schedule 1 to the extent that the terms of the optional requirement in the second column of Schedule 1 so provide.

(1D) An optional requirement shall apply, and another optional requirement shall not apply, to the extent that the terms of the first-mentioned optional requirement in the second column of Schedule 1 so provide.]

(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 <sup>F36</sup>[<sup>F37</sup>(in addition to the requirements of regulation 7)].

(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.

<sup>F38</sup>[<sup>F39</sup>(4) This paragraph applies in relation to a building where—

- (a) building work is undertaken in respect of that building (“relevant work”); and  
(b) Part L of Schedule 1 imposes a requirement in respect of the relevant work.

(5) Notwithstanding paragraph (3), upon completion of the relevant work, any building to which paragraph (4) applies must—

- (a) comply with Part F of Schedule 1; or  
(b) where the building did not comply with Part F of Schedule 1 before the relevant work was begun, be no more unsatisfactory in relation to it than before the work was begun.]

#### Textual Amendments

**F32** Words from “, except as may” to the end in [reg. 4\(1\)\(b\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 4\(1\)\(a\)](#) (with [reg. 29](#))

**F33** Words in [reg. 4\(1\)\(b\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(3\)\(a\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F34** [Reg. 4\(1A\)-\(1D\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 4\(1\)\(b\)](#) (with [reg. 29](#))

- F35** Reg. 4(1A)-(1D) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(3)(b)** (with regs. 1(3), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F36** Words in reg. 4(2) inserted (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(3)** (with reg. 3)
- F37** Words in reg. 4(2) inserted (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018 \(S.I. 2018/1230\)](#), regs. 1(4), **2(3)** (with regs. 1(3), 3)
- F38** Reg. 4(4)(5) inserted (W.) (with minor differences in punctuation) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **4** (with reg. 21)
- F39** Reg. 4(4)(5) inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **4** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)

### Meaning of material change of use **E+W**

5. For [<sup>F40</sup>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; <sup>F41F42</sup> ...
- (j) the building is used as a shop, where previously it was not <sup>F43</sup>[<sup>F44</sup>; or
- (k) the building is a building described in regulation 7(4)(a), where previously it was not].

#### Textual Amendments

- F40** Words in reg. 5 omitted (E.) (1.10.2023) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **17(1)** (with regs. 22-24)
- F41** Word in reg. 5 omitted (W.) (13.1.2020) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(4)(a)** (with reg. 3)
- F42** Word in reg. 5 omitted (E.) (21.12.2018) by virtue of [The Building \(Amendment\) Regulations 2018 \(S.I. 2018/1230\)](#), regs. 1(4), **2(4)(a)** (with regs. 1(3), 3)
- F43** Reg. 5(k) and word inserted (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(4)(b)** (with reg. 3)
- F44** Reg. 5(k) and word inserted (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018 \(S.I. 2018/1230\)](#), regs. 1(4), **2(4)(b)** (with regs. 1(3), 3)

## Requirements relating to material change of use **E**

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)
  - <sup>F45</sup> ...
  - H1 (foul water drainage)
  - H6 (solid waste storage)
  - J1 to J4 (combustion appliances)
  - L1 (conservation of fuel and power)
  - P1 (electrical safety);
  - <sup>F46</sup>S2 (infrastructure for the charging of electric vehicles)]
- (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 <sup>F47</sup>eleven 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), <sup>F48</sup>M1 (access to and use of buildings other than dwellings)];
- <sup>F49</sup>(j) in the case of a material change of use described in regulation 5(a), (b) or (g), Q1 (security)].

(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; <sup>F50</sup>...
- (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;
- [<sup>F51</sup>(e) in a case to which subparagraph (j) applies in respect of a material change of use described in regulation 5(b) or (g), that part complies with the requirement referred to in that subparagraph].

[<sup>F52</sup>(3) Subject to paragraph (4), where there is a material change of use described in regulation 5(k), such work, if any, shall be carried out as is necessary to ensure that any external wall, or specified attachment, of the building only contains materials of European Classification A2-s1, d0 or A1 (classified in accordance with the reaction to fire classification).]

[<sup>F53</sup>(4) Paragraph (3) does not apply to the items listed in regulation 7(3).]

#### Extent Information

- E1** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F45** 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)**
- F46** Words in reg. 6(1)(a) inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/1392\)](#), regs. 1(2), **2(2)** (with regs. 1(4), 4)
- F47** Word in reg. 6(1)(c) substituted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/603\)](#), regs. 1(4), **2(3)(a)** (with reg. 4)
- F48** Words in reg. 6(1)(i) substituted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(4)(a)** (with regs. 1(3), 5) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F49** Reg. 6(1)(j) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(4)(b)** (with regs. 1(3), 5) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F50** Word in reg. 6(2) omitted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(4)(c)(i)** (with regs. 1(3), 5) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F51** Reg. 6(2)(e) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(4)(c)(ii)**

(with regs. 1(3), 5) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F52** Reg. 6(3) substituted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/603\)](#), regs. 1(4), **2(3)(b)** (with reg. 4)

**F53** Reg. 6(3)(4) inserted (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018 \(S.I. 2018/1230\)](#), regs. 1(4), **2(5)** (with regs. 1(3), 3)

## Requirements relating to material change of use **W**

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)
  - <sup>F369</sup> ...
  - 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;
- [<sup>F370</sup>(3) Subject to paragraph (4), where there is a material change of use described in regulation 5(k), such work, if any, must be carried out as is necessary to ensure that any external wall, or specified attachment, of the building only contains materials of a minimum European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 95726 0) published by the British Standards Institution on 14th January 2019.
- (4) Paragraph (3) does not apply to the items listed in regulation 7(3).]

#### Extent Information

**E27** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F369** 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)**

**F370** [Reg. 6\(3\)\(4\)](#) inserted (with a difference in the wording of reg. 6(3)) (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(5)** (with reg. 3)

## Materials and workmanship **E**

- 7.—[<sup>F54</sup>(1)] 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.

<sup>F55</sup>(1A) Building work shall be carried out so that relevant metal composite material does not become part of an external wall, or specified attachment, of any building.]

<sup>F56</sup><sup>F57</sup>(2) Subject to paragraph (3), building work shall be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-s1, d0 or A1 (classified in accordance with the reaction to fire classification).]

(3) Paragraph (2) does not apply to—

- (a) cavity trays when used between two leaves of masonry;
- (b) any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulation 2(6)) if that part is connected to an external wall;
- (c) door frames and doors;
- (d) electrical installations;
- [ fibre optic cables;]

<sup>F58</sup>(da)

- (e) insulation and water proofing materials used below ground level <sup>F59</sup>or up to 300mm above that level];
- (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;
- (g) membranes;
- (h) seals, gaskets, fixings, sealants and backer rods;

[ components associated with a solar shading device excluding components whose primary <sup>F60</sup>(ha) function is to provide shade or deflect sunlight such as the awning curtain or slats;]

- (i) thermal break materials where the inclusion of the materials is necessary to meet the thermal bridging requirements of Part L of Schedule 1; <sup>F61</sup>...
- (j) window frames and glass <sup>F62</sup>; or
- (k) materials which form the top horizontal floor layer of a balcony which are of European Classification <sup>F63</sup>A1fl or A2fl-s1] (classified in accordance with the reaction to fire classification) provided that the entire layer has an imperforate substrate under it.]

(4) In this regulation—

- (a) a “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which—
  - (i) contains one or more dwellings;
  - (ii) contains an institution; or
  - (iii) contains a room for residential purposes <sup>F64</sup>...; and
- (b) “above ground level” in relation to a storey means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey.]

#### **Extent Information**

**E2** This version of this provision applies to England only; a separate version has been created for Wales only



### Textual Amendments

- F54** Reg. 7 renumbered as reg. 7(1) (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018](#) (S.I. 2018/1230), regs. 1(4), **2(6)** (with regs. 1(3), 3)
- F55** Reg. 7(1A) inserted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(a)** (with reg. 4)
- F56** Reg. 7(2)-(4) inserted (E.) (21.12.2018) by [The Building \(Amendment\) Regulations 2018](#) (S.I. 2018/1230), regs. 1(4), **2(7)** (with regs. 1(3), 3)
- F57** Reg. 7(2) substituted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(b)** (with reg. 4)
- F58** Reg. 7(3)(da) inserted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(c)(i)** (with reg. 4)
- F59** Words in reg. 7(3)(e) inserted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(c)(ii)** (with reg. 4)
- F60** Reg. 7(3)(ha) inserted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(c)(iii)** (with reg. 4)
- F61** Word in reg. 7(3)(i) omitted (E.) (1.12.2022) by virtue of [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(c)(iv)** (with reg. 4)
- F62** Reg. 7(3)(k) and word inserted (E.) (1.12.2022) by [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(c)(v)** (with reg. 4)
- F63** Words in reg. 7(3)(k) substituted (5.6.2023) by [The Building etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/520), regs. 1(2), **2(2)**
- F64** Words in reg. 7(4)(a)(iii) omitted (E.) (1.12.2022) by virtue of [The Building etc. \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/603), regs. 1(4), **2(4)(d)** (with reg. 4)

### Materials and workmanship **W**

7.—<sup>F371</sup>(1) 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.

<sup>F372</sup>(2) Subject to paragraph (3), building work must be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of a minimum European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 95726 0) published by the British Standards Institution on 14<sup>th</sup> January 2019.

(3) Paragraph (2) does not apply to—

- (a) cavity trays when used between two leaves of masonry;
- (b) any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulation 2(6)) if that part is connected to an external wall;
- (c) door frames and doors;
- (d) electrical installations;
- (e) insulation and water proofing materials used below ground level;

- (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;
  - (g) membranes;
  - (h) seals, gaskets, fixings, sealants and backer rods;
  - (i) thermal break materials where the inclusion of the materials is necessary to meet the thermal bridging requirements of Part L of Schedule 1; or
  - (j) window frames and glass.
- (4) In this regulation—
- (a) a “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which—
    - (i) contains one or more dwellings;
    - (ii) contains an institution; or
    - (iii) contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house);
  - (b) “above ground level” in relation to a storey means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey.]

#### Extent Information

**E28** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F371** Reg. 7 renumbered as reg. 7(1) (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(6)(a)** (with reg. 3)

**F372** Reg. 7(2)-(4) inserted (with differences in reg. 7(2) and (4)(a)(iii)) (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(6)(b)** (with reg. 3)

#### Limitation on requirements **E+W**

**8.** Parts A to D, F to K, <sup>F65</sup>[<sup>F66</sup>, 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).

#### Textual Amendments

**F65** Word in reg. 8 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 4, Sch. 1** (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F66** Word “, N” in reg. 8 inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **4(3)** (with reg. 29)

## Exempt buildings and work **E+W**

9.—(1) Subject to paragraphs (2) <sup>F67</sup>[<sup>F68</sup>, (3) and (4)] 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 <sup>F69</sup>[<sup>F70</sup>used for domestic purposes ];
- (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.

<sup>F71</sup>[<sup>F72</sup>(4) The requirements of paragraph R1 of Schedule 1 apply to buildings controlled under other legislation falling within class 1 in Schedule 2.]

[<sup>F73</sup>(4) The requirements of paragraph R1 of Schedule 1 apply to buildings falling within paragraphs 1 and 2 of Class 1 (buildings controlled under other legislation) in Schedule 2.]

### Textual Amendments

- F67** Words in [reg. 9\(1\)](#) substituted (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016](#) (S.I. 2016/490), [regs. 1\(4\), 2\(2\)\(a\)](#) (with [regs. 1\(3\), 3](#))
- F68** Words in [reg. 9\(1\)](#) substituted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016](#) (S.I. 2016/361), [regs. 1\(4\), 2\(2\)\(a\)](#) (with [regs. 1\(3\), 3](#))
- F69** Words “used for domestic purposes” in [reg. 9\(3\)\(a\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), [regs. 1\(2\), 4\(4\)\(a\)](#) (with [reg. 29](#))
- F70** Words in [reg. 9\(3\)\(a\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), [reg. 5, Sch. 1](#) (with [regs. 1\(3\), 45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5, Sch.](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F71** [Reg. 9\(4\)](#) substituted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), [regs. 1\(2\), 4\(4\)\(b\)](#) (with [reg. 29](#))
- F72** [Reg. 9\(4\)](#) inserted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016](#) (S.I. 2016/361), [regs. 1\(4\), 2\(2\)\(b\)](#) (with [regs. 1\(3\), 3](#))

**F73** Reg. 9(4) inserted (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016 \(S.I. 2016/490\)](#), regs. 1(4), **2(2)(b)** (with regs. 1(3), 3) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

## Exemption of the <sup>F74</sup>Mayor's Office for Policing and Crime] from procedural requirements **E+W**

**10.**—(1) The <sup>F74</sup>Mayor'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).

<sup>F75</sup>(2) The Mayor's Office for Policing and Crime is exempt from compliance with these Regulations in so far as the requirements in these Regulations are not substantive requirements in relation to building work that is not higher-risk building work.]

### Textual Amendments

- F74** 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)**
- F75** Reg. 10(2) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **5(1)** (with regs. 5(2)(3), 22-24)

## Power to dispense with or relax requirements **E+W**

**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 <sup>F76</sup>local authority][<sup>F76</sup>building control 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).

<sup>F77</sup><sup>F78</sup>(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to regulations 23(1)(a), 25A, 25B, <sup>F79</sup><sup>F80</sup>and] 26 <sup>F81</sup><sup>F82</sup>... <sup>F83</sup><sup>F84</sup>and paragraph R1 [<sup>F85</sup>(in-building physical infrastructure for high-speed electronic communications networks)] of Schedule 1].]

### Textual Amendments

- F76** Words in reg. 11(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(1)** (with regs. 22-24)
- F77** Reg. 11(3) substituted (W. but not in relation to excepted energy buildings) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **4** (with reg. 1(2)(3))
- F78** Reg. 11(3) 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.) (3.6.2013) by [The Building \(Amendment\) Regulations 2013 \(S.I. 2013/1105\)](#), regs. 1(2), **3(2)** (with reg. 1(3)(4))
- F79** Word "and" in reg. 11(3) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **4(5)(a)** (with reg. 29)
- F80** Word in reg. 11(3) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(4)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

- F81** Words in reg. 11(3) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(4)** (with reg. 1(3))
- F82** Words in reg. 11(3) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(4)** (with reg. 1(3))
- F83** Words in reg. 11(3) substituted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/361\)](#), regs. 1(4), **2(3)** (with regs. 1(3), 3)
- F84** Words in reg. 11(3) inserted (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016 \(S.I. 2016/490\)](#), regs. 1(4), **2(3)** (with regs. 1(3), 3) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F85** Words in reg. 11(3) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **4(5)(b)** (with reg. 29)

## [<sup>F86</sup>PART 2A **E+W**

### Dutyholders and competence

#### Textual Amendments

- F86** Pt. 2A inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(1)** (with regs. 22-24)

## CHAPTER 1 **E+W**

### Client

#### Suitable arrangements to ensure compliance with requirements etc **E+W**

**11A.**—(1) A client must make suitable arrangements for planning, managing and monitoring a project (including allocation of sufficient time and other resources) so as to ensure compliance with all relevant requirements.

(2) Arrangements under paragraph (1) are suitable if—

- (a) they ensure that the design work is carried out so that the building work to which the design relates, if built, would be in compliance with all relevant requirements;
- (b) they ensure the building work is carried out in accordance with all relevant requirements;
- (c) they enable the designers and contractors to cooperate with each other to ensure compliance with all relevant requirements; and
- (d) they provide for periodic review of the building work (and the design work) included or to be included in the project so as to identify whether it is higher-risk building work.

(3) A client must ensure that the arrangements under paragraph (1) are maintained and reviewed throughout the project.

(4) A client must provide building information as soon as is practicable to every designer and contractor on the project.

(5) A client must cooperate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function under these Regulations to fulfil that duty or function.

- (6) Where there is more than one client in relation to a project—
- (a) the clients may agree in writing which of them is to be treated for the purposes of these Regulations as the client;
  - (b) except for the duties specified in sub-paragraph (c), only the person who agreed to be treated as the client under sub-paragraph (a) is subject to the duties owed by a client under these Regulations;
  - (c) the duties in the following provisions are owed by all clients—
    - (i) paragraph (4) to the extent that those duties relate to information in the possession of the client or which is reasonably obtainable by or on behalf of the client;
    - (ii) paragraph (5); and
    - (iii) regulation 11B (arrangements as to information: higher-risk building work).

#### **Arrangements as to information: higher-risk building work** **E+W**

**11B.—(1)** A client must make suitable arrangements to ensure information is provided to the designers and contractors working on a project which includes any higher-risk building work to make them aware that the project includes higher-risk building work and the nature of the higher-risk building work.

(2) Paragraph (1) includes a duty to periodically review the building work (and the design work) included or to be included in the project so as to identify whether it is higher-risk building work and to ensure information is provided under paragraph (1) where the work becomes higher-risk building work.

#### **Domestic clients** **E+W**

**11C.—(1)** Where the client is a domestic client the duties in regulations 11A(1) to (3) and 11E(2) to (5) must be carried out by—

- (a) where there is only one contractor for a project, the contractor;
- (b) where there is more than one contractor for a project—
  - (i) the principal contractor; or
  - (ii) the principal designer where the client and the principal designer agree in writing the principal designer is to fulfil those duties.

(2) If a domestic client fails to make the appointments required by regulation 11D (principal designer and principal contractor)—

- (a) the designer in control of the design phase of the project is the principal designer;
- (b) the contractor in control of the construction phase of the project is the principal contractor.

(3) Regulation 11D(5) does not apply to a domestic client.

### **CHAPTER 2** **E+W**

#### *Appointment of principal designer and principal contractor etc*

#### **Principal designer and principal contractor** **E+W**

**11D.—(1)** Where there is more than one contractor, or it is reasonably foreseeable that more than one contractor will be working on a project, the client must appoint in writing—

- (a) a designer with control over the design work as the principal designer for the purposes of these Regulations, and

- (b) a contractor with control over the building work as the principal contractor for the purposes of these Regulations.
- (2) A client is treated as complying with the requirement in paragraph (1) if, instead of appointing a person for the purposes of these Regulations, they certify, in writing, that the person who is the CDM principal designer, or, as the case may be, the CDM principal contractor, is treated as appointed as the principal designer or, as the case may be, the principal contractor, for the purposes of these Regulations.
- (3) The appointments under this regulation must be made—
  - (a) in relation to a project which includes higher-risk building work for which an application for building control approval must be submitted to the regulator, before that application is submitted;
  - (b) in relation to any other project, before the construction phase begins.
- (4) Where the appointment of a principal designer or the principal contractor ends before the end of the project, as soon as reasonably practicable the client must appoint a new principal designer or new principal contractor, as the case may be, under this regulation.
- (5) Where the client fails to appoint a principal designer (or a replacement principal designer) or, as the case may be, a principal contractor (or a replacement principal contractor), the client must fulfil the duties of the principal designer or the principal contractor, as the case may be, under these Regulations until they appoint another person to that role.
- (6) Where there is only one contractor working on a project that contractor is to be treated as appointed as the principal contractor and must fulfil the duties of the principal contractor set out in these Regulations.
- (7) Where paragraph (6) applies and—
  - (a) there is only one designer, or it is reasonably foreseeable that there will be only one designer working on a project, that designer must fulfil the duties of the principal designer set out in these Regulations; or
  - (b) there is more than one designer or it is reasonably foreseeable that there will be more than one designer working on a project at any time—
    - (i) the designers must agree in writing which designer is to fulfil the duties of the principal designer set out in these Regulations (“the lead designer”);
    - (ii) the lead designer must give a copy of the agreement to the client.
- (8) In relation to higher-risk building work, on appointing a principal designer, for each appointment the client must keep a record, in writing, of the steps it took under paragraph (2) to (4) of regulation 11E (considerations before a person carries out work).
- (9) In relation to higher-risk building work, on appointing a principal contractor, for each appointment the client must keep a record, in writing, of the steps it took under paragraphs (2), (3) and (5) of regulation 11E (considerations before a person carries out work).
- (10) In relation to higher-risk building work, on appointing any other person, the person making the appointment must give to the client (and the client must keep) a record, in writing, of the steps the person making the appointment took under regulation 11E(2) (considerations before a person carries out work).

### **Considerations before a person carries out work** **E+W**

**11E.**—(1) This regulation applies where a person (P) is proposing to use any person (A) to carry out any building work or design work.

- (2) Before permitting A to carry out any work—

- (a) P must take all reasonable steps to satisfy themselves that A—
    - (i) fulfils the requirements in regulation 11F(1) and (2) (competence: general requirement), or
    - (ii) is an individual who is in training to fulfil the requirements in regulation 11F(1) and (2) and arrangements have been put in place to supervise A, and
  - (b) where the work relates to a higher-risk building, P must—
    - (i) ask A whether a serious sanction has occurred, in relation to them, within the 5 years ending on the date of the appointment; and
    - (ii) consider any information available to P relating to any misconduct of A (including any serious sanction).
- (3) Before permitting A to undertake any work, P must additionally take all reasonable steps to satisfy themselves that A is able to fulfil the duties of regulation 11J (general duty to plan, manage and monitor).
- (4) Where A is to be appointed as the principal designer, the client must take all reasonable steps to satisfy themselves that A fulfils the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11G(1) (competence: principal designer) in relation to the design work.
- (5) Where A is to be appointed as the principal contractor, the client must take all reasonable steps to satisfy themselves that A fulfils the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11H(1) (competence: principal contractor) in relation to the building work.
- (6) Any request to undertake any building work or any design work must not be accepted by A if A does not satisfy the requirements in regulation 11F(1) and (2) (competence: general requirement) at the time of the appointment (except where those requirements do not apply to A by virtue of regulation 11F(3)).
- (7) A must not act—
- (a) as the principal designer in relation to any design work if A does not satisfy the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11G(1) (competence: principal designer) at the time of the appointment as the principal designer;
  - (b) as the principal contractor in relation to any building work if A does not satisfy the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11H(1) (competence: principal contractor) at the time of the appointment as the principal contractor.
- (8) In this regulation “serious sanction” means—
- (a) the issue to A of a compliance notice which referred to contravention or likely contravention of a requirement of Part A (structure) or Part B (fire safety) of Schedule 1;
  - (b) the issue to A of a stop notice;
  - (c) the conviction of A for any offence under—
    - (i) the Act;
    - (ii) the Health and Safety at Work etc. Act 1974;
    - (iii) the Building Safety Act 2022;
    - (iv) the Regulatory Reform (Fire Safety) Order 2005;
  - (d) a report published by an inquiry under the Inquiries Act 2005 finds that A’s action or inaction resulted in one or more deaths or was likely to have been a contravention of any requirement of—
    - (i) the Act;
    - (ii) Part A (structure) or Part B (fire safety) of Schedule 1;



- (iii) the Health and Safety at Work etc. Act 1974;
- (iv) the Building Safety Act 2022;
- (v) the Regulatory Reform (Fire Safety) Order 2005.

## CHAPTER 3 **E+W**

### *Competence*

#### **Competence: general requirement** **E+W**

- 11F.**—(1) Any person carrying out any building work or any design work must have—
- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
  - (b) where the person is not an individual, the organisational capability,
- to carry out—
- (i) the building work in accordance with all relevant requirements;
  - (ii) the design work so that the building work to which the design relates, if built, would be in accordance with all relevant requirements.
- (2) Any person carrying out any building work as a contractor or any design work as a designer must have—
- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
  - (b) where the person is not an individual, the organisational capability,
- to fulfil the duties of a contractor or designer, as the case may be, under these Regulations in relation to the work.
- (3) The requirements in paragraphs (1) and (2) do not apply to an individual (T) who is in training to fulfil those requirements.
- (4) The person who asked T to carry out any building work or, as the case may be, any design work must ensure T is adequately supervised when carrying out the work.
- (5) A person who is in training to fulfil the requirements of a principal contractor or a principal designer may not be appointed as a principal contractor or a principal designer.

#### **Competence: principal designer** **E+W**

- 11G.**—(1) A principal designer must have—
- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
  - (b) where the person is not an individual, the organisational capability,
- to fulfil the duties of a principal designer under these Regulations in relation to the design work included in the project.
- (2) Where the principal designer (D) is not an individual, D must designate an individual who has the task of managing its functions as the principal designer.
- (3) Before making the designation under paragraph (2), D must take all reasonable steps to satisfy themselves that the individual to be designated has the skills, knowledge, experience and behaviours necessary to manage the function of principal designer on behalf of D in such a way as to ensure

D fulfils the duties of the principal designer under these Regulations in relation to the design work included in the project.

### **Competence: principal contractor** **E+W**

**11H.**—(1) A principal contractor must have—

- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
- (b) where the person is not an individual, the organisational capability,

to fulfil the duties of a principal contractor under these Regulations in relation to the building work included in the project.

(2) Where the principal contractor (C) is not an individual, C must designate an individual under C's control who has the task of managing its functions as the principal contractor.

(3) Before making the designation under paragraph (2), C must take all reasonable steps to satisfy himself that the individual to be designated has the skills, knowledge, experience and behaviours necessary to manage the function of principal contractor on behalf of C in such a way as to ensure C fulfils the duties of the principal contractor under these Regulations in relation to the building work included in the project.

### **Ceasing to be competent: notification** **E+W**

**11I.**—(1) Where at any time a person (A) ceases to satisfy the requirements in regulation 11F(1), 11F(2), 11G(1) or, as the case may be, 11H(1) in relation to any building work or any design work, A must—

- (a) in a case where A is the principal designer or the principal contractor, notify the client;
- (b) in a case where there is more than one contractor and A is a designer, notify the person who asked them to carry out the design work and the principal designer;
- (c) in a case where there is more than one contractor and A is a contractor, notify the person who asked them to carry out the building work and the principal contractor;
- (d) in any other case, notify the person who asked them to carry out the work.

(2) If at the time of the notification under paragraph (1)(b) there is no principal designer appointed, that paragraph has effect as if the reference to the principal designer were a reference to the client.

(3) If at the time of the notification under paragraph (1)(c) there is no principal contractor appointed, that paragraph has effect as if the reference to the principal contractor were a reference to the client.

## **CHAPTER 4** **E+W**

### *Duties of dutyholders*

#### **General duty** **E+W**

**11J.**—(1) Any person carrying out any building work must ensure the work carried out by them (and by any workers under their control) is planned, managed and monitored so as to be in compliance with all relevant requirements.

(2) Any person carrying out any design work must take all reasonable steps to ensure the design work carried out by them (and by any workers under their control) is planned, managed and monitored so that the design is such that if the building work to which the design relates were

built in accordance with that design the building work would be in compliance with all relevant requirements.

(3) Any person carrying out any building work must cooperate with the client, designers and contractors (including the principal designer and principal contractor, if any) to the extent necessary to ensure that the work is in compliance with all relevant requirements.

(4) Any person carrying out any design work must cooperate with the client, designers and contractors (including the principal designer and principal contractor, if any) to the extent necessary to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

#### **Additional duties of designers** **E+W**

**11K.**—(1) A designer must not start design work unless satisfied that the client is aware of the duties owed by the client for the building work to which the design relates under all relevant requirements.

(2) When carrying out design work the designer must take all reasonable steps to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

(3) In providing a design, a designer must take all reasonable steps to provide sufficient information about the design, construction and maintenance of the building to assist the client, other designers and contractors to comply with all relevant requirements.

(4) Where a designer is carrying out only part of the design of the building work which comprises a project, the designer must consider other design work which directly relates to that building work and report any concerns as to compliance with all relevant requirements to the principal designer.

(5) If requested to do so, a designer must provide advice to the principal designer or the client on whether any work, to which a design they are preparing or modifying relates, is higher-risk building work.

#### **Additional duties of contractors** **E+W**

**11L.**—(1) A contractor must not start any building work unless satisfied that the client is aware of the duties owed by the client under all relevant requirements.

(2) A contractor must—

- (a) ensure the building work they carry out is in compliance with all relevant requirements; and
- (b) provide each worker under their control with appropriate supervision, instructions and information so as to ensure that the building work is in compliance with all relevant requirements.

(3) In relation to building work, a contractor must take all reasonable steps to provide sufficient information about the work to assist the client, other contractors and designers to comply with all relevant requirements.

(4) Where a contractor is carrying out only part of the building work which comprises a project, the contractor must consider other work which directly relates to that building work and report any concerns as to compliance with all relevant requirements to the principal contractor.

(5) If requested to do so, a contractor must provide advice to the principal contractor or the client on whether any work is higher-risk building work.

### **Additional duties of a principal designer** **E+W**

- 11M.**—(1) The principal designer must—
- (a) plan, manage and monitor the design work during the design phase; and
  - (b) coordinate matters relating to the design work comprised in the project so that all reasonable steps are taken to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.
- (2) The principal designer must take all reasonable steps to ensure that—
- (a) designers, and any other person involved in relation to design work, cooperate with the client, the principal designer, the principal contractor and each other;
  - (b) the design work of all designers is coordinated so that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements; and
  - (c) designers, and any other person involved in relation to design work, comply with the duties under these Regulations.
- (3) The principal designer must liaise with the principal contractor and share with the principal contractor any information relevant to—
- (a) the planning, management and monitoring of the building work, and
  - (b) the coordination of building work and design work for the purpose of ensuring compliance with all relevant requirements.
- (4) Where the principal contractor provides comments to the principal designer in relation to compliance with the relevant requirements, the principal designer must have regard to those comments.
- (5) The principal designer must—
- (a) if requested, assist the client in providing information to other designers and contractors;
  - (b) when the principal designer's appointment ends, no later than 28 days after the end of the appointment, give to the client a document explaining the arrangements it put in place to fulfil the duties under paragraphs (1) to (3).
- (6) Where a replacement principal designer is appointed, they must review the arrangements the previous principal designer put in place for fulfilling the duties under paragraphs (1) to (3) so that all reasonable steps are taken to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

### **Additional duties of a principal contractor** **E+W**

- 11N.**—(1) The principal contractor must—
- (a) plan, manage and monitor the building work during the construction phase, and
  - (b) coordinate matters relating to the building work comprised in the project to ensure the building work is in compliance with all relevant requirements.
- (2) The principal contractor must take all reasonable steps to ensure—
- (a) contractors and any other person involved in relation to the building work cooperate with the client, the principal designer, the principal contractor and each other (including any successor in a role);
  - (b) the building work of all contractors is coordinated so that the work is in compliance with all relevant requirements; and

- (c) contractors and any other person involved in relation to building work comply with the duties under these Regulations.
- (3) The principal contractor must liaise with the principal designer and share with the principal designer any information relevant to—
  - (a) the planning, management and monitoring of the design work, and
  - (b) the coordination of building work and design work for the purpose of ensuring compliance with all relevant requirements.
- (4) Where the principal designer provides comments to the principal contractor in relation to compliance with the relevant requirements the principal contractor must have regard to those comments.
- (5) The principal contractor must—
  - (a) if requested, assist the client in providing information to other designers and contractors;
  - (b) when the principal contractor’s appointment ends, no later than 28 days after the end of the appointment, give to the client a document explaining the arrangements it put in place to fulfil the duties under paragraphs (1) to (3).
- (6) Where a replacement principal contractor is appointed it must review the arrangements the previous principal contractor put in place for fulfilling the duties under paragraphs (1) to (3) to ensure that the building work is in compliance with all relevant requirements.

**Notification of change of dutyholder** **E+W**

**110.**—(1) This paragraph applies where, in relation to any building work, at any time after an application for building control approval is made or a building notice is given the client for a project changes.

(2) Where paragraph (1) applies the new client must give a notice to the relevant authority which includes—

- (a) the location of the building work;
- (b) the name, address, telephone number and (if available) email address of the new client and the date of they became the client;
- (c) the name, address, telephone number and (if available) email address of the previous client and the date they ceased to be the client;
- (d) where the notice is given by someone on behalf of the new client, a statement signed by the new client confirming they agree to the notice being made and that the information contained in the notice is correct.

(3) This paragraph applies where, in relation to any building work, at any time after an application for building control approval is made or a building notice is given the client appoints a principal contractor (or sole contractor) or a principal designer (or sole or lead designer).

(4) Subject to paragraph (5), where paragraph (3) applies the client must give a notice to the relevant authority which includes—

- (a) the location of the building work;
- (b) the name, address, telephone number and (if available) email address of the person appointed (PA) and the date of appointment;
- (c) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the person who held the role before PA (“outgoing dutyholder”) and the date their appointment ended;

- (d) where the notice is given by someone on behalf of the client, a statement signed by the client confirming they agree to the notice being given and that the information contained in the notice is correct.
- (5) Where the client is a domestic client (DC), the following applies instead of paragraph (4)—
- (a) an outgoing dutyholder must provide the information referred to in paragraph (4)(c) to the DC within 5 calendar days of the date their appointment ends;
  - (b) DC must provide the information referred to under paragraph (4)(c) to PA on the date of appointment of PA or as soon as practicable after that date;
  - (c) subject to paragraph (6), PA must give a notice to the relevant authority which includes—
    - (i) the location of the building work;
    - (ii) the name, address, telephone number and (if available) email address of PA and the date of appointment;
    - (iii) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the outgoing dutyholder and the date their appointment ended;
    - (iv) a statement explaining the notice is given on behalf of a domestic client.
- (6) Where PA has not received the information required to be provided under paragraph (5)(b) by the time the notice under paragraph (5)(c) is to be given, the statement given by PA under paragraph (5)(c)(iv) must also include an explanation to that effect.
- (7) A notice required under paragraph (2), (4) or (5)(c) must be given to the relevant authority within the period of 14 calendar days beginning with the date of the appointment or, as the case may be, the date when the person became the client.
- (8) This regulation does not apply to higher-risk building work.

## CHAPTER 5 E+W

### General

#### **Minor work** E+W

**11P.** A client is not required to comply with this Part where the building work or design work consists only of work described in Schedule 4.

#### **Interpretation of this Part** E+W

**11Q.**—(1) In this Part—

“the CDM Regulations” means the Construction (Design and Management) Regulations 2015;  
 “building information” means information in the client’s possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the building work or the design work, including information about—

- (a) the work;
- (b) planning and management of the project;
- (c) issues relating to compliance with any relevant requirement and how they were addressed;

“CDM principal contractor” means a contractor appointed as principal contractor under the CDM Regulations;

“CDM principal designer” means a designer appointed as principal designer under the CDM Regulations;

“design” includes drawings, design details, specifications and bills of quantities (including specification of articles or substances) relating to a building, and calculations prepared for the purpose of a design;

“design phase” means any period during which design work is carried out for a project and may continue during the construction phase;

“relevant requirements” means, to the extent relevant to the building work or design work in question, the requirements of regulations 4, 6, 7, 8, 22, 23, 25B, 26, 26A, 28, 36, 41(2)(a), 42(2)(a), 43(2)(a), 44A, 44ZA, 44ZC and 44D to 44I and Schedule 1.

(2) References in this Part to an appointment under regulation 11D (principal designer and principal contractor) includes an appointment which is certified under regulation 11D(2).

(3) For the purposes of this Part, “organisational capability” means appropriate management policies, procedures, systems and resources to ensure—

(a) individuals under the control of the organisation who are carrying out any building work or any design work comply with—

(i) regulation 11F(1) and (2) (competence: general requirement),

(ii) in case of the principal designer, regulations 11F(1) and (2) and 11G(1);

(iii) in case of the principal contractor, regulations 11F(1) and (2) and 11H(1);

(b) individuals under the control of the organisation who are in training to develop the necessary skills, knowledge, experience and behaviours are appropriately supervised.

(4) For the purposes of this Part the necessary behaviours include—

(a) compliance with relevant requirements, including refusing to carry out—

(i) any building work which is not in compliance with any relevant requirement;

(ii) any design work if the building work to which the design relates cannot be carried out in compliance with all relevant requirements;

(b) cooperation with other persons in relation to the work;

(c) refusing to carry out work which is beyond their skills, knowledge or experience, and asking for the assistance of other persons where necessary.]

## **PART 3** **E+W**

### Notices, Plans and Certificates

#### **Giving of a building notice or [<sup>F87</sup> an application for building control approval] **E****

**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 [<sup>F88</sup>relevant authority] a building notice in accordance with regulation 13; or

(b) [<sup>F89</sup>give an application for building control approval with full plans to the relevant 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<sup>M8</sup> applies, or will apply after the completion of the building work, shall [<sup>F90</sup>give an application for building control approval with full plans].

(4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall [<sup>F91</sup>give an application for building control approval with full plans].

(5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall [<sup>F92</sup>give an application for building control approval with full plans].

(6) A person intending to carry out building work is not required to give a building notice or [<sup>F93</sup>an application for building control approval with 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;
- (b) described in Schedule 4<sup>F94</sup>[<sup>F95</sup>; or
- (c) described in column 1 of the Table in Schedule 3A if the work is to be inspected by a person described in the corresponding entry in column 2 of that Table (a “third party certifier”) who has been appointed by the person intending to carry out the building work before the commencement of that work].

[<sup>F96</sup>(6A) A person intending to carry out building work in relation to which Part P of Schedule 1 imposes a requirement is required to give a building notice or [<sup>F97</sup>an application for building control approval with full plans] where the work consists of—

- (a) the installation of a new circuit;
- (b) the replacement of a consumer unit; or
- (c) any addition or alteration to existing circuits in a special location.]

(7) Where [<sup>F98</sup>regulation 22 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024] (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 [<sup>F99</sup>relevant 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<sup>M9</sup>; <sup>F100</sup> ...

“private street” has the meaning given in section 203(2) of the Highways Act 1980<sup>M10</sup><sup>F101</sup> ...  
[<sup>F102</sup>; and

“special location” means—

- (a) within a room containing a bath or shower, the space surrounding a bath tap or shower head, where the space extends—
  - (i) vertically from the finished floor level to—
    - (aa) a height of 2.25 metres; or



- (bb) the position of the shower head where it is attached to a wall or ceiling at a point higher than 2.25 metres from that level; and
  - (ii) horizontally—
  - (aa) where there is a bath tub or shower tray, from the edge of the bath tub or shower tray to a distance of 0.6 metres; or
  - (bb) where there is no bath tub or shower tray, from the centre point of the shower head where it is attached to the wall or ceiling to a distance of 1.2 metres; or
- (b) a room containing a swimming pool or sauna heater.]

### Extent Information

- E3** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F87** Words in [reg. 12](#) heading substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(a\)](#) (with [regs. 22-24](#))
- F88** Words in [reg. 12\(2\)\(a\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(b\)\(i\)](#) (with [regs. 22-24](#))
- F89** Words in [reg. 12\(2\)\(b\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(b\)\(ii\)](#) (with [regs. 22-24](#))
- F90** Words in [reg. 12\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(c\)](#) (with [regs. 22-24](#))
- F91** Words in [reg. 12\(4\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(c\)](#) (with [regs. 22-24](#))
- F92** Words in [reg. 12\(5\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(c\)](#) (with [regs. 22-24](#))
- F93** Words in [reg. 12\(6\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(d\)](#) (with [regs. 22-24](#))
- F94** [Reg. 12\(6\)\(c\)](#) and word "; or" omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\)](#), [5\(1\)\(a\)\(ii\)\(iii\)](#) (with [reg. 29](#))
- F95** [Reg. 12\(6\)\(c\)](#) and word inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), [regs. 1\(4\)](#), [2\(3\)\(a\)\(ii\)](#) (with [reg. 1\(3\)](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F96** [Reg. 12\(6A\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 6\(a\)](#), [Sch. 1](#) (with [regs. 1\(3\)](#), [45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5](#), [Sch.](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F97** Words in [reg. 12\(6A\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(d\)](#) (with [regs. 22-24](#))
- F98** Words in [reg. 12\(7\)](#) substituted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), [regs. 1\(3\)](#), [38\(2\)](#)
- F99** Words in [reg. 12\(8\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [7\(2\)\(e\)](#) (with [regs. 22-24](#))
- F100** Word in [reg. 12\(9\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 6\(b\)\(i\)](#), [Sch. 1](#) (with [regs. 1\(3\)](#), [45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5](#), [Sch.](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

- F101** Reg. 12(9): full stop omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(ii)**, Sch. 1 (with [regs. 1\(3\), 45-47](#)) (as amended by [S.I. 2013/181](#), reg. 5, Sch.)
- F102** Words in reg. 12(9) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(ii)**, Sch. 1 (with [regs. 1\(3\), 45-47](#)) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**Marginal Citations**

- M8** [S.I. 2005/1541](#).
- M9** [1980 c. 66](#).
- M10** 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 \(c.34\)](#).

**Giving of a building notice or deposit of plans** W

- 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 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.
- (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; [<sup>F373</sup>or]
  - (b) described in Schedule 4; ...
  - (c) .....
- (6A) .....
- (7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010 (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; ...

“private street” has the meaning given in section 203(2) of the Highways Act 1980 ... [<sup>F374</sup>; and  
.....]

**Extent Information**

**E29** This version of this provision applies to Wales only; a separate version has been created for England only

**Textual Amendments**

**F373** Word "or" in reg. 12(6)(a) inserted (W.) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(1)(a)(i)** (with reg. 29)

**F374** Words in reg. 12(9) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(ii)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**Particulars and plans where a building notice is given** **E+W**

**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; <sup>F103</sup>[<sup>F104</sup>and]
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building <sup>F105</sup>[<sup>F106</sup>; and
- (d) in the case of a new dwelling—
  - (i) a statement whether or not any optional requirement applies to the building work, and if so which, or
  - (ii) a statement that planning permission has not yet been granted for the work, and that the information required by subparagraph (i) will be supplied before the end of a period of twenty eight days beginning on the day after that permission is granted].

<sup>F107</sup>[<sup>F108</sup>(1A) In the case of a new dwelling, where a statement under paragraph (1)(d)(ii) has accompanied the building notice, a statement in the terms required by paragraph (1)(d)(i) must be provided to the [<sup>F109</sup>local authority][<sup>F109</sup>relevant authority] before the end of a period of twenty eight days beginning on the day after planning permission is granted for the building work, and the statement must state that it is supplementary to the information given in respect of the work pursuant to paragraph (1)(d).]

(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;
  - (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.

[<sup>F110</sup>(2A) In the case of the erection of a dwelling, or a building that is to contain one or more dwellings, a building notice shall be accompanied by—

- (a) particulars of any public electronic communications network in relation to which a connection is to be provided,
- (b) if an exemption in regulation 44ZB is proposed to be relied on, evidence in support of the exemption, and
- (c) if regulation 44ZC is proposed to be relied on—
  - (i) evidence of the matters mentioned in regulation 44ZC(6)(a) and (b), and
  - (ii) if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C) is likely to be installed, in a location relevant for the purposes of paragraph RA(1)(c), within the period of 2 years beginning with the day on which the notice is given.]

(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 [<sup>F111</sup>local authority][<sup>F111</sup>relevant 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 [<sup>F112</sup>for the purposes of section 16 of the Act as having been deposited][<sup>F112</sup>as an application for building control approval with full plans] 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 [<sup>F113</sup>local authority][<sup>F113</sup>relevant 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.

#### Textual Amendments

**F103** Word in [reg. 13\(1\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\)](#),

- 2(5)(a)(i)** (with regs. 1(3), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F104** Word in reg. 13(1)(b) inserted (W. in relation to excepted energy buildings) (8.6.2018) by *The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018* (S.I. 2018/558), regs. 1(2), **5(2)(a)(i)** (with reg. 29)
- F105** Reg. 13(1)(d) and word "; or" omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of *The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018* (S.I. 2018/558), regs. 1(2), **5(2)(a)(ii)(iii)** (with reg. 29)
- F106** Reg. 13(1)(d) and word inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by *The Building Regulations &c. (Amendment) Regulations 2015* (S.I. 2015/767), regs. 1(4)(b), **2(5)(a)(ii)** (with regs. 1(3), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F107** Reg. 13(1A) omitted (W. in relation to excepted energy buildings ) (8.6.2018) by virtue of *The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018* (S.I. 2018/558), regs. 1(2), **5(2)(b)** (with reg. 29)
- F108** Reg. 13(1A) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by *The Building Regulations &c. (Amendment) Regulations 2015* (S.I. 2015/767), regs. 1(4)(b), **2(5)(b)** (with regs. 1(3), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F109** Words in reg. 13(1A) substituted (E.) (1.10.2023) by *The Building Regulations etc. (Amendment) (England) Regulations 2023* (S.I. 2023/911), regs. 1(2), **7(3)(a)** (with regs. 22-24)
- F110** Reg. 13(2A) inserted (E.) (26.12.2022) by *The Building etc. (Amendment) (England) (No. 2) Regulations 2022* (S.I. 2022/984), reg. 1(4), **Sch. para. 2** (with reg. 3)
- F111** Words in reg. 13(3) substituted (E.) (1.10.2023) by *The Building Regulations etc. (Amendment) (England) Regulations 2023* (S.I. 2023/911), regs. 1(2), **7(3)(a)** (with regs. 22-24)
- F112** Words in reg. 13(4) substituted (E.) (1.10.2023) by *The Building Regulations etc. (Amendment) (England) Regulations 2023* (S.I. 2023/911), regs. 1(2), **7(3)(b)** (with regs. 22-24)
- F113** Words in reg. 13(5) substituted (E.) (1.10.2023) by *The Building Regulations etc. (Amendment) (England) Regulations 2023* (S.I. 2023/911), regs. 1(2), **7(3)(a)** (with regs. 22-24)

#### **[<sup>F114</sup>Applications for building control approval with full plans **E****

**14.**—(1) An application for building control approval with full plans must be made in writing, signed by the person making the application (“the applicant”), and must include—

- (a) the name, address, telephone number and (if available) email address of the applicant;
- (b) where the applicant is not the client, the name, address, telephone number and (if available) email address of the client;
- (c) where known at the date of the application, the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (d) a statement—
  - (i) that the application is an application for building control approval with full plans given under regulation 12(2)(b);
  - (ii) as to whether the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the building work;
- (e) where the work consists of work to an existing building, a description of the existing building including—
  - (i) details of the current use of the building, including the current use of each storey;
  - (ii) the height of the building;

- (iii) the number of storeys in the building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (f) a description of the proposed work, including—
  - (i) details of the intended use of the building, including the intended use of each storey;
  - (ii) the height of the building after the proposed work;
  - (iii) the number of storeys in the building after the proposed work as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iv) the provision to be made for the drainage of the building;
  - (v) where paragraph H4 of Schedule 1 imposes a requirement, the precautions to be taken in the building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
  - (vi) the steps to be taken to comply with any local enactment that applies; and
  - (vii) a statement setting out—
    - (aa) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work); and
    - (bb) where the work does not consist of work to which paragraph (2) or (3) of regulation 46A applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) An application for building control approval with full plans must be accompanied by—
  - (a) (i) two copies of the full plans, or
    - (ii) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, four copies of the full plans;
  - (b) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (3) Plans are only full plans if they 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;
  - (b) the plans, particulars and statements required by paragraphs (1), (1A) <sup>F115</sup>, (2) and (2A)] of regulation 13;
  - (c) 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
  - (d) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Paragraph (2)(a)(ii) does not apply where the proposed building work relates only to the erection, extension or material alteration of a dwelling-house or flat.]

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**Extent Information**

**E4** This version of this provision applies to England only; a separate version has been created for Wales only

**Textual Amendments**

**F114** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

**F115** Words in reg. 14(3)(b) substituted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **38(3)**

**Full plans** **W**

**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) [<sup>F375</sup>, (1A)] 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.

(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.

**Extent Information**

**E30** This version of this provision applies to Wales only; a separate version has been created for England only

**Textual Amendments**

**F375** Word in reg. 14(3)(a) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(6)** (with regs. 1(3), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**[<sup>F114</sup>Determination of applications for building control approval with full plans** **E+W**

**14A.**—(1) Subject to paragraph (5), where an application for building control approval with full plans is made in accordance with regulations 12(2)(b) and 14, the relevant authority must grant the application for building control approval unless the application (including the plans or other documents which accompany it)—

- (a) does not comply with the requirements of regulation 14 (applications for building control approval with full plans);
  - (b) is not sufficiently detailed in any respect to allow the relevant authority to determine whether the proposed work would contravene any applicable requirement of the building regulations;
  - (c) shows that—
    - (i) the proposed work would contravene any applicable requirement of these Regulations; or
    - (ii) in a case where details are provided under regulation 14(1)(f)(vii), the work set out in the details would not in the relevant authority’s opinion amount to 15% of the work.
- (2) If the application for building control approval with full plans (or any plans or other documents which accompany it) is defective or shows that the proposed work would contravene any requirement of these Regulations, the relevant authority may—
- (a) reject the application; or
  - (b) subject to paragraph (4), grant the application for building control approval subject to either or both of the requirements set out in paragraph (3).
- (3) The requirements mentioned in paragraph (2) are—
- (a) that such modifications as the relevant authority may specify must be made in the full plans, and
  - (b) that such further plans as the authority may specify must be provided before work to which those plans relate starts.
- (4) A relevant authority may only grant an application for building control approval with full plans subject to a requirement in paragraph (3) if the person making the application (“the applicant”) —
- (a) has requested in writing the authority does so, or
  - (b) has consented in writing to the authority doing so.
- (5) The duty in paragraph (1) is subject to any provision in sections 19 to 25 of the Act which expressly requires or authorises the authority to reject an application for building control approval.
- (6) The relevant authority must notify the applicant of the outcome of the application within five weeks beginning with the date the application is received by the relevant authority, or within such longer period as at any time the authority and the applicant agree in writing.
- (7) A failure by the relevant authority to notify the applicant in accordance with paragraph (6) is not to be treated as a grant of the application or a rejection of the application.
- (8) A notice that the application under paragraph (1) is rejected must give the reasons for the rejection.
- (9) A notice that the application is granted subject to a requirement must specify the requirement imposed.
- (10) Where the application for building control approval with full plans is successful the effect is that the building control approval is granted.

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**Textual Amendments**

**F114** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)



### **Appeal against a local authority's rejection of an application for building control approval** **E+W**

**14B.**—(1) A person (“the appellant”) who has made an application for building control approval with full plans to a local authority may appeal to the regulator against the decision of the local authority to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The regulator may allow an appeal under paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the regulator allows an appeal it may quash or vary the decision.

(4) A person aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the person of its decision.

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### **Textual Amendments**

**F114** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 8 (with regs. 22-24)

### **Appeal against the regulator's rejection of an application for building control approval for work that is not higher-risk building work** **E+W**

**14C.**—(1) In relation to work for which the regulator is the building control authority pursuant to a regulator's notice, a person (“the appellant”) who has made an application for building control approval with full plans to the regulator may appeal to the First-tier Tribunal against the decision of the regulator to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The First-tier Tribunal may allow an appeal referred to in paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;

- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.
- (3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.]

#### Textual Amendments

**F114** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

### Consultation with sewerage undertaker **E**

**15.**—(1) This regulation applies where [<sup>F116</sup>an application for building control approval with full plans has been given to the relevant 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 [<sup>F117</sup>relevant authority] shall consult the sewerage undertaker—

- (a) as soon as practicable after [<sup>F118</sup>the application for building control approval with full plans has been given]; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 <sup>F119</sup>[<sup>F120</sup>or 17A].

(3) Where a [<sup>F121</sup>relevant 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 [<sup>F122</sup>the giving of an application for building control approval with 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 [<sup>F123</sup>grant the application for building control approval] 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.

#### Extent Information

**E5** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F116** Words in reg. 15(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(a)** (with regs. 22-24)

**F117** Words in reg. 15(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(b)(i)** (with regs. 22-24)

**F118** Words in reg. 15(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(b)(ii)** (with regs. 22-24)

**F119** Words in reg. 15(2)(b) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **6** (with reg. 1(2)(3))

- F120** 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)
- F121** Words in reg. 15(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(c)(i)** (with regs. 22-24)
- F122** Words in reg. 15(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(c)(ii)** (with regs. 22-24)
- F123** Words in reg. 15(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(4)(c)(iii)** (with regs. 22-24)

### Consultation with sewerage undertaker **W**

**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 [<sup>F376</sup>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.

#### Extent Information

**E31** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F376** 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)

### <sup>F124</sup>Consultation in relation to fire safety **E+W**

**15A.**—(1) This regulation applies where it is proposed—

- (a) to erect, extend or make any structural alteration to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the work, or
- (b) to change the use of a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after the change of use,

and, in connection with that proposal, an application for building control approval with full plans is given to a relevant authority.

(2) Subject to paragraph (3), where this regulation applies the relevant authority must consult the enforcing authority before determining the application for building control approval with full plans given to the relevant authority.

(3) The duty to consult imposed by paragraph (2) does not apply where the relevant authority is the enforcing authority.

(4) In this regulation “enforcing authority” has the same meaning as in article 25 of the Regulatory Reform (Fire Safety) Order 2005.]

#### Textual Amendments

**F124** Reg. 15A inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 9 (with regs. 22-24)

#### [<sup>F125</sup>Notices in relation to building work] **E**

**16.**—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not [<sup>F126</sup>start that work] unless—

- (a) that person has given the [<sup>F127</sup>relevant authority] notice of intention to [<sup>F128</sup>start work]; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

[<sup>F129</sup>(2) Subject to paragraph (8), a person carrying out building work must notify the [<sup>F130</sup>relevant authority] as required by the authority in accordance with paragraph (3).

(3) Subject to the conditions in paragraphs (3A) and (3B), where a [<sup>F131</sup>relevant authority] receives notice of intention to [<sup>F132</sup>start work] under paragraph (1) they may give the person carrying out the work a notice in writing which—

- (a) requires that person to notify the authority that a specified stage of the work (other than a stage specified in paragraphs (4) and (5)) has been reached; and
- (b) may specify one or more periods of time, applying to each such required notification, which may be either or both of the following—
  - (i) a period before or after the work has been carried out within which the notification must be made; and
  - (ii) a period during which the work concerned must not be covered up.

(3A) A [<sup>F133</sup>relevant authority] may only specify a stage of the building work in accordance with paragraph (3)(a) if at the time they do so they intend to carry out an inspection of that stage.

(3B) For the purposes of paragraph (3A) the [<sup>F134</sup>relevant authority]'s intention to carry out an inspection of a stage of building work must be based on their assessment of the risk of breach of these Regulations if they do not inspect the work.]

[<sup>F135</sup>(3C) Not more than five days after the day on which work is to be regarded as commenced the person carrying out the work must give a notice to that effect to the relevant authority.

(3D) The relevant authority may take such steps, including—

- (a) requiring information;
- (b) laying open of work for inspection,

as the authority thinks appropriate to check whether the work is to be regarded as commenced.

(3E) If the relevant authority are not satisfied the work is to be regarded as commenced they must give the person carrying out the work a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (3C) is given, and the rejection notice must give the reasons for rejection.

(3F) Where a notice is given under paragraph (3C) and the period referred to in paragraph (3E) expires without a rejection notice being given, then the work is to be regarded as commenced.

(3G) If the person carrying out the work accepts the rejection notice they may not give a further notice under paragraph (3C) unless, having regard to the reasons given by the relevant authority, they are satisfied the work is to be regarded as commenced.

(3H) A person who gave the notice under paragraph (3C) may appeal to the First-tier Tribunal against the decision of the relevant authority to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the relevant authority gives the rejection notice.

(3I) The First-tier Tribunal may allow an appeal under paragraph (3H) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3J) For the purposes of paragraphs (3C) to (3I) the provisions of regulation 46A (lapse of building control approval: commencement of work) apply to determine whether work is to be regarded as commenced.]

(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 [F136relevant authority][F137] a notice which complies with paragraph (4A)].

[F138(4A) The notice under paragraph (4) must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the building work is complete;
- (d) a statement, signed by the client, confirming that to the best of the client’s knowledge the work complies with all applicable requirements of the building regulations;
- (e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes—
  - (i) the name, address, telephone number and (if available) email address of that person;
  - (ii) the dates of their appointment, and
  - (iii) confirmation—
    - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of these Regulations;
    - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of these Regulations.]

(5) Where a building is being erected <sup>F139</sup>[<sup>F140</sup>to which the Regulatory Reform (Fire Safety) Order 2005 <sup>M11</sup> applies, or will apply after the completion of the work ], and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the [<sup>F141</sup>relevant authority]<sup>F142</sup> a notice which complies with paragraph (5A) at least 5 days] before the building or any part of it is occupied.

<sup>F143</sup>(5A) The notice under paragraph (5) must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) the date when the building or any part of it is to be occupied;
- (d) a statement, signed by the client, confirming that to the best of the client's knowledge, regardless of the completion of the current building work, regulation 38 and Part B of Schedule 1 are currently complied with in relation to those parts of the building which are to be occupied before completion of the work;
- (e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes—
  - (i) the name, address, telephone number and (if available) email address of that person;
  - (ii) the dates of their appointment, and
  - (iii) confirmation—
    - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of these Regulations;
    - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of these Regulations.]

(6) A person who fails to comply with paragraphs (1) [<sup>F144</sup>or (2)] shall comply within a reasonable time with any notice given by the [<sup>F145</sup>relevant 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 [<sup>F146</sup>relevant 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 [<sup>F146</sup>relevant 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 [<sup>F147</sup>an application for building control approval with full plans].

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

#### **Extent Information**

**E6** This version of this provision applies to England only; a separate version has been created for Wales only

#### **Textual Amendments**

**F125** [Reg. 16 heading substituted \(E.\) \(1.10.2023\) by The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\), regs. 1\(2\), 15\(1\)\(a\) \(with regs. 22-24\)](#)

- F126** Words in reg. 16(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(b)(i)** (with regs. 22-24)
- F127** Words in reg. 16(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F128** Words in reg. 16(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(b)(ii)** (with regs. 22-24)
- F129** Reg. 16(2)-(3B) substituted for reg. 16(2)(3) (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), reg. 9(a), Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F130** Words in reg. 16(2) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F131** Words in reg. 16(3) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F132** Words in reg. 16(3) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(c)** (with regs. 22-24)
- F133** Words in reg. 16(3A) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F134** Words in reg. 16(3B) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F135** Reg. 16(3C)-(3J) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(d)** (with regs. 22-24)
- F136** Words in reg. 16(4) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F137** Words in reg. 16(4) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(a)** (with regs. 22-24)
- F138** Reg. 16(4A) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(b)** (with regs. 22-24)
- F139** Words in reg. 16(5) added (W. for remaining purposes) (19.4.2013) by The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747), regs. 1(4), **7** (with regs. 1(2)(3), 35, 36)
- F140** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), **reg. 9(b)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F141** Words in reg. 16(5) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F142** Words in reg. 16(5) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(c)** (with regs. 22-24)
- F143** Reg. 16(5A) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(d)** (with regs. 22-24)
- F144** Words in reg. 16(6) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), **reg. 9(c)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F145** Words in reg. 16(6) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F146** Words in reg. 16(7) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F147** Words in reg. 16(8) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(b)** (with regs. 22-24)

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### Marginal Citations

**M11** S.I. 2005/1541.

## Notice of commencement and completion of certain stages of work **W**

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.

[<sup>F377</sup>(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.]

(3A) .....

(3B) .....

(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 [<sup>F378</sup>to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work ], 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) [<sup>F379</sup>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.

### Extent Information

**E32** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

**F377** Reg. 16(2)(3) substituted (W. in relation to excepted energy buildings to match the form in which those sub-provisions apply in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), reg. 1(2), 5(4)(a) (with reg. 29)

**F378** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), reg. 9(b), Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)



**F379** Words in [reg. 16\(6\)](#) substituted (W. in relation to excepted energy buildings to match the form in which the text applies in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(4)(c)** (with [reg. 29](#))

## Completion certificates **E**

17.—<sup>F148</sup><sup>F149</sup>(1) A [<sup>F150</sup>relevant 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 [<sup>F151</sup>a building, the relevant provisions have been complied with in relation to the building].

[<sup>F152</sup>(2) The specified period referred to in paragraph (1) is eight weeks starting from the date that notice is received by the relevant authority in accordance with regulation 16(4).]

(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 CO<sup>2</sup> emission rates for new buildings);

[<sup>F153</sup>(c) regulation 26A (target fabric energy efficiency requirements for new dwellings);]

[<sup>F154</sup>(cc) regulation 26C (target primary energy rates for new buildings);]

(d) regulation 36 (water efficiency of new dwellings);

(e) regulation 38 (fire safety information); <sup>F155</sup><sup>F156</sup> ...

(f) Schedule 1]<sup>F157</sup>[<sup>F158</sup>,

(g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012.]

(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.

<sup>F159</sup><sup>F160</sup>(5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (4).]

[<sup>F161</sup>(6) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

### Extent Information

**E7** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

**F148** Reg. 17(1)-(2A) substituted for reg. 17(1)-(3) (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **8(a)** (with [reg. 1\(2\)\(3\)](#))

**F149** 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)

- F150** Words in reg. 17(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(6)(a)** (with regs. 22-24)
- F151** Words in reg. 17(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **13(2)** (with regs. 22-24)
- F152** Reg. 17(2) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(3)** (with regs. 22-24)
- F153** Reg. 17(2A)(c) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(5)(a)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F154** Reg. 17(2A)(cc) inserted (E.) (5.6.2023) by The Building etc. (Amendment) (England) Regulations 2023 (S.I. 2023/520), regs. 1(2), **2(3)**
- F155** Word in reg. 17(2A)(e) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(5)(b)** (with reg. 1(3))
- F156** Word in reg. 17(2A)(e) omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(5)(b)** (with reg. 1(3))
- F157** Reg. 17(2A)(g) added (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(5)(c)** (with reg. 1(3))
- F158** Reg. 17(2A)(g) and comma substituted for full stop (W. for remaining purposes) (17.6.2016) by The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(5)(c)** (with reg. 1(3))
- F159** Reg. 17(5) inserted (W. for remaining purposes) (19.4.2013) by The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747), regs. 1(4), **8(b)** (with reg. 1(2)(3))
- F160** 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)
- F161** Reg. 17(6) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(6)(b)** (with regs. 22-24)

## Completion certificates **W**

17.—<sup>[F380]</sup>(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 CO<sup>2</sup> emission rates for new buildings);
- <sup>[F381]</sup>(c) regulation 26A (primary energy ... rates for new buildings),
- (ca) regulation 26B (fabric performance values for new dwellings),]
- <sup>[F382]</sup>(cb) regulation 26C (target primary energy rates for new buildings),]
- (d) regulation 36 (water efficiency of new dwellings);

- (e) regulation 38 (fire safety information); ...
  - (f) Schedule 1<sup>F383</sup>,
  - (g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012.]
- (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.
- <sup>F384</sup>(5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (4).]

#### Extent Information

**E33** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

- F380** 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)
- F381** Reg. 17(2A)(c)(ca) substituted for reg. 17(2A)(c) (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), [2\(5\)\(a\)](#) (with reg. 1(3))
- F382** Reg. 17(2A)(cb) inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), [5\(b\)](#) (with reg. 21)
- F383** Reg. 17(2A)(g) and comma substituted for full stop (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), [2\(5\)\(c\)](#) (with reg. 1(3))
- F384** 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)

### <sup>F162</sup>Certificate for building occupied before work is completed **E**

**17A.**—(1) A [<sup>F163</sup>relevant 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, [<sup>F164</sup>regulation 38 and Part B of Schedule 1 are currently complied with in relation to those parts of the building which are to be occupied before completion of the work].

(2) The specified period referred to in paragraph (1) is four weeks starting from the date that notice is received by the [<sup>F165</sup>relevant 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).

[  
<sup>F166</sup>(5) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]]

#### Extent Information

**E8** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F162** 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)

Reg. 17A inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **9** (with reg. 1(2)(3))

**F163** Words in reg. 17A(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(a)** (with regs. 22-24)

**F164** Words in reg. 17A(1)(c) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **13(3)** (with regs. 22-24)

**F165** Words in reg. 17A(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(a)** (with regs. 22-24)

**F166** Reg. 17A(5) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(b)** (with regs. 22-24)

#### [<sup>F385</sup>Certificate for building occupied before work is completed **W**

**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).]

#### Extent Information

**E34** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

**F385** 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)

Reg. 17A inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), 9 (with reg. 1(2)(3))

## Unauthorised building work **E**

**18.**—(1) This regulation applies where it appears to a [<sup>F167</sup>relevant 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 [<sup>F168</sup>relevant 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 [<sup>F169</sup>relevant 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 [<sup>F170</sup>relevant 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 [<sup>F170</sup>relevant 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 [<sup>F171</sup>relevant 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.

[<sup>F172</sup>(6A) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

(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 [<sup>F173</sup>as an application for building control approval with full plans] in accordance with building regulations.

[<sup>F174</sup>(8) In this regulation “unauthorised building work”—

- (a) where the relevant authority is the local authority, means building work, other than work in relation to which an initial notice, an amendment notice, a public body’s notice or a regulator’s notice has effect, which is done without—
  - (i) a building notice being given to the local authority;
  - (ii) an application for building control approval with full plans of the work being given to the local authority; or
  - (iii) a notice of intention to start work being given to the local authority, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given;
- (b) where the relevant authority is the regulator, means building work which is work in relation to which a regulator’s notice has effect but which is done without—
  - (i) a building notice being given to the regulator;
  - (ii) an application for building control approval with full plans of the work being given to the regulator; or
  - (iii) a notice of intention to start work being given to the regulator, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given.]

#### Extent Information

**E9** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F167** Words in reg. 18(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F168** Words in reg. 18(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F169** Words in reg. 18(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F170** Words in reg. 18(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F171** Words in reg. 18(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F172** Reg. 18(6A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(b)** (with regs. 22-24)
- F173** Words in reg. 18(7) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(c)** (with regs. 22-24)
- F174** Reg. 18(8) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(d)** (with regs. 22-24)

**Modifications etc. (not altering text)**

- C1** [Reg. 18](#) modified (4.7.2023) by [The Building Safety \(Responsible Actors Scheme and Prohibitions\) Regulations 2023 \(S.I. 2023/753\)](#), regs. 1(1), **37(3)**

**Unauthorised building work** **W**

**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.

#### **Extent Information**

**E35** This version of this provision applies to Wales only; a separate version has been created for England only

### **[<sup>F175</sup> Appeal against refusal to grant certain certificates E+W**

**18A.**—(1) A person (“the appellant”) who has—

- (a) notified a local authority under regulation 16(4) and the authority has refused to give a certificate under regulation 17 (completion certificates);
- (b) notified a local authority under regulation 16(5) and the authority has refused to give a certificate under regulation 17A (certificate for building occupied before work is completed); or
- (c) applied to a local authority under regulation 18(2) (unauthorised building work) for a certificate and the authority has refused to give the certificate,

may appeal to the regulator against the decision of the local authority to refuse to provide the certificate provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the appellant of the refusal.

(2) The regulator may allow an appeal under paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3) If the regulator allows an appeal it may quash or vary the decision.

(4) An appellant aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the appellant of its decision.

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.



#### Textual Amendments

**F175** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

#### Appeal in relation to sections 20(5) or 39 of the Act **E+W**

**18B.**—(1) An appeal to the regulator under section 20(5) of the Act must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the person of its decision.

(2) Where a person who is aggrieved with the decision of the regulator given on an appeal under section 20(5) or 39 of the Act wishes to appeal that decision by virtue of section 43A(3) of the Act they may appeal to the First-tier Tribunal provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies them of its decision.

(3) The First-tier Tribunal may allow an appeal referred to in paragraph (2) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable; or
  - (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.
- (4) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F175** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

#### Appeal to the First-tier Tribunal in relation to certain decisions **E+W**

**18C.**—(1) Where, in relation to work which is not higher-risk building work, a person (“the appellants”) has—

- (a) notified the regulator under regulation 16(4) and the regulator has refused to give a certificate under regulation 17 (completion certificates);
- (b) notified the regulator under regulation 16(5) and the regulator has refused to give a certificate under regulation 17A (certificate for building occupied before work is completed); or
- (c) applied to the regulator under regulation 18(2) (unauthorised building work) for a certificate and the regulator has refused to give the certificate,

they may appeal to the First-tier Tribunal against the decision of the regulator provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the appellants of the refusal.

(2) An appeal to the First-tier Tribunal under section 19(4), 20(5), 21(4), 22(4) or 39 of the Act must be made within 21 relevant days beginning with the day after the day on which the building control authority notifies the person of its decision.

(3) The First-tier Tribunal may allow an appeal referred to in paragraph (1) or (2) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable; or
  - (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.
- (4) If the First-tier Tribunal allows an appeal referred to in paragraph (1) or (2) it may quash or vary the decision.

#### Textual Amendments

**F175** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

### Application to the First-tier Tribunal in relation to certain decisions **E+W**

**18D.**—(1) At least five days before making an application to the First-tier Tribunal under section 21(3) or (6), 24(2), 25(2) or (5), 33(6) or 36(3) of the Act the person proposing to make an application (“the applicant”) must notify the building control authority of their intention to make the application.

(2) An application to the First-tier Tribunal under section 21(3) or (6), 24(2), 25(2) or (5), 33(6) or 36(3) of the Act must be made within 21 relevant days beginning with the day after the day on which the applicant notifies the building control authority under paragraph (1).

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F175** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

### Appeals under section 101A of the Act **E+W**

**18E.**—(1) A person aggrieved with the refusal of a local authority to consider an application for building control approval, an initial notice or an amendment notice on the grounds that all or part of the work to which the application or notice relates is higher-risk building work may appeal to the Secretary of State provided the appeal is made within 28 relevant days beginning with the day after the day on which the local authority refuses to consider the application.

(2) An appeal to the Secretary of State under section 101A of the Act must be made in writing, signed by the person who made the original application or one of the persons who gave the original initial notice or amendment notice (in this regulation “the appellant”) and must include the following information—

- (a) the name, address, telephone number and (if available) email address of the appellant;
- (b) a statement explaining why the appellant considers the work proposed in the original application or notice does not include higher-risk building work;
- (c) where the appellant is <sup>F176</sup>a registered building control approver], a statement confirming the client agrees to the appeal being made.

(3) In addition to the information provided for in paragraph (2) the appeal must be accompanied by—

- (a) a copy of the original application or notice given to the local authority (including all documentation that accompanied the application or notice);
  - (b) all the information provided to the local authority in relation to the application or notice;
  - (c) all the correspondence with the local authority in relation to that application or notice;
  - (d) a copy of the notice sent to the regulator under paragraph (4).
- (4) At least two working days before submitting an appeal under section 101A(2) of the Act the appellant must give notice to the regulator of their intention to do so.
- (5) Where the appellant submits an appeal under section 101A of the Act through electronic facilities provided by the Secretary of State for that purpose, they are taken to have consented to the use of electronic communications for all purposes relating to the appeal that are capable of being carried out electronically.
- (6) The deemed consent in paragraph (5) may be revoked by the appellant giving the Secretary of State two weeks' notice in writing specifying that the notice is given under this regulation.
- (7) An appeal under section 101A of the Act is to be determined by consideration of written representations.
- (8) The Secretary of State must give the local authority which refused to consider the original application or notice the opportunity to make written representations in relation to the appeal.
- (9) The Secretary of State may give any other person an opportunity to make written representations in relation to the appeal.
- (10) The Secretary of State may, by notice in writing, require the local authority in question to provide specified information, or provide copies of specified documents, by the date specified in the notice (that date must be no fewer than 7 days after the date the notice is given).
- (11) Before determining the appeal the Secretary of State may—
- (a) hold any meeting with the appellant, the local authority or any other person,
  - (b) undertake any site visit,
- as the Secretary of State considers appropriate.
- (12) The Secretary of State must determine the appeal within 8 weeks of the date on which the appeal is received and the decision in relation to the appeal must be given in writing to the appellant.
- (13) For the purposes of section 101A(6) of the Act, an appeal to the High Court under section 101A(6) of the Act may be made within 28 relevant days beginning with the day after the day on which the Secretary of State gives the decision to the appellant under paragraph (12).
- (14) The Secretary of State may appoint a person to determine the appeal instead of the Secretary of State.
- (15) At any time before a person appointed under this regulation has determined the appeal the Secretary of State may—
- (a) revoke that person's appointment;
  - (b) appoint another person to determine the appeal instead.
- (16) A person appointed under paragraph (14) has the same powers and duties in relation to determination of an appeal under section 101A of the Act as the Secretary of State and, in particular, where the appeal is determined by a person appointed under this regulation their decision is to be treated as the decision of the Secretary of State.]

#### **Textual Amendments**

**F175** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

**F176** Words in reg. 18E(2)(c) substituted (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **38(4)** (with reg. 38(8))

## PART 4 **E+W**

### Supervision of Building Work Otherwise than by Local Authorities

#### Supervision of building work otherwise than by local authorities **E+W**

**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), <sup>F177</sup>[<sup>F178</sup>17A (Certificate for building occupied before work is completed)] 20 (provisions applicable to self-certification schemes), 27 (CO<sub>2</sub> emission rate calculations), [<sup>F179</sup>27A (fabric energy efficiency rate calculations), 27C (target primary energy rate calculations for new buildings),]<sup>F180F181</sup>... 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing), 44 (commissioning) [<sup>F182</sup>, 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.

[<sup>F183</sup>(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

- F177** Words in reg. 19(1) inserted (W. for remaining purposes) (19.4.2013) by The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747), regs. 1(4), **10** (with reg. 1(2)(3))
- F178** 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)
- F179** Words in reg. 19(1) inserted (E.) (5.6.2023) by The Building etc. (Amendment) (England) Regulations 2023 (S.I. 2023/520), regs. 1(2), **2(4)**
- F180** Words in reg. 19(1) omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(6)** (with reg. 1(3))
- F181** Words in reg. 19(1) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(6)** (with reg. 1(3))
- F182** Words in reg. 19(1) omitted (E.) (1.10.2023) by virtue of The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **14(1)(a)** (with regs. 22-24)
- F183** Reg. 19(2) omitted (E.) (1.10.2023) by virtue of The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **14(1)(b)** (with regs. 22-24)

#### [<sup>F184</sup>Regulator's notices: description of work and connection **E+W**

**19A.** For the purposes of section 91ZB(1) of the Act, a regulator's notice may be given in relation to any building work (which is not higher-risk building work) where—

- (a) the client for the building work is proposing to undertake higher-risk building work on the same site;
- (b) the regulator's notice includes all the building work to be carried out on the site which is not higher-risk building work; and

- (c) the client has appointed the same principal contractor for the building work and the higher-risk building work.

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

#### Regulator's notices: content of notices **E+W**

**19B.** A regulator's notice must be in writing and must include—

- (a) the name, address, telephone number and (if available) email address of the client for the project to which the notice relates;
- (b) a statement that the notice is a regulator's notice under section 91ZB of the Act;
- (c) the location of the proposed building work to which the regulator's notice is to apply;
- (d) a description of the proposed building work to which the regulator's notice is to apply, including a statement explaining how that work is connected to higher-risk work and the location on the site of that higher-risk building work;
- (e) a statement giving the date it is proposed the building work will start and how long it is proposed to take to complete;
- (f) 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;
  - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (g) a declaration, signed by the client and signed by an employee of the regulator who is authorised to do so, confirming—
  - (i) the client and the regulator consent to the giving of the notice;
  - (ii) the proposed building work to which the notice relates includes no higher-risk building work;
  - (iii) the proposed building work falls within the requirements of regulation 19A (regulator's notices: description of work and connection);
  - (iv) they understand the proposed building work is to be subject to the procedural requirements of these Regulations.

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

#### Regulator's notices: grounds for rejection **E+W**

**19C.**—(1) The following grounds are prescribed for the purposes of section 91ZC(2) of the Act—

- (a) the conditions in regulation 19A (regulator’s notices: description of work and connection) are not satisfied in relation to the work specified in the notice;
  - (b) the work specified in the notice is not within the area of the local authority;
  - (c) that an application for building control approval, an initial notice or a public body’s notice has been given in relation to the work (or any part of it);
  - (d) the notice does not comply with the requirements of regulation 19B (regulator’s notices: content of notices).
- (2) For the purposes of section 91ZC(3) of the Act a notice of rejection must be given within five days of the day on which the regulator’s notice is given.

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

#### Regulator’s notices: appeals **E+W**

**19D.**—(1) An appeal to the First-tier Tribunal under section 91ZC(4) of the Act must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under section 91ZC(3) of the Act.

(2) The First-tier Tribunal may allow an appeal under section 91ZC(4) of the Act only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

(4) The power of the First-tier Tribunal to award costs does not apply in relation to an appeal under this regulation.

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

#### Regulator’s notices: direction **E+W**

**19E.**—(1) In relation to work which is the subject of a regulator’s notice, the regulator may make a direction as to the way in which any of the following documents are given (which may include specifying cases where they must be given electronically via a website address provided for that purpose by the regulator)—

- (a) a building notice under regulation 13 (particulars and plans where a building notice is given);
- (b) an application under regulation 14 (applications for building control approval with full plans);
- (c) any notice under regulation 16 (notices in relation to building work);

- (d) an application under regulation 18 (unauthorised building work);
  - (e) any documents that are required to accompany any notice or application referred to in subparagraph (a) to (d);
  - (f) a notice under regulation 25A(2), 27(2) or (3), 27A(2) or (3), 27C(2) or (3), 37(1), 38(2B) or (2G), 41(4), 42(2), 43(2), 44(3) and 44ZA(2);
  - (g) a copy of results under regulation 41(2).
- (2) A direction must specify the date on which it comes into effect, which must not be earlier than seven days after it is published.
- (3) Where the regulator has made and published a direction in accordance with this regulation, an application (or any document that accompanied the application) of the type mentioned in the direction must, from the date specified in the direction, be given in accordance with the direction.
- (4) The regulator may, by a further direction, amend or revoke a direction made under this regulation.

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

### Regulator's notices: local land charges **E+W**

**19F.** The functions of local authorities under the Local Land Charges Act 1975, as they relate to building work for which the regulator is the building control authority by reason of a regulator's notice under section 91ZB of the Building Act 1984, are prescribed for the purposes of paragraph (b) of the definition of "relevant function" in paragraph 2(5) of Schedule 3 to the Building Safety Act 2022.]

#### Textual Amendments

**F184** Regs. 19A-19F inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **11** (with regs. 22-24)

## PART 5 **E+W**

[<sup>F185</sup>Self-certification schemes [<sup>F186</sup>and third party certification schemes]]

#### Textual Amendments

- F185** Pt. 5 heading substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(4)** (with reg. 1(3))
- F186** Words in Pt. 5 heading omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **6(1)** (with reg. 29)

## Provisions applicable to self-certification schemes **E+W**

**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.

[<sup>F187</sup>(1A) Where this regulation applies and the building work in question relates to a higher-risk building, the client must make the person carrying out the work aware that the building is a higher-risk building.]

(2) Where this regulation applies, the [<sup>F188</sup>local authority][<sup>F188</sup>building control 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 [<sup>F189</sup>local authority][<sup>F189</sup>building control authority]—
  - (i) notice to that effect, or
  - (ii) the certificate referred to in paragraph (2).

<sup>F190</sup>[<sup>F191</sup>(3A) A [<sup>F192</sup>local authority][<sup>F192</sup>building control authority] shall store in a retrievable form copies of the notices and certificates given to it in accordance with paragraph (3)(b).

(3B) If the whole or part of the work was paid for using a green deal plan, the person carrying out the work must include—

- (a) in the certificate referred to in paragraph (2); and
- (b) in the notice given to the [<sup>F193</sup>local authority][<sup>F193</sup>building control authority] referred to in paragraph (3)(b)(i),

a statement to that effect.

<sup>F194</sup>[<sup>F195</sup>(3C) Such a statement that relates to a part of the work must specify which part was paid for using the green deal plan.]

(3D) In this regulation, “green deal plan” has the meaning given in section 1 of the Energy Act 2011.]<sup>M12</sup>

(4) Paragraph (3) of this regulation does not apply where a person carries out any building work described in Schedule 4.

<sup>F196</sup>[<sup>F197</sup>(5) 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 <sup>F198</sup>[<sup>F199</sup>, and the certificate shall contain this wording].

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

[<sup>F200</sup>(6A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

### Textual Amendments

**F187** Reg. 20(1A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **12(1)** (with regs. 22-24)



- F188** Words in reg. 20(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(9)(a)** (with regs. 22-24)
- F189** Words in reg. 20(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(9)(a)** (with regs. 22-24)
- F190** Reg. 20(3A)-(3D) inserted (W. for remaining purposes) (19.4.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **11(a)** (with reg. 1(2)(3))
- F191** Reg. 20(3A)-(3D) inserted (E., but only in relation to excepted energy buildings in W.) (28.1.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 13(a)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F192** Words in reg. 20(3A) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(9)(a)** (with regs. 22-24)
- F193** Words in reg. 20(3B) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(9)(a)** (with regs. 22-24)
- F194** Reg. 20(3C) inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **6(2)(a)** (with reg. 29)
- F195** Reg. 20(3C) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(5)(a)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F196** Reg. 20(5)(6) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **11(b)** (with reg. 1(2)(3))
- F197** Reg. 20(5)(6) inserted (E., but only in relation to excepted energy buildings in W.) (28.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 13(b)**, Sch. 1 (with regs. 1(3), 45-47)
- F198** Words “, and the certificate shall contain this wording” in reg. 20(5) inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **6(2)(b)** (with reg. 29)
- F199** Words in reg. 20(5) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(5)(b)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F200** Reg. 20(6A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(9)(b)** (with regs. 22-24)

#### Modifications etc. (not altering text)

- C2** Reg. 20 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)** (as amended (W.) (25.4.2024) by S.I. 2024/447, regs. 1(1), **3(h)** (with reg. 6))
- C3** Reg. 20 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(2)(3)** (with regs. 44-47)

#### Marginal Citations

- M12** 2011 c.16.

#### <sup>F201</sup><sup>F202</sup> Provisions applicable to third party certification schemes **E+W**

**20A.**—(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 3A and the work is inspected by a third party certifier described in column 2 of that Table and appointed in accordance with regulation 12(6)(c).

[<sup>F203</sup>(1A) Where this regulation applies and the building work in question relates to a higher-risk building, the client must make the person carrying out the work aware that the building is a higher-risk building.]

(2) Where this regulation applies, the [<sup>F204</sup>building control authority] are authorised to accept, as evidence that the requirements of regulations 4 and 7 have been complied with, a certificate to that effect by the third party certifier.

(3) Where this regulation applies, the person carrying out the building work must, not more than 7 days after the completion of the work, notify the third party certifier that the work has been completed.

(4) Where the third party certifier, having taken all reasonable steps to ascertain that it is the case, is satisfied within the limits of professional skill and care that the requirements of regulation 4 and 7 have been complied with, the third party certifier must, not more than 30 days after receiving notification of completion of the work under paragraph (3)—

- (a) give the occupier a copy of the certificate referred to in paragraph (2); and
- (b) give to the [<sup>F205</sup>building control authority]—
  - (i) notice to that effect, or
  - (ii) the certificate referred to in paragraph (2).

(5) If the third party certifier is unable to certify that the requirements of regulations 4 and 7 have been complied with and therefore cannot provide the certificate referred to in paragraph (2), the third party certifier must notify the [<sup>F206</sup>building control authority] to that effect.

(6) 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.

(7) The certificate shall include a statement describing its evidentiary effect, in terms substantially the same as paragraph (6).

[<sup>F207</sup>(7A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]]

#### Textual Amendments

**F201** Reg. 20A omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), regs. 1(2), **6(3)** (with reg. 29)

**F202** Reg. 20A inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014](#) (S.I. 2014/579), regs. 1(4), **2(6)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F203** Reg. 20A(1A) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **12(2)** (with regs. 22-24)

**F204** Words in reg. 20A(2) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **7(10)(a)** (with regs. 22-24)

**F205** Words in reg. 20A(4) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **7(10)(a)** (with regs. 22-24)

**F206** Words in reg. 20A(5) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **7(10)(a)** (with regs. 22-24)

**F207** Reg. 20A(7A) inserted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(10)(b)** (with regs. 22-24)

**Modifications etc. (not altering text)**

**C4** Reg. 20A applied (with modifications) by The Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215), **reg. 20(1)** (as amended: (6.4.2014) by S.I. 2014/579, regs. 1(4), **3(3)(b)** (with reg. 1(3); and (8.6.2013) by S.I. 2018/558, regs. 1(2), **21(b)(i)** (with reg. 29))

**C5** Reg. 20A modified (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **5(2)(3)** (with regs. 44-47)

## PART 6 **E+W**

### Energy Efficiency Requirements

#### Application of energy efficiency requirements **E+W**

- 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 <sup>M13</sup>;
    - (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 <sup>M14</sup>,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 50m<sup>2</sup>.
- (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; <sup>F208F209</sup>...
  - (b) into which the building's heating system has been extended <sup>F210</sup> **F211** to heat the conservatory or porch; or

(c) in which a fixed heating appliance has been provided to heat the conservatory or porch.]

(5) In this regulation, the following terms have the same meaning as in <sup>F212</sup>[<sup>F213</sup>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

- F208** Word in reg. 21(4)(a) omitted (W. for remaining purposes) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **7(1)(a)** (with reg. 29)
- F209** Word in reg. 21(4)(a) omitted (W. but not in relation to excepted energy buildings) (31.7.2014) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), **4(a)** (with reg. 1(2))
- F210** Reg. 21(4)(c) and words inserted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **7(1)(b)(c)** (with reg. 29)
- F211** Reg. 21(4)(c) and words inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), **4(b)** (with regs. 1(2), 10)
- F212** Words in reg. 21(5) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **12** (with reg. 1(2)(3))
- F213** 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

- M13** 1990 c.9.
- M14** 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 **E+W**

**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.

### <sup>F214</sup>[<sup>F215</sup>Requirements for the renovation or replacement of thermal elements **E+W**

**23.—**(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

**F214** Reg. 23 substituted (W. for remaining purposes) (19.4.2013 for specified purposes, 9.7.2013 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013](#) (S.I. 2013/747), regs. 1(4), **13** (with regs. 1(2)(3), 35, 36)

**F215** Reg. 23 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, 9.7.2013 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), **reg. 15**, Sch. 1 (with reg. 1(3)(4), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)

### Methodology of calculation and expression of energy performance **E+W**

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 <sup>F216</sup>[<sup>F217</sup>an energy performance indicator determined from] the amount of energy estimated to meet the different needs associated with a standardised use of the building; and

<sup>F218</sup>[<sup>F219</sup>“operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period.]

#### Textual Amendments

**F216** Words in reg. 24(2) substituted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016](#) (S.I. 2016/611), regs. 1(4), **2(7)(a)** (with reg. 1(3))

**F217** Words in reg. 24(2) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016](#) (S.I. 2016/285), regs. 1(4), **2(7)(a)** (with reg. 1(3))

**F218** Words in reg. 24(2) substituted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016](#) (S.I. 2016/611), regs. 1(4), **2(7)(b)** (with reg. 1(3))

**F219** Words in [reg. 24\(2\)](#) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(7)(b)** (with [reg. 1\(3\)](#))

### Minimum energy performance requirements for new buildings **E**

<sup>F220</sup>**25.** Minimum energy performance requirements shall be approved by the Secretary of State, [<sup>F221</sup>calculated and expressed] in accordance with the methodology approved pursuant to regulation 24, for—

- (a) new buildings (which shall include new dwellings), in the form of target CO<sub>2</sub> emission rates; <sup>F222</sup>...
- (b) new dwellings, in the form of target fabric energy efficiency rates][<sup>F223</sup>; and
- (c) new buildings in the form of target primary energy rates].

#### Extent Information

**E10** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F220** [Reg. 25](#) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/1959\)](#), regs. 1(5), **4** (with [reg. 1\(3\)](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F221** Words in [reg. 25](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(8)** (with [reg. 1\(3\)](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F222** Word in [reg. 25\(a\)](#) omitted (E.) (15.6.2022) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **5(a)** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)

**F223** [Reg. 25\(c\)](#) and word inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **5(b)** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)

### Minimum energy performance requirements for new buildings **W**

<sup>F386</sup>**25.** The Welsh Ministers shall approve minimum energy performance requirements for new buildings, in the form of target CO<sub>2</sub> emission rates, which shall be calculated and expressed in accordance with the methodology approved pursuant to regulation 24.]

#### Extent Information

**E36** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F386** [Reg. 25](#) substituted (with corresponding changes to match the amendments previously made by S.I. 2012/3119, reg. 16, Sch. 1 and S.I. 2013/747, regs. 1(4), 14 but with a reference to "The Welsh Ministers" rather than to "The Secretary of State") (W. for remaining purposes) (8.6.2018) by [The](#)

Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018 (S.I. 2018/558), regs. 1(2), 7(2) (with reg. 29)

<sup>F224</sup> <sup>F225</sup> **Consideration of high-efficiency alternative systems for new buildings** **E**

**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.

<sup>F226</sup> (2) The person carrying out the work must—

- (a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which states that the analysis referred to in paragraph (1) has been undertaken, is documented, and the documentation is available to the regulator for verification purposes;
- (b) in any other case, not later than the beginning of the day before the day on which the work starts, give the building control authority a notice which states that the analysis referred to in paragraph (1) has been undertaken, is documented, and the documentation is available to the authority for verification purposes; and
- (c) ensure that a copy of the analysis is available for inspection at all reasonable times on request by an officer of the building control authority.]

(3) An authorised officer of the <sup>F227</sup>building control authority] may require production of the documentation in order to verify that this regulation has been complied with.

<sup>F228</sup> (3A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

- (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.)]

#### Extent Information

- E11** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F224** [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, 9.7.2013 for specified purposes, 1.1.2019 for specified purposes, 31.12.2020 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 17](#), [Sch. 1](#) (with [regs. 1\(3\)\(4\), 45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5](#), [Sch.](#))
- F225** [Regs. 25A, 25B](#) inserted (W. for remaining purposes) (19.4.2013 for specified purposes, 9.7.2013 for specified purposes, 1.1.2019 for specified purposes, 31.12.2020 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\), 15](#) (with [regs. 1\(2\)\(3\), 35, 36](#))
- F226** [Reg. 25A\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(11\)\(a\)](#) (with [regs. 22-24](#))
- F227** Words in [reg. 25A\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(11\)\(b\)](#) (with [regs. 22-24](#))
- F228** [Reg. 25A\(3A\)](#) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(11\)\(c\)](#) (with [regs. 22-24](#))

#### Modifications etc. (not altering text)

- C6** [S. 25A](#) applied (with modifications) by [S.I. 2010/2215](#), [reg. 20\(1\)](#) (as 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. 39](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#)); and (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\), 32](#) (with [reg. 1\(2\)\(3\)](#))
- C7** [Reg. 25A](#) modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), [regs. 1\(3\), 5\(2\)\(3\)](#) (with [regs. 44-47](#))

### <sup>F387</sup> Consideration of high-efficiency alternative systems for new buildings **W**

**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.)]

#### **Extent Information**

**E37** This version of this provision applies to Wales only; a separate version has been created for England only

#### **Textual Amendments**

**F387** [Regs. 25A, 25B](#) inserted (W. for remaining purposes) (19.4.2013 for specified purposes, 9.7.2013 for specified purposes, 1.1.2019 for specified purposes, 31.12.2020 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **15** (with regs. 1(2)(3), 35, 36)

#### **Modifications etc. (not altering text)**

**C34** S. 25A applied (with modifications) by [S.I. 2010/2215](#), [reg. 20\(1\)](#) (as 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. 39, Sch. 1 (with regs. 1(3), 45-47); and (W. for remaining purposes) (19.4.2013) by The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747), regs. 1(4), 32 (with reg. 1(2)(3)) (as amended (W.) (25.4.2024) by S.I. 2024/447, regs. 1(1), **3(h)** (with reg. 6))

<sup>F224</sup><sup>F225</sup> **Nearly zero-energy requirements for new buildings** **E+W**

<sup>F224</sup>**25B.** Where a building is erected, it must be a nearly zero-energy building.]

**Textual Amendments**

**F224** 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, 9.7.2013 for specified purposes, 1.1.2019 for specified purposes, 31.12.2020 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 17**, Sch. 1 (with [regs. 1\(3\)\(4\), 45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5](#), Sch.)

**F225** Regs. 25A, 25B inserted (W. for remaining purposes) (19.4.2013 for specified purposes, 9.7.2013 for specified purposes, 1.1.2019 for specified purposes, 31.12.2020 in so far as not already in force) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\), 15](#) (with [regs. 1\(2\)\(3\), 35, 36](#))

<sup>F229</sup><sup>F230</sup> **New buildings: minimum energy performance requirements** **E+W**

**25C.** Minimum energy performance requirements <sup>F229</sup>[<sup>F231</sup>must] be approved by the Welsh Ministers, <sup>F229</sup>[<sup>F232</sup>calculated and expressed] in accordance with the methodology approved pursuant to regulation 24, for—

- (a) new buildings <sup>F233</sup>..., in the form of target primary energy <sup>F234</sup>... rates; and
- (b) [<sup>F235</sup>when a dwelling is erected], in the form of target fabric performance values.]

**Textual Amendments**

**F229** [Reg. 25C](#) inserted (with corresponding changes to match the amendments previously made by S.I. 2014/110, [reg. 5](#) and S.I. 2016/611, [reg. 2\(9\)](#)) (with [reg. 1\(3\)](#))(W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 7\(3\)](#) (with [reg. 29](#))

**F230** [Reg. 25C](#) inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), [regs. 1\(3\), 5](#) (with [reg. 1\(2\)](#))

**F231** Word in [reg. 25C](#) substituted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), [regs. 1\(4\), 2\(9\)\(a\)](#) (with [reg. 1\(3\)](#))

**F232** Words in [reg. 25C](#) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), [regs. 1\(4\), 2\(9\)\(b\)](#) (with [reg. 1\(3\)](#))

**F233** Words in [reg. 25C\(a\)](#) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), [regs. 1\(3\), 6\(a\)\(i\)](#) (with [reg. 21](#))

**F234** Word in [reg. 25C\(a\)](#) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), [regs. 1\(3\), 6\(a\)\(ii\)](#) (with [reg. 21](#))

**F235** Words in reg. 25C(b) substituted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **6(b)** (with reg. 21)

### [<sup>F236</sup>Energy efficiency rating **E+W**]

**25D.** Energy efficiency ratings must be approved by the Welsh Ministers, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24 for new buildings.]

#### Textual Amendments

**F236** [Reg. 25D](#) inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **7** (with reg. 21)

### CO<sub>2</sub> emission rates for new buildings **E+W**

**26.** Where a building is erected, it shall not exceed the target CO<sub>2</sub> emission rate for the building that has been approved pursuant to regulation 25 <sup>F237</sup>[<sup>F238</sup>, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24].

#### Textual Amendments

- F237** Words in [reg. 26](#) inserted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(10)** (with reg. 1(3))
- F238** Words in [reg. 26](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(9)** (with reg. 1(3))

### [<sup>F239</sup>Fabric energy efficiency rates] **E**

[<sup>F240</sup>**26A.** Where a dwelling is erected, it shall not exceed the target fabric energy efficiency rate for the dwelling [<sup>F241</sup>that has been approved pursuant to regulation 25, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24].]

#### Extent Information

**E12** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F239** [Reg. 26A](#) heading inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(10)(a)** (with reg. 1(3))
- F240** [Reg. 26A](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/1959\)](#), regs. 1(5), **5** (with regs. 1(3), 9)

**F241** Words in [reg. 26A](#) substituted (E., but only in relation to excepted energy buildings in W.) ((6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(10)(b)** (with [reg. 1\(3\)](#))

**[<sup>F388</sup>Primary energy <sup>F389</sup>... rates for new buildings **W****

**26A.** Where a building <sup>F390</sup>... is erected, it must not exceed the target primary energy <sup>F391</sup>... rate for the building which has been approved pursuant to regulation 25C(a), applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24.]

**Extent Information**

**E38** This version of this provision applies to Wales only; a separate version has been created for England only

**Textual Amendments**

**F388** [Reg. 26A](#) (as previously amended by S.I. 2014/110, regs. 1(3), 6 and S.I. 2016/611, regs. 1(4), 2(11)) substituted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **7(4)** (with [reg. 29](#))

**F389** Word in [reg. 26A](#) heading omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **8(a)** (with [reg. 21](#))

**F390** Words in [reg. 26A](#) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **8(b)** (with [reg. 21](#))

**F391** Word in [reg. 26A](#) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **8(c)** (with [reg. 21](#))

**[<sup>F242</sup><sup>F243</sup>Fabric performance values for new dwellings **E+W****

**26B.** Where a dwelling is erected, it must not exceed the target fabric performance values for the dwelling which have been approved pursuant to regulation 25C(b) <sup>F242</sup>[<sup>F244</sup>, applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24].]

**Textual Amendments**

**F242** [Reg. 26B](#) inserted (with corresponding changes to match the amendments previously made by S.I. 2014/110, reg. 6 and S.I. 2016/611, reg. 2(12)) (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **7(5)** (with [reg. 29](#))

**F243** Regs. 26A, 26B inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), **6** (with regs. 1(2), 10)

**F244** Words in [reg. 26B](#) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(12)** (with [reg. 1\(3\)](#))

### [<sup>F245</sup>Target primary energy rates for new buildings **E**

**26C.** Where a building is erected it must not exceed the target primary energy rate for the building which has been approved pursuant to regulation 25(c), applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24.]

#### Extent Information

**E13** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F245** Reg. 26C inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **6** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)

### [<sup>F392</sup>Minimum energy efficiency rating **W**

**26C.** Where a dwelling is erected, it must equal or exceed the energy efficiency rating for the dwelling which has been approved pursuant to regulation 25D applying the methodology of calculation and expression of the energy performance of buildings approved pursuant to regulation 24 for new buildings.]

#### Extent Information

**E39** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F392** Reg. 26C inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **9** (with reg. 21)

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

**27.**—(1) This regulation applies where a building is erected and regulation 26 applies.

[<sup>F246</sup>(2) The person carrying out the work must—

- (a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—
  - (i) the target CO<sub>2</sub> emission rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
  - (ii) the CO<sub>2</sub> emission rate for the building as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
  - (iii) a list of specifications to which the building is to be constructed;
- (b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of subparagraph (a).

(3) The person carrying out the work must—

- (a) where the new building is a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—
- (i) a notice which specifies—
    - (aa) the target CO<sub>2</sub> emission rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
    - (bb) the CO<sub>2</sub> emission rate for the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
    - (cc) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or
  - (ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);
- (b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).]

(4) A [<sup>F247</sup>building control 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 <sup>F248</sup>[<sup>F249</sup>energy performance certificates] for that category of building.

[<sup>F250</sup>(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

(5) In this regulation, “specifications” means specifications used for the calculation of the CO<sub>2</sub> emission rate.

#### Extent Information

**E14** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F246** Reg. 27(2)(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(12)(a)** (with regs. 22-24)

**F247** Words in reg. 27(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(12)(b)** (with regs. 22-24)

**F248** Words in reg. 27(4) substituted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(13)(e)** (with reg. 1(3))

**F249** Words in reg. 27(4) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(11)(e)** (with reg. 1(3))

**F250** Reg. 27(4A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(12)(c)** (with regs. 22-24)

#### Modifications etc. (not altering text)

**C8** Reg. 27 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(2)**

**C9** Reg. 27 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(4)** (with regs. 44-47)

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

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 CO<sub>2</sub> emission rate for the building [<sup>F393</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24],
- (b) the ... CO<sub>2</sub> emission rate for the building as designed [<sup>F394</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24], 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 CO<sub>2</sub> emission rate for the building [<sup>F395</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24],
  - (ii) the ... CO<sub>2</sub> emission rate for the building as constructed [<sup>F396</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24], 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 [<sup>F397</sup>energy performance certificates] for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the CO<sub>2</sub> emission rate.

### Extent Information

**E40** This version of this provision applies Wales to only; a separate version has been created for England only

### Textual Amendments

**F393** Words in [reg. 27\(2\)\(a\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(11)(a)** (with [reg. 1\(3\)](#))

**F394** Words in [reg. 27\(2\)\(b\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(11)(b)** (with [reg. 1\(3\)](#))

**F395** Words in [reg. 27\(3\)\(a\)\(i\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(11)(c)** (with [reg. 1\(3\)](#))

- F396** Words in reg. 27(3)(a)(ii) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(1)(d)** (with reg. 1(3))
- F397** Words in reg. 27(4) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(1)(e)** (with reg. 1(3))

**Modifications etc. (not altering text)**

- C35** Reg. 27 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(2)** (as amended (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)** (with reg. 6))

**[<sup>F251</sup>Fabric energy efficiency rate calculations **E****

- 27A.**—(1) This regulation applies where a dwelling is erected and regulation 26A applies.
- [<sup>F252</sup>(2) The person carrying out the work must—**
- (a) where the dwelling is within a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—
    - (i) the target fabric energy efficiency rate for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
    - (ii) the fabric energy efficiency rate for the dwelling as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
    - (iii) a list of specifications to which the dwelling is to be constructed;
  - (b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of sub-paragraph (a).
- (3) The person carrying out the work must—
- (a) where the dwelling is within a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—
    - (i) a notice which specifies—
      - (aa) the target fabric energy efficiency rate for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
      - (bb) the fabric energy efficiency rate for the dwelling as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
      - (cc) whether the dwelling has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or
    - (ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);
  - (b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).]



(4) A [<sup>F253</sup>building control authority] is authorised to accept, as evidence that the requirements of regulation 26A have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce [<sup>F254</sup>energy performance certificates] for that category of building.

[<sup>F255</sup>(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

(5) In this Regulation, “specifications” means specifications used for the calculation of the fabric energy efficiency rate.]

#### Extent Information

**E15** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F251** Reg. 27A inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/1959\)](#), regs. 1(5), **6** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F252** Reg. 27A(2)(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(13)(a)** (with regs. 22-24)

**F253** Words in reg. 27A(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(13)(b)** (with regs. 22-24)

**F254** Words in reg. 27A(4) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(12)(e)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F255** Reg. 27A(4A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(13)(c)** (with regs. 22-24)

#### Modifications etc. (not altering text)

**C10** Reg. 27A applied (with modifications) (6.4.2014) by [S.I. 2010/2215](#), **reg. 20(1)(2A)** (as amended by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), 3(3) (with reg. 1(3)))

**C11** Reg. 27A modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(5)** (with regs. 44-47)

### <sup>F257</sup>Primary energy ... rate calculations **W**

**27A.**—(1) This regulation applies where a building <sup>F398</sup>... is erected and regulation 26A applies.

(2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—

- (a) the target primary energy <sup>F399</sup>... rate for the building [<sup>F400</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24];
- (b) the <sup>F401</sup>... primary energy <sup>F402</sup>... rate for the building as designed [<sup>F403</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24]; 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 must give the local authority—

(a) a notice which specifies—

- (i) the target primary energy <sup>F404</sup> ... rate for the building [<sup>F405</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24];
- (ii) the <sup>F406</sup> ... primary energy <sup>F407</sup> ... rate for the building as constructed [<sup>F408</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24]; 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 is authorised to accept, as evidence that the requirements of regulation 26A have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce [<sup>F409</sup>energy performance certificates] for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the primary energy <sup>F410</sup> ... rate.]

#### Extent Information

**E41** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

- F257** Regs. 27A, 27B inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), 7 (with reg. 1(2))
- F398** Words in reg. 27A(1) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(b)** (with reg. 21)
- F399** Word in reg. 27A(2)(a) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(c)** (with reg. 21)
- F400** Words in reg. 27A(2)(a) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(a)** (with reg. 1(3))
- F401** Word in reg. 27A(2)(b) omitted (W. but not in relation to excepted energy buildings) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(b)** (with reg. 1(3))
- F402** Word in reg. 27A(2)(b) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(c)** (with reg. 21)
- F403** Words in reg. 27A(2)(b) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(b)** (with reg. 1(3))
- F404** Word in reg. 27A(3)(a)(i) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(c)** (with reg. 21)
- F405** Words in reg. 27A(3)(a)(i) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(c)** (with reg. 1(3))
- F406** Word in reg. 27A(3)(a)(ii) omitted (W. but not in relation to excepted energy buildings) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(d)** (with reg. 1(3))

- F407** Word in reg. 27A(3)(a)(ii) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(c)** (with reg. 21)
- F408** Words in reg. 27A(3)(a)(ii) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(d)** (with reg. 1(3))
- F409** Words in reg. 27A(4) substituted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(14)(e)** (with reg. 1(3))
- F410** Word in reg. 27A(5) omitted (W.) (23.11.2022) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **10(c)** (with reg. 21)

**Modifications etc. (not altering text)**

- C36** Reg. 27A applied (with modifications) (W.) (31.7.2014) by [S.I. 2010/2215](#), **reg. 20(1)(2A)** (as amended by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), **13** (with [reg. 1\(2\)](#))) (as amended: (W.) (8.6.2018) by [S.I. 2018/558](#), regs. 1(2), **21** (with [reg. 29](#)); and (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)** (with [reg. 6](#)))

<sup>F256</sup><sup>F257</sup> **Fabric performance values calculations** **E+W**

- 27B.**—(1) This regulation applies where a dwelling is erected and regulation 26B applies.
- (2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—
- (a) the target fabric performance values for the dwelling <sup>F256</sup><sup>F258</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24];
  - (b) the <sup>F256</sup><sup>F259</sup>... fabric performance values for the dwelling as designed <sup>F256</sup><sup>F260</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24]; and
  - (c) a list of specifications to which the dwelling is to be constructed.
- (3) Not later than five days after the work has been completed, the person carrying out the work must give the local authority—
- (a) a notice which specifies—
    - (i) the target fabric performance values for the dwelling <sup>F256</sup><sup>F261</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24];
    - (ii) the <sup>F256</sup><sup>F262</sup>... fabric performance values for the dwelling as constructed <sup>F256</sup><sup>F263</sup>, calculated and expressed in accordance with the methodology approved pursuant to regulation 24]; and
    - (iii) whether the dwelling 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 is authorised to accept, as evidence that the requirements of regulation 26B have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce <sup>F256</sup><sup>F264</sup>energy performance certificates] for that category of building.
- (5) In this regulation, “specifications” means specifications used for the calculation of the fabric performance values.]

### Textual Amendments

- F256** Reg. 27B inserted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), 7(7) (with reg. 29)
- F257** Regs. 27A, 27B inserted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), 7 (with reg. 1(2))
- F258** Words in reg. 27B(2)(a) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(a) (with reg. 1(3))
- F259** Word in reg. 27B(2)(b) omitted (W. but not in relation to excepted energy buildings) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(b) (with reg. 1(3))
- F260** Words in reg. 27B(2)(b) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(b) (with reg. 1(3))
- F261** Words in reg. 27B(3)(a)(i) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(c) (with reg. 1(3))
- F262** Word in reg. 27B(3)(a)(ii) omitted (W. but not in relation to excepted energy buildings) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(d) (with reg. 1(3))
- F263** Words in reg. 27B(3)(a)(ii) inserted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(d) (with reg. 1(3))
- F264** Words in reg. 27B(4) substituted (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 2(15)(e) (with reg. 1(3))

### Modifications etc. (not altering text)

- C12** Reg. 27B applied (with modifications) by S.I. 2010/2215, [reg. 20\(1\)\(2B\)](#) (as inserted (W.) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), 13 (with reg. 1(2))) (as amended: (W.) (8.6.2018) by S.I. 2018/558, regs. 1(2), 21 (with reg. 29); and (W.) (25.4.2024) by S.I. 2024/447, regs. 1(1), 3(h) (with reg. 6))

## <sup>F265</sup> Target primary energy rate calculations for new buildings **E**

**27C.**—(1) This regulation applies where a building is erected.

<sup>F266</sup>(2) The person carrying out the work must—

- (a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—
- (i) the target primary energy rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
  - (ii) the calculated target primary energy rate for the building as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
  - (iii) a list of specifications to which the building is to be constructed;

- (b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of sub-paragraph (a).
- (3) The person carrying out the work must—
- (a) where the new building is a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—
- (i) a notice which specifies—
- (aa) the target primary energy rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
- (bb) the calculated target primary energy rate for the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
- (cc) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or
- (ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);
- (b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).]
- (4) A [<sup>F267</sup>building control authority] is authorised to accept, as evidence that the requirements of regulation 26C have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce energy performance certificates for that category of building.

[<sup>F268</sup>(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

(5) In this regulation, “specifications” means specifications used for the calculation of the target primary energy rate.]

#### Extent Information

**E16** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F265** Reg. 27C inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), 7 (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), 3)
- F266** Reg. 27C(2)(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 7(14)(a) (with regs. 22-24)
- F267** Words in reg. 27C(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 7(14)(b) (with regs. 22-24)
- F268** Reg. 27C(4A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 7(14)(c) (with regs. 22-24)

#### **Modifications etc. (not altering text)**

- C13** Reg. 27C applied (with modifications) by S.I. 2010/2215, **reg. 20(1)(2C)** (as inserted (15.6.2022) by The Building Regulations etc. (Amendment) (England) Regulations 2021 (S.I. 2021/1391), regs. 1(1), **16(b)(c)** (with regs. 1(2), 17)) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- C14** Reg. 27C modified (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **5(6)** (with regs. 44-47)

#### **[<sup>F411</sup>Energy efficiency rating calculations **W****

- 27C.**—(1) This regulation applies where a dwelling is erected and regulation 26C applies.
- (2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—
- (a) the energy efficiency rating for the dwelling as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
  - (b) a list of specifications to which the dwelling is to be constructed.
- (3) Not later than five days after the work has been completed, the person carrying out the work must give the local authority—
- (a) a notice which specifies—
    - (i) the target energy efficiency rating for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
    - (ii) the energy efficiency rating of the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
    - (iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(b), 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 is authorised to accept as evidence that the requirements of regulation 26C have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce energy performance certificates for that category of building.]

#### **Extent Information**

- E42** This version of this provision applies to Wales only; a separate version has been created for England only

#### **Textual Amendments**

- F411** Reg. 27C inserted (W.) (23.11.2022) by The Building (Amendment) (Wales) Regulations 2022 (S.I. 2022/564), regs. 1(3), **11** (with reg. 21)

#### **Modifications etc. (not altering text)**

- C37** Reg. 27C applied (with modifications) by S.I. 2010/2215, **reg. 20(1)(2C)** (as inserted (W.) (23.11.2022) by The Building (Amendment) (Wales) Regulations 2022 (S.I. 2022/564), regs. 1(3), **20** (with reg. 21)) (as amended (W.) (25.4.2024) by S.I. 2024/447, regs. 1(1), **3(h)** (with reg. 6))

## Consequential improvements to energy performance **E**

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

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

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

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

### Extent Information

**E17** This version of this provision applies to England only; a separate version has been created for Wales only

## Consequential improvements to energy performance **W**

<sup>F412</sup>[<sup>F413</sup>**28.**—(1) Paragraph (3) applies to an existing building with a total useful floor area over 1000m<sup>2</sup> where the proposed building work consists of or includes—

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

(2) Paragraph (3) applies to an existing building where the proposed building work consists of or includes—

- (a) an extension; or
- (b) the extension of the building's heating system or the provision of a fixed heating appliance, to heat a previously unheated space.

(3) Subject to paragraph (4), 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.

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

### Extent Information

**E43** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

**F412** Reg. 28 substituted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), 7(8) (with reg. 29)

**F413** Reg. 28 substituted (W. but not in relation to excepted energy buildings) (31.7.2014) by [The Building \(Amendment\) \(Wales\) Regulations 2014 \(S.I. 2014/110\)](#), regs. 1(3), 8 (with regs. 1(2), 10)

**Energy performance certificates** **E+W**

F269F270 **29.** .....

**Textual Amendments**

- F269** Reg. 29 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(13)** (with reg. 1(3))
- F270** Reg. 29 omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(16)** (with reg. 1(3))

**Recommendation reports** **E+W**

F271F272 **29A.** .....

**Textual Amendments**

- F271** Regs. 29A-33 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(14)** (with reg. 1(3))
- F272** Regs. 29A-33 omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(17)** (with reg. 1(3))

**Energy assessors** **E+W**

F271F272 **30.** .....

**Textual Amendments**

- F271** Regs. 29A-33 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(14)** (with reg. 1(3))
- F272** Regs. 29A-33 omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(17)** (with reg. 1(3))

**Related party disclosures** **E+W**

F271F272 **31.** .....

**Textual Amendments**

- F271** Regs. 29A-33 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(14)** (with reg. 1(3))
- F272** Regs. 29A-33 omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(17)** (with reg. 1(3))



**Duty of care** **E+W**

<sup>F271F272</sup>**32.** .....

**Textual Amendments**

- F271** Regs. 29A-33 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of *The Building Regulations &c. (Amendment) Regulations 2016* (S.I. 2016/285), regs. 1(4), **2(14)** (with reg. 1(3))
- F272** Regs. 29A-33 omitted (W. for remaining purposes) (17.6.2016) by virtue of *The Building Regulations &c. (Amendment) (Wales) Regulations 2016* (S.I. 2016/611), regs. 1(4), **2(17)** (with reg. 1(3))

**Right to copy documents** **E+W**

<sup>F271F272</sup>**33.** .....

**Textual Amendments**

- F271** Regs. 29A-33 omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of *The Building Regulations &c. (Amendment) Regulations 2016* (S.I. 2016/285), regs. 1(4), **2(14)** (with reg. 1(3))
- F272** Regs. 29A-33 omitted (W. for remaining purposes) (17.6.2016) by virtue of *The Building Regulations &c. (Amendment) (Wales) Regulations 2016* (S.I. 2016/611), regs. 1(4), **2(17)** (with reg. 1(3))

<sup>F273</sup>**Application of building regulations to educational buildings, buildings of statutory undertakers and Crown Buildings** **E+W**

**34.**—(1) Regulations [<sup>F274</sup>11(3),] 21, 23(1)(a), <sup>F275</sup>[<sup>F276</sup>25][<sup>F275</sup>25(a)], 25A, 25B, 26 <sup>F277F278</sup>... and 35(1) 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 “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**

- F273** Reg. 34 substituted (6.2.2013) by *The Building Regulations &c. (Amendment) Regulations 2013* (S.I. 2013/181), regs. 1(3), **7**
- F274** Word in reg. 34(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.) (3.6.2013) by *The Building (Amendment) Regulations 2013* (S.I. 2013/1105), regs. 1(2), **3(3)** (with reg. 1(3)(4))
- F275** Word "25(a)" in reg. 34 substituted for “25” (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by *The Building Regulations &c. (Amendment) (No.2) Regulations 2013* (S.I. 2013/1959), regs. 1(5), **7** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

- F276** Word “25” in reg. 34 substituted for “25(a)” (W. in relation to excepted energy buildings) (8.6.2018) by The Building Regulations &c. (Amendment) (Excepted Energy Buildings) (Wales) Regulations 2018 (S.I. 2018/558), regs. 1(2), **7(9)** (with reg. 29)
- F277** Words in reg. 34(1) omitted (W. for remaining purposes) (17.6.2016) by virtue of The Building Regulations &c. (Amendment) (Wales) Regulations 2016 (S.I. 2016/611), regs. 1(4), **2(18)** (with reg. 1(3))
- F278** Words in reg. 34(1) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of The Building Regulations &c. (Amendment) Regulations 2016 (S.I. 2016/285), regs. 1(4), **2(15)** (with reg. 1(3))

## Interpretation of Part 6 **E+W**

### 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;

<sup>F279</sup>[<sup>F280</sup>“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 <sup>F281</sup>[<sup>F282</sup>regulation 22 (accreditation schemes) of the Energy Performance of Buildings (England and Wales) Regulations 2012]; <sup>F283</sup><sup>F284</sup> ...

<sup>F285</sup>[<sup>F286</sup>“energy performance certificate” means a certificate which complies with the requirements of regulation 9 (energy performance certificates) or 9A (energy performance certificates in respect of excluded buildings) of the Energy Performance of Buildings (England and Wales) Regulations 2012;”;

“energy performance of a building” means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;]

<sup>F287</sup>[<sup>F288</sup>“fabric energy efficiency” means the space heating and cooling requirements per square metre of floor area of a new dwelling;]

<sup>F289</sup>[<sup>F290</sup>“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation; <sup>F291</sup> ...

“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];

F287 [F292<sup>cc</sup> “new dwelling” does not include a dwelling that is formed by a material change of use of a building].

F293F294 ...

F295F296(2) .....

### Textual Amendments

- F279** Words in reg. 35(1) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(a)** (with reg. 1(2)(3))
- F280** 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)
- F281** Words in reg. 35(1) substituted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(19)(a)(i)** (with reg. 1(3))
- F282** Words in reg. 35(1) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(16)(a)(i)** (with reg. 1(3))
- F283** 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)
- F284** Word in reg. 35(1) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(b)(i)** (with reg. 1(2)(3))
- F285** Words in reg. 35(1) inserted (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(19)(a)(ii)** (with reg. 1(3))
- F286** Words in reg. 35(1) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(16)(a)(ii)** (with reg. 1(3))
- F287** Definitions of “fabric energy efficiency” and “new dwelling” in reg. 35 omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **7(10)** (with reg. 29)
- F288** Words in reg. 35 inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/1959\)](#), regs. 1(5), **8** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F289** Words in reg. 35(1) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(b)(ii)** (with reg. 1(2)(3))
- F290** 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(b)(ii)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F291** Word in reg. 35 omitted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(7)(a)** (with reg. 1(3))
- F292** Words in reg. 35 inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), regs. 1(4)(b), **2(7)(b)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

- F293** 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)
- F294** Words in reg. 35(1) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\)](#), [20\(b\)\(iii\)](#) (with reg. 1(2)(3))
- F295** Reg. 35(2) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), [regs. 1\(4\)](#), [2\(16\)\(b\)](#) (with reg. 1(3))
- F296** Reg. 35(2) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), [regs. 1\(4\)](#), [2\(19\)\(b\)](#) (with reg. 1(3))

## PART 7 **E+W**

### Water Efficiency

#### Water efficiency of new dwellings **E**

<sup>F297</sup>**36.**—(1) The potential consumption of wholesome water by persons occupying a new dwelling must not exceed the requirement in paragraph (2).

(2) The requirement referred to in paragraph (1) is either—

- (a) 125 litres per person per day; or
- (b) in a case to which paragraph (3) applies, the optional requirement of 110 litres per person per day,

as measured in either case in accordance with a methodology approved by the Secretary of State.

(3) This paragraph applies where the planning permission under which the building work is carried out—

- (a) specifies the optional requirement in paragraph (2)(b); and
- (b) makes it a condition that that requirement must be complied with.

(4) In this Part, “new dwelling” does not include a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(g).]

#### Extent Information

**E18** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F297** [Reg. 36](#) substituted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\)](#), [2\(8\)](#) (with [regs. 1\(3\)](#), 4) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

#### Water efficiency of new dwellings **W**

<sup>F414</sup>**36.**—(1) This regulation applies where a dwelling is—

- (a) erected; or
  - (b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).
- (2) The potential consumption of wholesome water by persons occupying a dwelling to which this regulation applies must not exceed the requirement in paragraph (3).
- (3) The requirement referred to in paragraph (2) is—
- (a) where a dwelling is erected, 110 litres per person per day; or
  - (b) where a dwelling is formed by a material change of use of a building within the meaning of regulation 5(a) or (b), 125 litres per person per day,
- as measured in either case in accordance with a methodology approved by the Welsh Ministers.]

#### Extent Information

**E44** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F414** [Reg. 36](#) substituted (W.) (1.11.2018) by [The Building \(Amendment\) \(Wales\) Regulations 2018 \(S.I. 2018/552\)](#), [regs. 1\(3\), 3\(1\)](#) (with [reg. 6](#))

### Wholesome water consumption calculation **E**

<sup>[F298]</sup>**37.**—(1) Where regulation 36 applies, the person carrying out the work must give the <sup>[F299]</sup>building control authority] a notice which specifies—

- (a) which of the requirements in regulation 36(2)(a) or (b) applies to the dwelling; and
- (b) the potential consumption of wholesome water per person per day in relation to the completed dwelling.]

<sup>[F300]</sup>(2) The person carrying out the work must—

- (a) where the dwelling is within a higher-risk building, ensure the notice accompanies the application for a completion certificate in relation to the work;
- (b) in any other case, give the notice to the building control authority not later than five days after the work has been completed.

(3) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

#### Extent Information

**E19** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F298** [Reg. 37\(1\)](#) substituted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(9\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

*Changes to legislation:* There are currently no known outstanding effects for the The Building Regulations 2010. (See end of Document for details)

- F299** Words in reg. 37(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(15)(a)** (with regs. 22-24)
- F300** Reg. 37(2)(3) substituted for reg. 37(2) (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(15)(b)** (with regs. 22-24)

**Modifications etc. (not altering text)**

- C15** Reg. 37 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(4)**
- C16** Reg. 37 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(7)** (with regs. 44-47)

**Wholesome water consumption calculation** **W**

[<sup>F415</sup>**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 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.

**Extent Information**

- E45** This version of this provision applies to Wales only; a separate version has been created for England only

**Textual Amendments**

- F415** Reg. 37(1) substituted (W.) (1.11.2018) by [The Building \(Amendment\) \(Wales\) Regulations 2018 \(S.I. 2018/552\)](#), regs. 1(3), **3(2)** (with reg. 6)

**Modifications etc. (not altering text)**

- C38** Reg. 37 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(4)** (as amended (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)** (with reg. 6)))

<sup>F301</sup><sup>F302</sup>**PART 7A** **E+W**

Automatic fire suppression systems

**Textual Amendments**

- F301** Pt. 7A inserted (with minor changes to the text of reg. 37A(1)(a) and matching text for substituted reg. 37A(1)(b)(i)) (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **9** (with reg. 29)
- F302** Pt. 7A inserted (W., but not in relation to excepted energy buildings) (30.4.2014 for specified purposes, 1.1.2016 in so far as not already in force) by [The Building Regulations &c. \(Amendment No. 3\) and Domestic Fire Safety \(Wales\) Regulations 2013 \(S.I. 2013/2730\)](#), regs. 1(2), **4(2)** (with regs. 1(3), 6)

## Provision of automatic fire suppression systems **E+W**

**37A.**—(1) This regulation applies where building work consists of the erection or material change of use of a building in relation to—

- (a) care homes [<sup>F303</sup>, which][<sup>F304</sup> means places at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, [<sup>F305</sup>is] provided wholly or mainly to persons aged 18 or over];
- (b) rooms for residential purposes other than rooms in—
  - <sup>F301</sup>[<sup>F306</sup>(i) a hostel providing temporary accommodation to those who are ordinarily resident elsewhere;]
  - (ii) an hotel;
  - (iii) a prison or young offender institution; and
  - (iv) a hospital;
- (c) dwelling-houses and flats,

subject to paragraphs (4) and (5).

(2) For the purposes of this regulation a material change of use comprises or includes a change of use within regulation 5 (a), (b), (c), (d), (g), (h) or (i).

(3) A building to which this regulation applies must be provided with an automatic fire suppression system which is installed and operates in accordance with the requirements set in regulation 37B.

(4) This regulation does not apply to buildings which are—

- (a) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (b) in a conservation area designated in accordance with section 69 of that Act; or
- (c) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979,

where installation of a fire suppression system would unacceptably alter their character or appearance.

(5) This regulation does not apply to temporary buildings with a planned time of use of two years or less.

### Textual Amendments

**F303** Word in reg. 37A(1)(a) inserted (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(7)(a)** (with regs. 1(3), 3)

**F304** Words in reg. 37A(1)(a) substituted (W., but not in relation to excepted energy buildings) (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018 \(S.I. 2018/48\)](#), reg. 1(2), **Sch. 1 para. 23(2)**

**F305** Word in reg. 37A(1)(a) substituted (W.) (13.1.2020) by [The Building \(Amendment\) \(Wales\) Regulations 2019 \(S.I. 2019/1499\)](#), regs. 1(4), **2(7)(b)** (with regs. 1(3), 3)

**F306** Reg. 37A(1)(b)(i) substituted (W., but not in relation to excepted energy buildings) (1.4.2018) by [The Building \(Amendment\) \(Wales\) Regulations 2017 \(S.I. 2017/1274\)](#), regs. 1(2)(c), **2(2)** (with regs. 1(3), 3)

## Requirements of automatic fire suppression systems **E+W**

**37B.** For the purposes of regulation 37A(3), the requirements of an automatic fire suppression system are the requirements set out in any document approved and issued under section 6 of the Building Act 1984 for the purpose of providing practical guidance as to the requirements of regulation 37A.]

## PART 8 **E+W**

### Information to be Provided by the Person Carrying Out Work

#### Fire safety information **E**

**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.

[<sup>F307</sup>(2) The person carrying out the work must give fire safety information to the responsible person no later than—

- (a) where the building, proposed building or extension to which the building work relates is not occupied during the building work, the date of completion of the work or the date of occupation of the building or the extension, whichever is the earlier;
- (b) in any other case, the date of completion of the work.

(2A) The responsible person must give the person carrying out the work a notice acknowledging receipt of the fire safety information and confirming the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work in question.

(2B) Subject to paragraph (2D), the person carrying out the work must give a notice to the relevant authority—

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and
- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2C) The notification under paragraph (2B) must be given no later than—

- (a) where regulation 20 (provisions applicable to self-certification schemes) applies to the work, 30 days after the date referred to in paragraph (2),
- (b) in any other case, five days after the date referred to in paragraph (2).

(2D) Paragraphs (2B) and (2C) do not apply where regulation 20A (provisions applicable to third party certification schemes) applies to the work and instead paragraphs (2E) to (2G) apply.

(2E) Where this paragraph applies, the person carrying out the work must notify the third party certifier appointed under regulation 12(6)(c)—

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and



- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2F) The notification under paragraph (2E) must be given no later than seven days after the date referred to in paragraph (2).

(2G) Within 30 days of receiving the notification under paragraph (2E) the third party certifier appointed under regulation 12(6)(c) must notify the relevant authority confirming receipt of the notification under paragraph (2E).]

(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.

#### Extent Information

**E20** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F307** Reg. 38(2)-(2G) substituted for reg. 38(2) (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **13(1)** (with regs. 22-24)

#### Modifications etc. (not altering text)

**C17** Reg. 38 applied (E.) (1.10.2023) by S.I. 2010/2215, Sch. 4 para. 4A (as inserted by [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#) (S.I. 2023/906), regs. 1(2), **13(3)** (with regs. 20, 23-25))

**C18** Reg. 38 applied (with modifications) (E.) (1.10.2023) by S.I. 2010/2215, reg. 20(1)(4A) (as amended by [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#) (S.I. 2023/906), regs. 1(2), **13(1)(a)-(c)** (with regs. 20, 23-25))

**C19** Reg. 38 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024](#) (S.I. 2024/110), regs. 1(3), **5(8)** (with regs. 44-47)

### Fire safety information **W**

**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.

#### **Extent Information**

**E46** This version of this provision applies to Wales only; a separate version has been created for England only

#### **Information about ventilation** **E+W**

**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** **E+W**

**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.

#### **<sup>F308</sup>Information about systems for on-site generation of electricity** **E+W**

**40A.**—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 applies.

(2) The person carrying out the work must, not later than five days after the work has been completed, provide to the owner sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use.

### Textual Amendments

- F308** Regs. 40A, 40B inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **8** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- Regs. 40A, 40B inserted (W.) (with a difference in the wording of reg. 40B(1)) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **12** (with reg. 21)

### Information about overheating **E+W**

**40B.**—(1) This regulation applies to building work in respect of a building where Part O of Schedule 1 applies [<sup>F308</sup>where Part O of Schedule 1 imposes a requirement in relation to building work.]

(2) The person carrying out the work must, not later than five days after the work has been completed, give sufficient information to the owner about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating.]

### Textual Amendments

- F308** Regs. 40A, 40B inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **8** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- Regs. 40A, 40B inserted (W.) (with a difference in the wording of reg. 40B(1)) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **12** (with reg. 21)

## PART 9 **E+W**

### Testing and Commissioning

#### Sound insulation testing **E**

**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 [<sup>F309</sup>building control 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

[<sup>F310</sup>(b) given—

- (i) in the case where the building work is higher-risk building work, to the regulator with the application for a completion certificate in relation to the work;
- (ii) in any other case, to the building control authority not later than the date on which the notice required by regulation 16(4) is given.]

[<sup>F311</sup>(3A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of [<sup>F312</sup>the results of the testing] it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

(4) [<sup>F313</sup>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 building control authority—

- (i) in the case of building work which is higher-risk building work, not later than the date on which the application for building control approval for the work is submitted,
- (ii) in any other case, not later than the date on which notice of intention to start work is given under regulation 16(1),

that, for the purposes 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, 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.

#### Extent Information

**E21** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F309** Words in reg. 41(2)(b) (E.) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(16)(a)** (with regs. 22-24)
- F310** Reg. 41(3)(b) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(16)(b)** (with regs. 22-24)
- F311** Reg. 41(3A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(16)(c)** (with regs. 22-24)
- F312** Words in reg. 41(3A) substituted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **38(5)**
- F313** Words in reg. 41(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(16)(d)** (with regs. 22-24)

#### Modifications etc. (not altering text)

- C20** 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)**)
- C21** Reg. 41 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(5)**

**C22** Reg. 41 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(9)** (with regs. 44-47)

## Sound insulation testing **W**

- 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, 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.

### Extent Information

**E47** This version of this provision applies to Wales only; a separate version has been created for England only

### Modifications etc. (not altering text)

**C39** Reg. 41 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(5)** (as amended as amended (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)(i)** (with reg. 6))

## Mechanical ventilation air flow rate testing **E**

**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 [<sup>F314</sup>building control 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 [<sup>F315</sup>building control authority] not later than five days after the final test is carried out.

[<sup>F316</sup>(4) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

### Extent Information

**E22** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

**F314** Words in reg. 42(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(17)(a)** (with regs. 22-24)

**F315** Words in reg. 42(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(17)(a)** (with regs. 22-24)

**F316** Reg. 42(4) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(17)(b)** (with regs. 22-24)

### Modifications etc. (not altering text)

**C23** Reg. 42 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)**

**C24** Reg. 42 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(2)(3)** (with regs. 44-47)

## Mechanical ventilation air flow rate testing **W**

**42.**—[<sup>F416</sup>(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to—

- (a) the creation of a new dwelling by building work; or
- (b) an existing dwelling which undergoes building work for the provision or extension of any fixed building system for mechanical ventilation.

(1A) Paragraph (1)(b) excludes building work to which Schedule 4 applies.]

(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 [<sup>F417</sup>, other than when Schedules 3 or 4 apply.]
- (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.

#### Extent Information

**E48** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F416** Reg. 42(1)(1A) substituted for reg. 42(1) (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **13(a)** (with reg. 21)

**F417** Words in reg. 42(2)(b) substituted for full stop (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **13(b)** (with reg. 21)

#### Modifications etc. (not altering text)

**C40** Reg. 42 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)** (as amended (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)** (with reg. 6))

### Pressure testing **E+W**

**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 [<sup>F317</sup> [<sup>F318</sup> and regulation 26A] 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 [<sup>F319</sup>local authority][<sup>F319</sup>building control 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 [<sup>F320</sup>local authority][<sup>F320</sup>building control authority] not later than seven days after the final test is carried out.

(4) A [<sup>F321</sup>local authority][<sup>F321</sup>building control 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 <sup>F322F323</sup> ... <sup>F324</sup> [Elmhurst Energy Systems Limited]<sup>F326</sup> [<sup>F327</sup> or the Air Tightness Testing and Measurement Association] 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.

<sup>F328</sup>(6) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

### Textual Amendments

- F317** Words “and regulation 26A” in [reg. 43\(2\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\)](#), **10** (with [reg. 29](#))
- F318** Words in [reg. 43\(2\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), [regs. 1\(4\)](#), **2(7)** (with [reg. 1\(3\)](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F319** Words in [reg. 43\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), **7(18)(a)** (with [regs. 22-24](#))
- F320** Words in [reg. 43\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), **7(18)(a)** (with [regs. 22-24](#))
- F321** Words in [reg. 43\(4\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), **7(18)(a)** (with [regs. 22-24](#))
- F322** Words in [reg. 43\(4\)](#) omitted (W. for remaining purposes) (31.12.2015) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2015 \(S.I. 2015/1486\)](#), [regs. 1\(3\)\(b\)](#), **4(b)** (with [reg. 1\(2\)](#))
- F323** Words in [reg. 43\(4\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (31.12.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(c\)](#), **2(10)(b)** (with [reg. 1\(3\)](#))
- F324** Words in [reg. 43\(4\)](#) substituted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), [regs. 1\(3\)](#), **14** (with [reg. 21](#))
- F325** Words in [reg. 43\(4\)](#) substituted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), [regs. 1\(1\)](#), **9** (with [reg. 1\(2\)](#))
- F326** Words in [reg. 43\(4\)](#) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\)](#), **21** (with [reg. 1\(2\)\(3\)](#))
- F327** 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)
- F328** [Reg. 43\(6\)](#) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), **7(18)(b)** (with [regs. 22-24](#))

### Modifications etc. (not altering text)

- C25** [Reg. 43](#) applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), [regs. 1](#), **20(1)** (as amended (W.) (25.4.2024) by [S.I. 2024/447](#), [regs. 1\(1\)](#), **3(h)** (with [reg. 6](#)))
- C26** [Reg. 43](#) modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), [regs. 1\(3\)](#), **5(2)(3)** (with [regs. 44-47](#))

## Commissioning **E**

**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 [<sup>F329</sup>building control authority] a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the Secretary of State.

[<sup>F330</sup>(4) The notice must be given—

- (a) in the case where the building work is higher-risk building work for which an application for a completion certificate is required, to the regulator with the application;
- (b) in any other case, to the building control authority—
  - (i) not later than the date on which the notice required by regulation 16(4) is required to be given; or
  - (ii) where that regulation does not apply, not more than 30 days after completion of the work.

(5) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

#### Extent Information

**E23** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F329** Words in [reg. 44\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(19)(a)** (with regs. 22-24)

**F330** [Reg. 44\(4\)\(5\)](#) substituted for [reg. 44\(4\)](#) (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(19)(b)** (with regs. 22-24)

#### Modifications etc. (not altering text)

**C27** [Reg. 44](#) applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(6)**

**C28** [Reg. 44](#) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(6)**

**C29** [Reg. 44](#) modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(10)** (with regs. 44-47)

## Commissioning **W**

**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.

#### **Extent Information**

**E49** This version of this provision applies to Wales only; a separate version has been created for England only

#### **Modifications etc. (not altering text)**

**C41** Reg. 44 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(6)** (as amended (W.) (25.4.2024) by [S.I. 2024/447](#), regs. 1(1), **3(h)(j)** (with reg. 6))

### **[<sup>F331</sup>Commissioning in respect of a system for on-site electricity generation **E****

**44ZA.**—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any system for on-site electricity generation where testing and adjustment is not possible.

(2) Where this regulation applies the person carrying out the work must, for the purpose of ensuring compliance with paragraph L2 of Schedule 1, give to the [<sup>F332</sup>building control authority] a notice confirming that the system for on-site electricity generation has been commissioned.

[<sup>F333</sup>(3) The notice must be given—

- (a) in the case where the building work is higher-risk building work for which an application for a completion certificate is required, to the regulator with the application;
- (b) in any other case, to the building control authority—
  - (i) not later than the date on which the notice required by regulation 16(4) is required to be given; or
  - (ii) where that regulation does not apply, not more than 30 days after completion of the work.

(4) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]]

#### **Extent Information**

**E24** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F331** Reg. 44ZA inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021](#) (S.I. 2021/1391), regs. 1(1), **10** (with regs. 1(2), 17) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- F332** Words in reg. 44ZA(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **7(20)(a)** (with regs. 22-24)
- F333** Reg. 44ZA(3)(4) substituted for reg. 44ZA(3) (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **7(20)(b)** (with regs. 22-24)

### Modifications etc. (not altering text)

- C30** Reg. 44ZA applied (with modifications) by S.I. 2010/2215, **reg. 20(1)(6A)** (as inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021](#) (S.I. 2021/1391), regs. 1(1), **16** (with regs. 1(2), 17)) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- C31** Reg. 44ZA modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024](#) (S.I. 2024/110), regs. 1(3), **5(11)** (with regs. 44-47)

## [<sup>F418</sup>Commissioning in respect of a system for on-site electricity generation **W**

**44ZA.**—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any system for on-site electricity generation where testing and adjustment is not possible.

(2) Where this regulation applies the person carrying out the work must, for the purpose of ensuring compliance with paragraph L2 of Schedule 1, give to the local authority a notice confirming that the system for on-site electricity generation has been commissioned.

(3) The notice must 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.]

### Extent Information

- E50** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

- F418** Reg. 44ZA inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022](#) (S.I. 2022/564), regs. 1(3), **15** (with reg. 21)

### Modifications etc. (not altering text)

- C42** Reg. 44ZA applied (with modifications) by S.I. 2010/2215, **reg. 20(1)(6A)** (as inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022](#) (S.I. 2022/564), regs. 1(3), **20** (with reg. 21)) (as amended (W.) (25.4.2024) by S.I. 2024/447, regs. 1(1), **3(h)(k)** (with reg. 6))

<sup>F334</sup><sup>F335</sup> PART 9A **E+W**

<sup>F336</sup> Physical infrastructure for high speed electronic communications networks]<sup>F336</sup> [Infrastructure for electronic communications]

**Textual Amendments**

- F334** Pt. 9A inserted (with s. 44A(1)(2) and without s. 44B(a)(iii) and word) (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016 \(S.I. 2016/490\)](#), regs. 1(4), **2(4)** (with regs. 1(3), 3) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F335** Pt. 9A inserted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/361\)](#), regs. 1(4), **2(4)** (with regs. 1(3), 3)
- F336** Pt. 9A heading substituted (E.) (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 4** (with reg. 3)

<sup>F337</sup> **Exemptions from paragraphs RA1 and RA2 of Schedule 1** **E+W**

**44ZB.**—(1) The requirements of paragraphs RA1 and RA2 of Schedule 1 (gigabit-ready physical infrastructure and connection to gigabit-capable network) do not apply to buildings—

- (a) to be occupied by the Ministry of Defence or the armed forces of the Crown, or
- (b) to be otherwise occupied for purposes connected to national security.

(2) The requirements of paragraph RA1 of Schedule 1 do not apply in relation to a building if all the following conditions are met—

- (a) the building is situated in an area that is isolated from public electronic communications networks of any of the kinds mentioned in regulation 44ZC(2) or (3),
- (b) paragraph RA2 of that Schedule does not apply because the case falls within regulation 44ZC(4), and
- (c) the prospect of a connection with a network of any of the kinds mentioned in regulation 44ZC(2) or (3) is considered too remote to justify equipping the building with gigabit-ready physical infrastructure or an access point.

**Textual Amendments**

- F337** Regs. 44ZB, 44ZC inserted (E.) (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 5** (with reg. 3)

**Cases in which paragraph RA2 of Schedule 1 modified or excluded** **E+W**

**44ZC.**—(1) The requirement in paragraph RA2 of Schedule 1 has effect subject to paragraphs (2) to (4).

(2) Where a person carrying out building work of the kind described in the second column of paragraph RA1 of Schedule 1 (“the developer”)—

- (a) is unable to secure the provision of a connection with a gigabit-capable public electronic communications network for a cost not exceeding the cost cap, but
- (b) is able to secure the provision of a connection with a high-speed public electronic communications network for such a cost,

paragraph RA2 of Schedule 1 is to be read as requiring the provision of a connection with a high-speed public electronic communications network.

- (3) Where the developer—
- (a) is unable to secure the provision of a connection with a high-speed public electronic communications network for a cost not exceeding the cost cap, but
  - (b) is able to secure the provision of a connection with a USO-standard public electronic communications network for such a cost,

paragraph RA2 of Schedule 1 is to be read as requiring the provision of a connection with a USO-standard public electronic communications network.

(4) Where the developer is unable to secure the provision of a connection with a USO-standard public electronic communications network for a cost not exceeding the cost cap, paragraph RA2 of Schedule 1 does not apply.

- (5) In paragraphs (2) to (4)—

“high-speed public electronic communications network” means a public electronic communications network that is a high-speed electronic communications network;

“USO-standard public electronic communications network” means a public electronic communications network that provides at least the minimum download speed for the time being specified by virtue of section 65(2B)(a) of the Communications Act 2003 in the universal service order (as defined by section 151(1) of that Act).

(6) The developer is to be treated as being able to secure the provision of a connection mentioned in any of paragraphs (2) to (4) for a cost not exceeding the cost cap unless—

- (a) the developer has invited at least two suitable providers to make, before the end of the 30th day after the date of the invitation, an offer to provide a connection of the kind mentioned in the paragraph in question, and
- (b) none of those providers has before that time offered to provide that connection free of charge or at a cost not exceeding the cost cap.

(7) The cost cap is £2,000 in respect of each dwelling.

(8) In calculating the cost to the developer of securing the provision of a connection—

- (a) there is to be included value added tax;
- (b) there is to be excluded—
  - (i) the cost to the developer of installing gigabit-ready physical infrastructure in accordance with paragraph RA1 of Schedule 1,
  - (ii) administrative costs of the developer, and
  - (iii) the cost to an end-user (as defined by section 151(1) of the Communications Act 2003) of the provision of a public electronic communications service.

(9) In paragraph (6)(a) “suitable provider” means the provider of a public electronic communications network whom the developer reasonably considers to be likely to be able to provide the connection referred to.]

#### **Textual Amendments**

**F337** Regs. 44ZB, 44ZC inserted (E.) (26.12.2022) by *The Building etc. (Amendment) (England) (No. 2) Regulations 2022 (S.I. 2022/984)*, reg. 1(4), **Sch. para. 5** (with reg. 3)

### Application of paragraph R1 of Schedule 1 to educational buildings, buildings of statutory undertakers and Crown buildings **E**

<sup>F334</sup>**44A.**—(1) The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 apply (insofar as applicable to other buildings) also 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 “educational buildings and buildings of statutory undertakers” means buildings that fall within paragraphs (a), (b) or (c) of section 4(1) of the Act]

#### Extent Information

**E25** This version of this provision applies to England only; a separate version has been created for Wales only

### <sup>F419</sup>Application of paragraph R1 of Schedule 1 to educational buildings, buildings of statutory undertakers and Crown buildings **W**

<sup>F420</sup>**44A.** The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 apply to—

- (a) educational buildings and buildings of statutory undertakers, falling within paragraphs (a), (b) or (c) of section 4(1) of the Act (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.]]

#### Extent Information

**E51** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F419** Pt. 9A inserted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/361\)](#), regs. 1(4), **2(4)** (with regs. 1(3), 3)

**F420** Reg. 44A substituted (W. for remaining purposes) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **11(1)** (with reg. 29)

### Exemptions from paragraph R1 of Schedule 1 **E+W**

**44B.** The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 do not apply to the following types of building or building work—

- (a) buildings which are—

- (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, <sup>F338</sup>[<sup>F334</sup>or]
  - (ii) in a conservation area designated in accordance with section 69 of that Act, <sup>F339</sup>[<sup>F334</sup>or
  - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979,]
- where compliance with paragraph R1 of Schedule 1 would unacceptably alter their character or appearance;
- (b) buildings—
    - (i) occupied by the Ministry of Defence or the armed forces of the Crown, or
    - (ii) otherwise occupied for purposes connected to national security;
  - (c) buildings situated in isolated areas where the prospect of high-speed connection is considered too remote to justify equipping the building with high-speed ready in-building physical infrastructure or an access point;
  - (d) major renovation works in cases in which the cost of compliance with paragraph R1 of Schedule 1 would be disproportionate to the benefit gained.

#### Textual Amendments

- F338** Word "or" in [reg. 44B\(a\)\(i\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\)](#), [11\(2\)\(a\)](#) (with [reg. 29](#))
- F339** [Reg. 44B\(a\)\(iii\)](#) and word "; or" inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\)](#), [11\(2\)\(b\)\(c\)](#) (with [reg. 29](#))

#### Interpretation of [<sup>F340</sup>Part 9A and of] Part R of Schedule 1 **E+W**

**44C.** In [<sup>F341</sup>this Part and in] Part R of Schedule 1—

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed ready in-building physical infrastructure [<sup>F342</sup>, or as the case requires the gigabit-ready physical infrastructure,] is made available;

[<sup>F343</sup>“gigabit-capable electronic communications network” means an electronic communications network that is capable of delivering broadband access services at download speeds of at least 1,000 Mbps;

“gigabit-capable public electronic communications network” means a public electronic communications network that is a gigabit-capable electronic communications network;

“gigabit-ready physical infrastructure” means physical infrastructure or installations, including elements under joint ownership, intended to host wired or wireless gigabit-capable public electronic communications networks;]

“high-speed electronic communications network” means an electronic communications network which is capable of delivering broadband access services at speeds of at least 30 Mbps;

“high-speed ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

“major renovation works” means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it;

“network termination point” means a physical point at which an occupier is provided with access to high-speed electronic communications networks.

[<sup>F344</sup>“public electronic communications network” has the meaning given by section 151(1) of the Communications Act 2003.]]

#### Textual Amendments

- F340** Words in reg. 44C heading inserted (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 6(2)** (with reg. 3)
- F341** Words in reg. 44C inserted (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 6(3)** (with reg. 3)
- F342** Words in reg. 44C inserted (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 6(4)** (with reg. 3)
- F343** Words in reg. 44C inserted (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 6(5)** (with reg. 3)
- F344** Words in reg. 44C inserted (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 6(6)** (with reg. 3)

## [<sup>F345</sup>PART 9B **E+W**

### Infrastructure for the charging of electric vehicles

#### Textual Amendments

- F345** Pt. 9B inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/1392\)](#), regs. 1(2), **2(3)** (with regs. 1(4), 4)

#### Application of paragraph S1 of Schedule 1 (the erection of new residential buildings) **E+W**

**44D.**—(1) The requirements of paragraph S1 of Schedule 1 apply in relation to the erection of a new residential building with associated parking as follows.

(2) The number of electric vehicle charge points that must be installed is the maximum number of electric vehicle charge points that it is possible to install at an average sum of £3600 or less for the connection cost of each electric vehicle charge point connection (“the £3600 cap”).

(3) If it is not possible to completely fulfil the requirements of paragraph S1(2) of Schedule 1 as a result of the operation of the £3600 cap, cable routes for electric vehicle charge points must be installed in the associated parking spaces that would otherwise be required to have electric vehicle charge points, but for the operation of the £3600 cap.

(4) Where the new residential building has, or will have, associated parking that is situated within a covered car park—



- (a) if there are or will be any associated parking spaces situated in a position other than in a covered car park—
  - (i) the requirements of paragraph S1 of Schedule 1 must first be applied in relation to those parking spaces; then
  - (ii) if the number of associated parking spaces, which are situated in a position other than in a covered car park, is insufficient to completely fulfil the requirements of paragraph S1(2) of Schedule 1, cable routes for electric vehicle charge points must be installed in—
    - (aa) the number of parking spaces in the covered car park which, when added to the number of associated parking spaces which are situated in a position other than in the covered car park, corresponds to the total number of dwellings with associated parking, where the total number of associated parking spaces is 10 or less;
    - (bb) all the associated parking spaces in the covered car park, where the total number of associated parking spaces is both less than the number of dwellings with associated parking and 10 or less; and
    - (cc) all the associated parking spaces in the covered car park, where the total number of associated parking spaces is more than 10;
- (b) if all the associated parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed—
  - (i) where there are 10 or fewer parking spaces—
    - (aa) in the number of associated parking spaces in the covered car park which corresponds to the total number of dwellings with associated parking;
    - (bb) in all the parking spaces where there are fewer parking spaces than there are dwellings;
  - (ii) in all the parking spaces in the covered car park, where there are more than 10 parking spaces.

**Application of paragraph S2 of Schedule 1 (dwellings resulting from a material change of use)** **E+W**

**44E.**—(1) The requirements of paragraph S2 of Schedule 1 apply to a building, or a part of a building, undergoing a material change of use to result in one or more dwellings as follows.

- (2) The requirements of paragraph S2 of Schedule 1 apply—
  - (a) if—
    - (i) the circumstances specified in regulation 5(a), (b) or (g) apply; and
    - (ii) the material change of use involves building work being done which includes work being done to any of the following—
      - (aa) to a car park that is located within the site boundary of the building, where the nature of the work is such that it would be reasonable to expect that work to include enabling the requirements of paragraph S2 of Schedule 1 to be fulfilled;
      - (bb) the electrical infrastructure of a car park, where that car park is located within the site boundary of the building;
      - (cc) the electrical infrastructure of the building, where a car park is located inside the building;

- (b) subject to paragraph (3), if an electric vehicle charge point for each dwelling resulting from a building, or a part of a building, undergoing a material change of use can be accommodated within the incoming electrical supply to the building without having to upgrade the capacity of the incoming electrical supply to the building; and
  - (c) if the building is not one in relation to which paragraph (4) applies.
- (3) If paragraph (2)(a) and (c) applies, but electric vehicle charge points for some but not all of the dwellings resulting from a building, or a part of a building, undergoing a material change of use can be accommodated within the incoming electrical supply to that building—
- (a) the requirements of paragraph S2 of Schedule 1 apply in respect of the maximum number of electric vehicle charge points that can be accommodated within the incoming electrical supply; and
  - (b) cable routes for electric vehicle charge points must be installed in the associated parking spaces that would otherwise have been required under paragraph S2 of Schedule 1 to have had electric vehicle charge points installed.
- (4) The requirements of paragraph S2 of Schedule 1 do not apply if a building, or a part of a building, is—
- (a) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - (b) in a conservation area designated in accordance with section 69 of that Act; or
  - (c) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979,
- where compliance with the requirements of paragraph S2 of Schedule 1 would unacceptably alter the building's character or appearance.
- (5) If the building, or a part of a building, undergoing a material change of use to result in one or more dwellings has, or will have, associated parking that is situated within a covered car park—
- (a) if there are or will be any associated parking spaces situated in a position other than in a covered car park—
    - (i) the requirements of paragraph S2 of Schedule 1 must first be applied in relation to those associated parking spaces; then
    - (ii) if the number of associated parking spaces, which are situated in a position other than in a covered car park, is insufficient to completely fulfil the requirements of paragraph S2 of Schedule 1, cable routes for electric vehicle charge points must be installed in—
      - (aa) all the associated parking spaces in the covered car park, where the total number of parking spaces is less than the number of such dwellings with associated parking; or
      - (bb) the number of associated parking spaces in the covered car park which, when added to the number of associated parking spaces which are situated in a position other than in a covered car park, corresponds to the total number of such dwellings with associated parking;
  - (b) if all the associated parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed in—
    - (i) all those associated parking spaces, where there are fewer parking spaces than there are such dwellings with associated parking; or
    - (ii) the number of those associated parking spaces that corresponds to the total number of such dwellings with associated parking.

**Application of paragraph S3 of Schedule 1 (residential buildings undergoing major renovation) E+W**

**44F.**—(1) The requirements of paragraph S3 of Schedule 1 apply to a residential building undergoing major renovation as follows.

- (2) The requirements of paragraph S3 of Schedule 1 apply if—
  - (a) the major renovation involves building work being done which includes work being done to any of the following—
    - (i) a car park that is located within the site boundary of the building, where the nature of the work is such that it would be reasonable to expect that work to include enabling the requirements of paragraph S3 of Schedule 1 to be fulfilled;
    - (ii) the electrical infrastructure of a car park, where the car park is located within the site boundary of the building;
    - (iii) the electrical infrastructure of the building, where a car park is located inside the building;
  - (b) the residential building will have more than 10 associated parking spaces upon completion of that work;
  - (c) subject to paragraph (3), all the required electric vehicle charge points can be accommodated within the incoming electrical supply to the building;
  - (d) the cost of installing all the required electric vehicle charge points and cable routes for electric vehicle charge points does not exceed 7% of the total cost of the major renovation; and
  - (e) the residential building is not one in relation to which paragraph (5) applies.
- (3) If paragraph (2)(a), (b) and (e) applies, but all the required electric vehicle charge points cannot be accommodated within the incoming electrical supply to the building—
  - (a) the requirements of paragraph S3 of Schedule 1 apply in respect of the maximum number of electric vehicle charge points that can be accommodated within the incoming electrical supply to the building; and
  - (b) cable routes for electric vehicle charge points must be installed in all remaining associated parking spaces.
- (4) If the cost of installing the required electric vehicle charge points and cable routes for electric vehicle charge points exceeds 7% of the total cost of the major renovation—
  - (a) the residential building is exempt from the requirement to install any electric vehicle charge point; and
  - (b) cable routes for electric vehicle charge points must be installed in all associated parking spaces, except where the cost of that installation exceeds 7% of the total cost of the major renovation.
- (5) The requirements of paragraph S3 of Schedule 1 do not apply to a residential building which is undergoing major renovation for the principal purpose of improving the fire safety of the external walls or roof of the building.
- (6) If a residential building undergoing major renovation has, or will have more than 10 associated parking spaces—
  - (a) if there are or will be any associated parking spaces situated in a position other than in a covered car park—
    - (i) the requirements of paragraph S3 of Schedule 1 must first be applied in relation to those associated parking spaces; then

- (ii) cable routes for electric vehicle charge points must be installed in all the associated parking spaces in the covered car park;
- (b) if all the associated parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed in all the parking spaces in the covered car park.

**Application of paragraph S4 of Schedule 1 (erection of new buildings which are not residential buildings or mixed-use buildings) E+W**

**44G.**—(1) The requirements of paragraph S4 of Schedule 1 apply to the erection of a new building which is not a residential building or a mixed-use building (“new building”) as follows.

(2) If such a new building has, or will have, within its site boundary, more than 10 parking spaces—

- (a) if there are or will be any parking spaces situated in a position other than in a covered car park—
  - (i) the requirements of paragraph S4 of Schedule 1 must first be applied in relation to those parking spaces; then
  - (ii) if the number of parking spaces which are situated in a position other than in a covered car park is insufficient to completely fulfil the requirements of paragraph S4 of Schedule 1, cable routes for electric vehicle charge points must be installed in a sufficient number of parking spaces in the covered car park in order to ensure compliance with the requirements of paragraph S4(b) of Schedule 1;
- (b) if all the parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed in a minimum of one fifth of the total number of those parking spaces.

**Application of paragraph S5 of Schedule 1 (buildings undergoing major renovation which are not residential buildings or mixed-use buildings) E+W**

**44H.**—(1) The requirements of paragraph S5 of Schedule 1 apply to a building undergoing major renovation, which is not a residential building or a mixed-use building, as follows.

(2) The requirements of paragraph S5 of Schedule 1 apply to such a building if—

- (a) the major renovation involves building work being done which includes work being done to any of the following—
    - (i) a car park that is located within the site boundary of the building, where the nature of the work is such that it would be reasonable to expect the requirements of paragraph S5 of Schedule 1 to be fulfilled;
    - (ii) the electrical infrastructure of a car park, where the car park is located within the site boundary of the building;
    - (iii) the electrical infrastructure of the building, where a car park is located inside the building;
  - (b) upon completion of that major renovation, the building will have more than 10 parking spaces situated within the site boundary of the building;
  - (c) the cost of installing the required electric vehicle charge point and cable routes for electric vehicle charge points does not exceed 7% of the total cost of the major renovation.
- (3) If the cost of installing the required electric vehicle charge point and cable routes for electric vehicle charge points exceeds 7% of the total cost of the major renovation—

- (a) such a building is exempt from the requirement to install the electric vehicle charge point; and
  - (b) cable routes for electric vehicle charge points must be installed in a minimum of one fifth of the total number of parking spaces, except where the cost of that installation exceeds 7% of the total cost of the major renovation.
- (4) If such a building has, or will have, within its site boundary, more than 10 parking spaces—
- (a) if there are or will be any parking spaces situated in a position other than in a covered car park—
    - (i) the requirements of paragraph S5 of Schedule 1 must first be applied in relation to those parking spaces; then
    - (ii) if the number of parking spaces which are situated in a position other than in a covered car park is insufficient to completely fulfil the requirements of paragraph S5 of Schedule 1, cable routes for electric vehicle charge points must be installed in the number of parking spaces in the covered car park in order to ensure compliance with the requirements of paragraph S5(b) of Schedule 1;
  - (b) if all the parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed in a minimum of one fifth of the total number of those parking spaces.

**Application of paragraph S6 of Schedule 1 (the erection of new mixed-use buildings and mixed-use buildings undergoing major renovation) E+W**

**44I.**—(1) The requirements of paragraph S6 of Schedule 1 apply to the erection of a new mixed-use building and a mixed-use building undergoing major renovation as follows.

(2) The requirements of paragraph S6 of Schedule 1 apply if, upon completion, such a mixed-use building will have at least one parking space situated within the site boundary of the building.

(3) If such a mixed-use building has, or will have, within its site boundary, a covered car park—

- (a) if there are or will be any parking spaces situated in a position other than in a covered car park—
  - (i) the requirements of paragraph S6 of Schedule 1 must first be applied in relation to those parking spaces; then
  - (ii) if the number of parking spaces, which are situated in a position other than in a covered car park, is insufficient to completely fulfil the requirements of paragraph S6 of Schedule 1, cable routes for electric vehicle charge points must be installed in accordance with—
    - (aa) regulation 44D(4)(a), in relation to the associated parking spaces for one or more dwellings in a new mixed-use building;
    - (bb) regulation 44F(6)(a), in relation to the associated parking spaces for one or more dwellings in a mixed-use building undergoing major renovation;
    - (cc) regulation 44G(2)(a), in relation to the parking spaces for one or more premises that are not dwellings in a new mixed-use building;
    - (dd) regulation 44H(4)(a), in relation to the parking spaces for one or more premises that are not dwellings in a mixed-use building undergoing major renovation;
- (b) if all the parking spaces are situated in a covered car park, cable routes for electric vehicle charge points must be installed in accordance with—

- (i) regulation 44D(4)(b), in relation to the associated parking spaces for one or more dwellings in a new mixed-use building;
- (ii) regulation 44F(6)(b), in relation to the associated parking spaces for one or more dwellings in a mixed-use building undergoing major renovation;
- (iii) regulation 44G(2)(b), in relation to the parking spaces for one or more new premises that are not dwellings in a new mixed-use building;
- (iv) regulation 44H(4)(b), in relation to the parking spaces for one or more premises that are not dwellings in a mixed-use building undergoing major renovation.

#### **Minimum standards of an electric vehicle charge point** **E+W**

**44J.**—(1) For the purposes of this Part and Part S of Schedule 1, an electric vehicle charge point must meet the following minimum standards.

(2) It must be capable of providing a reasonable power output for each parking space for which it is intended to be used.

(3) It must be run on a dedicated circuit.

(4) It must be compatible with all vehicles which may require access to it.

#### **Interpretation of this Part and Part S of Schedule 1** **E+W**

**44K.** In this Part and Part S of Schedule 1—

“associated parking”, or “associated parking space”, in relation to a building, means any parking space that is available within the site boundary of the building, for the use by the occupant of, or a visitor to, a dwelling in the building, including any parking space which is for the use of any occupant of, or any visitor to, any dwelling in a building containing more than one dwelling;

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

“cable route” means a safe, unobstructed route from the power supply to the envisaged electric vehicle charge point location, for electrical cabling to be installed in the future;

“carport” means a shelter for one or more vehicles that—

- (a) has a roof;
- (b) has one or more open sides; and
- (c) is not situated underneath or inside a building;

“connection cost” means the cost of upgrades needed to the electricity system in order to accommodate an electric vehicle charge point, excluding the cost of any building work or the cost of the electric vehicle charge point itself;

“covered car park” means one or more parking spaces which are situated beneath a roof, but it does not include a carport or a residential garage;

“electric vehicle” means a vehicle that is capable of being propelled by electrical power derived from a storage battery;

“electric vehicle charge point” means a device intended for charging a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle);

“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation;

“mixed-use building” means a building which contains—

- (a) one or more dwellings; and
- (b) one or more premises that are not dwellings;

“residential building”—

- (a) means a building which contains one or more dwellings; and
- (b) does not include a mixed-use building;

“residential garage” means a structure with at least three enclosed sides and a roof for housing one or more vehicles, for the sole use of the occupant of, or a visitor to, a single dwelling;

“site boundary”, in relation to a building in respect of which building work is being carried out, means the boundary of the land, upon which that building is situated, that is controlled or owned by the same person who owns—

- (a) that building; or
- (b) in the case of the erection of a new building, the land upon which building work is being carried out;

“vehicle” means a vehicle that is intended or adapted for use on roads.]

## PART 10 **E+W**

### Miscellaneous

#### Testing of building work **E+W**

[<sup>F346</sup>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.]

#### Textual Amendments

**F346** Reg. 45 omitted (E.) (1.10.2023) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **14(2)** (with regs. 22-24)

#### Sampling of material **E+W**

[<sup>F347</sup>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.]

#### Textual Amendments

**F347** Reg. 46 omitted (E.) (1.10.2023) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **14(2)** (with regs. 22-24)

#### [<sup>F348</sup>Lapse of building control approval: commencement of work **E+W**

**46A.**—(1) For the purposes of section 32(6) of the Act (lapse of building control approval) work is to be regarded as commenced in accordance with the following paragraphs.

(2) Where the work consists of the construction of a complex building, work is to be regarded as commenced in relation to that building or the first stage of building work for that building when the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are completed.

(3) Where the work consists of—

- (a) the construction of a building and paragraph (2) does not apply; or
- (b) horizontal extension of a building,

work is to be regarded as commenced when the sub-surface structure of the building or the extension including all foundations, any basement level (if any) and the structure of ground floor level is completed.

(4) Where the work consists of any other building work then work is to be regarded as commenced, where a statement under—

- (a) regulation 14(1)(f)(vii), or
- (b) regulation 12(1)(e)(viii) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023,

sets out details of the work which the client considers amounts to 15% of the proposed work, when the work detailed in the statement is completed.

(5) In this regulation—

“approved plans” means plans which were part of or accompanied the application for building control approval with full plans of the building work and which was granted building control approval, or plans approved under a requirement imposed on such an approval;

“complex building” means—

- (a) a building which is to be constructed on the same foundation plinth or podium as any other building or structure;
- (b) a building which has more than one storey below ground level;
- (c) a building where it is proposed use is primarily as a public building where the public or a section of the public has access to the building (whether or not on payment) provided that the building has a capacity for 100 or more visitors;

“public building” means—

- (a) a shop or shopping centre,
- (b) premises where food or drink are sold for consumption on the premises, including a nightclub, social club or dance hall;
- (c) a stadium, theatre, cinema, concert hall;
- (d) a sports ground;
- (e) an exhibition hall or conference centre;
- (f) a hospital or premises for the provision of health care.]

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#### **Textual Amendments**

**F348** Reg. 46A inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(2)** (with regs. 22-24)

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#### **Modifications etc. (not altering text)**

**C32** Reg. 46A applied (1.10.2023) by [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023 \(S.I. 2023/909\)](#), regs. 1(1), **9(11)** (with Sch. 3 Pt. 1)



**C33** Reg. 46A applied (1.10.2023) by [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023 \(S.I. 2023/909\)](#), regs. 1(1), **17(11)** (with Sch. 3 Pt. 1)

### Contravention of certain regulations not to be an offence **E**

<sup>F349</sup>47. The following regulations are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply—

- <sup>F350</sup>(a) (i) regulation 14A (determination of applications for building control approval with full plans),
- (ii) regulation 15A (consultation in relation fire safety),
- (iii) regulation 16(3D) [<sup>F351</sup> and (3E)] (notice as to commencement of work),
- (iv) regulation 17 (completion certificates),
- (v) regulation 17A (certificate for building occupied before work is completed),
- (vi) regulation 18(6A) [<sup>F352</sup>(unauthorised building work)],
- (vii) regulation 18E(8) and (12) (appeals under section 101A of the Act),
- (viii) regulation 19C(2) (regulator’s notices: grounds for rejection),
- (ix) regulation 19E (regulator’s notices: direction),
- (x) regulation 20(6A) (provisions applicable to self-certification schemes),
- (xi) regulation 20A(7A) (provisions applicable to third party certification schemes),
- (xii) regulation 25A(3A) (consideration of high-efficiency alternative systems for new buildings),
- (xiii) regulation 27(4A) (CO<sub>2</sub> emission rate calculations),
- (xiv) regulation 27A(4A) (fabric energy efficiency rate calculations),
- (xv) regulation 27C(4A) (target primary energy rate calculations for new buildings),
- (xvi) regulation 37(3) (wholesome water consumption calculation),
- (xvii) regulation 41(3A) (sound insulation testing),
- (xviii) regulation 42(4) (mechanical ventilation air flow rate testing),
- (xix) regulation 43(6) (pressure testing),
- (xx) regulation 44(5) (commissioning),
- (xxi) regulation 44ZA(4) (commissioning in respect of a system for on-site electricity generation),
- (xxii) regulation 47B (compliance notices: contents),
- (xxiii) regulation 47C (stop notices: contents),
- (xxiv) regulation 47D(3) (compliance and stop notices: notification),
- (xxv) regulation 47E(2) (compliance and stop notices: withdrawal), 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.]

#### Extent Information

**E26** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F349** 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) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F350** Reg. 47(a) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [16\(1\)](#) (with regs. 22-24)
- F351** Words in [reg. 47\(a\)\(iii\)](#) inserted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), [38\(6\)\(a\)](#)
- F352** Words in [reg. 47\(a\)\(vi\)](#) substituted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), [38\(6\)\(b\)](#)

### Contravention of certain regulations not to be an offence **W**

<sup>[F421]</sup>47. 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, <sup>[F421]</sup>27A,] ... 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.]

### Extent Information

- E52** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

- F421** [Reg. 47](#) substituted (with corresponding changes to match the changes made for E. by S.I. 2012/3119, [reg. 25](#), S.I. 2014/579, [reg. 2\(8\)](#) and S.I. 2016/285, [reg. 2\(17\)](#)) (W.) (1.11.2018) by [The Building \(Amendment\) \(Wales\) Regulations 2018 \(S.I. 2018/552\)](#), [regs. 1\(3\)](#), [4](#) (with [reg. 6](#))

### <sup>[F353]</sup>Compliance notices: excluded provisions **E+W**

**47A.** The following provisions of these Regulations are prescribed for the purposes of section 35B(7)(a) of the Act as provisions in relation to which a compliance notice may not be given—

- (a) regulation 14A (determination of applications for building control approval with full plans),
- (b) regulation 15A (consultation in relation fire safety),
- (c) regulation 16(3D) <sup>[F354]</sup>and (3E)] (notice as to commencement of work),
- (d) regulation 17 (completion certificates),
- (e) regulation 17A (certificate for building occupied before work is completed),
- (f) regulation 18(6A) <sup>[F355]</sup>(unauthorised building work)],
- (g) regulation 18E(8) and (12) (appeals under section 101A of the Act),
- (h) regulation 19C(2) (regulator’s notices: grounds for rejection),
- (i) regulation 19E (regulator’s notices: direction),
- (j) regulation 20(6A) (provisions applicable to self-certification schemes),
- (k) regulation 20A(7A) (provisions applicable to third party certification schemes),

- (l) regulation 25A(3A) (consideration of high-efficiency alternative systems for new buildings),
- (m) regulation 27(4A) (CO<sub>2</sub> emission rate calculations),
- (n) regulation 27A(4A) (fabric energy efficiency rate calculations),
- (o) regulation 27C(4A) (target primary energy rate calculations for new buildings),
- (p) regulation 37(3) (wholesome water consumption calculation),
- (q) regulation 41(3A) (sound insulation testing),
- (r) regulation 42(4) (mechanical ventilation air flow rate testing),
- (s) regulation 43(6) (pressure testing),
- (t) regulation 44(5) (commissioning),
- (u) regulation 44ZA(4) (commissioning in respect of a system for on-site electricity generation),
- (v) regulation 47B (compliance notices: contents),
- (w) regulation 47C (stop notices: contents),
- (x) regulation 47D(3) (compliance and stop notices: notification),
- (y) regulation 47E(2) (compliance and stop notices: withdrawal).

#### Textual Amendments

- F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)
- F354** Words in reg. 47A(c) inserted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **38(7)(a)**
- F355** Words in reg. 47A(f) substituted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **38(7)(b)**

#### Compliance notices: contents **E+W**

**47B.**—(1) A compliance notice given by a building control authority must be in writing and state—

- (a) that it is a compliance notice under section 35B of the Act;
  - (b) the date the notice is given;
  - (c) the name or description of the recipient; and
  - (d) the consequences of failing to comply with the notice.
- (2) A compliance notice must additionally—
- (a) describe the issue to which the notice relates;
  - (b) identify the provision of building regulations, or the requirement imposed by virtue of building regulations, to which the compliance notice relates;
  - (c) provide details of the nature of the contravention or likely contravention;
  - (d) state that the notice may be withdrawn by the building control authority;
  - (e) state that the recipient may apply to the First-tier Tribunal under section 39A(3) of the Act for an extension of the specified period for doing anything set out in the notice and state that any application must be made within 21 relevant days of the date the notice is given;

- (f) state that the recipient may appeal to the First-tier Tribunal under section 39A(1) of the Act and state that any appeal must be made within 21 relevant days of the date the notice is given.
- (3) A compliance notice must relate to no more than one contravention or likely contravention of building regulations or a requirement imposed by virtue of building regulations.

#### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

#### Stop notices: contents **E+W**

- 47C.**—(1) A stop notice given by a building control authority must be in writing and state—
- (a) that it is a stop notice under section 35C(1)(a), 35C(1)(b) or, as the case may be, 35C(1)(c) of the Act;
  - (b) the date the notice is given and whether the notice applies immediately, or where it does not apply immediately, the date when it applies;
  - (c) the name or description of the recipient; and
  - (d) the consequences of failing to comply with the notice.
- (2) A stop notice must additionally—
- (a) describe the issue to which the notice relates;
  - (b) specify—
    - (i) in a case within section 35C(1)(a) of the Act, the provision of building regulations or requirement imposed by virtue of building regulations to which the stop notice relates;
    - (ii) in a case within section 35C(1)(b) of the Act, the compliance notice to which the stop notice relates;
    - (iii) in a case within section 35C(1)(c) of the Act, the provision of building regulations or requirement imposed by virtue of building regulations to which the stop notice relates;
  - (c) provide details of the nature of the contravention (including, in a case within section 35C(1)(c) of the Act, the nature of the serious harm that is anticipated);
  - (d) state that the recipient may appeal to the First-tier Tribunal under section 39A(5) of the Act and state that any appeal must be made within 21 relevant days of the date the notice is given; and
  - (e) state that the recipient may apply to the First-tier Tribunal under section 39A(6) of the Act for a direction.
- (3) A stop notice must relate to—
- (a) in a case within section 35C(1)(a) of the Act, no more than one contravention of a prescribed provision of building regulations or requirement imposed by virtue of such a provision;
  - (b) in a case within section 35C(1)(b) of the Act, no more than one compliance notice;
  - (c) in a case within section 35C(1)(c) of the Act, no more than one contravention of a provision of building regulations or a requirement imposed by virtue of such a provision.

### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

### Compliance notices and stop notices: giving of notices and notification of others **E+W**

**47D.**—(1) Paragraph (2) applies where a compliance notice under section 35B of the Act or a stop notice under section 35C(1) of the Act is to be given in relation to work on a site or premises and another form of service under section 94(1) of the Act is not appropriate.

(2) Where, after reasonable inquiries, the building control authority is satisfied that there is no one to whom a compliance notice or stop notice can be delivered, the notice, or a copy of it, may be affixed to a conspicuous part of the site or premises where the work to which the notice relates is carried out.

(3) Where a building control authority gives a compliance notice or stop notice, the authority must take reasonable steps to notify the following persons as to the giving of the notice—

- (a) the client, the principal contractor (or sole contractor) and the principal designer (or sole or lead designer) for the work to which the notice relates;
- (b) where the regulator is the building control authority, the local authority for the area in which the building is situated or the proposed building is to be situated;
- (c) where the notice relates to a contravention of Part B of Schedule 1 in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the work, the enforcing authority (within the meaning of article 25 of that Order) for the building or the proposed building;
- (d) where the client is—
  - (i) in relation to any work, a private registered provider of social housing,
  - (ii) in relation to work other than the erection of a new building, any other registered provider of social housing,the Regulator of Social Housing;
- (e) where the client is a landlord in relation to any dwelling contained in the building, the local housing authority for the area in which the building is located; and
- (f) where the notice relates to work to an existing higher-risk building, the accountable person who is responsible for the part of the building where the work is carried out.

(4) In this regulation—

“accountable person” has the meaning in given in section 72 of the Building Safety Act 2022;  
“the Regulator of Social Housing” is the body established under section 80A of the Housing and Regeneration Act 2008.

### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

### Compliance and stop notices: withdrawal **E+W**

**47E.**—(1) A building control authority may withdraw a compliance notice or stop notice.

(2) Where a building control authority withdraws a compliance notice or stop notice it must as soon as reasonably practicable give the recipient a notice in writing to that effect.

#### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

#### Appeal to the First-tier Tribunal in relation to a compliance notice or stop notice **E+W**

**47F.**—(1) An appeal to the First-tier Tribunal under section 39A(1) or (5) of the Act must be made by the relevant date.

(2) The First-tier Tribunal may allow an appeal referred to in paragraph (1) only if it is satisfied that the giving of the compliance notice or stop notice in question was wrong on one or more of the following grounds—

- (a) that the notice was given based on an error of fact;
- (b) that the giving of the notice was wrong in law;
- (c) that the giving of the notice was unreasonable;
- (d) that the notice was given without following the procedures set out in the Act or regulations made under that Act (except regulation 47D(3)).

(3) If the First-tier Tribunal allows an appeal referred to in paragraph (1) it may quash or vary the compliance notice or stop notice.

(4) In this regulation the “relevant date” is—

- (a) in the case of an appeal under section 39A(1), within 21 relevant days beginning with the date the compliance notice is given; and
- (b) in the case of an appeal under section 39A(5), within 21 relevant days beginning with the date the stop notice is given.

#### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

#### Application to the First-tier Tribunal in relation to extension of the specified period in a compliance notice **E+W**

**47G.**—(1) An application to the First-tier Tribunal under section 39A(3) of the Act in relation to a compliance notice must be made within 21 relevant days beginning with the date the compliance notice is given.

(2) In deciding the question set out in an application under section 39A(3) of the Act the First-tier Tribunal must consider whether the recipient of the notice has demonstrated they are unable to comply within the specified period and it is reasonable to extend it.

#### Textual Amendments

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

**Application to the First-tier Tribunal for a direction in relation to a stop notice** E+W

**47H.** In deciding the question set out in an application to the First-tier Tribunal under section 39A(6) of the Act in relation to a stop notice, the First-tier Tribunal must consider whether it is fair and proportionate, having regard to any representations made, to give the direction.]

**Textual Amendments**

**F353** Regs. 47A-47H inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **16(2)** (with regs. 22-24)

**Electronic service of documents** E+W

<sup>F356</sup>**48.**—(1) Section 94A of the Act <sup>M15</sup> (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 <sup>F357</sup> [<sup>F358</sup> 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;
- <sup>F359</sup> [<sup>F360</sup> (ga) a notice under regulation 25A;]
- (h) a notice under regulation 27(2) or (3);
- <sup>F361F362</sup> (i) .....
- <sup>F361F362</sup> (j) .....
- (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—

- (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**

**F356** Reg. 48 omitted (E.) (1.10.2023) by virtue of [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **17(2)** (with regs. 22-24)

- F357** Words in reg. 48(1)(d) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **23(a)** (with reg. 1(2)(3))
- F358** 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)
- F359** Reg. 48(1)(ga) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **23(b)** (with reg. 1(2)(3))
- F360** 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)
- F361** Reg. 48(1)(i)(j) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(18)** (with reg. 1(3))
- F362** Reg. 48(1)(i)(j) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(21)** (with reg. 1(3))

#### Marginal Citations

- M15** Section 94A was inserted by [S.I. 2008/2334](#).

#### Transitional provisions: interpretation **E+W**

**49.** In regulations 50 to 53—

“the 2009 Regulations” means the Building (Amendment No. 2) Regulations 2009 <sup>M16</sup>;

<sup>F363</sup>  
...

#### Textual Amendments

- F363** 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

- M16** [S.I. 2009/2397](#) amended by [S.I. 2009/2465](#) and 2010/719.

#### Transitional provisions: work already started before 1st October **E+W**

**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 <sup>M17</sup> (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations <sup>M18</sup> (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 <sup>M19</sup> (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.



(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)<sup>M20</sup> 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

**M17** S.I. 2000/2531; regulation 12(2A) was inserted by S.I. 2006/652.

**M18** Regulation 15(1) was amended by S.I. 2002/440 and 2006/652.

**M19** 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.

**M20** 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 **E+W**

**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 **E+W**

**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 **E+W**

**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<sup>M21</sup>; regulation 3 of the Building (Amendment) Regulations 2002<sup>M22</sup>; regulations 3 and 4 of the Building (Amendment) (No. 2) Regulations 2002<sup>M23</sup>; regulation 3 of the Building (Amendment) Regulations 2003<sup>M24</sup>; regulation 3 of the Building (Amendment) Regulations 2004<sup>M25</sup>; regulation 3 of the Building

(Amendment) (No. 3) Regulations 2004<sup>M26</sup>; regulations 29 to 34 of the Building and Approved Inspectors (Amendment) Regulations 2006<sup>M27</sup> in so far as they relate to the Building Regulations 2000; regulation 4 of the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006<sup>M28</sup> in so far as it relates to the Building Regulations 2000; regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007<sup>M29</sup> in so far as it relates to the Building Regulations 2000; regulations 4 to 8 of the Building and Approved Inspectors (Amendment) Regulations 2009<sup>M30</sup> in so far as they relate to the Building Regulations 2000.

(3) Regulation 22A of the Building Regulations 2000<sup>M31</sup> (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

**M21** [S.I. 2001/3335](#).

**M22** [S.I. 2002/440](#).

**M23** [S.I. 2002/2871](#) amended by [S.I. 2003/3133](#).

**M24** [S.I. 2003/2692](#).

**M25** [S.I. 2004/1465](#).

**M26** [S.I. 2004/3210](#).

**M27** [S.I. 2006/652](#).

**M28** [S.I. 2006/3318](#).

**M29** [S.I. 2007/3384](#).

**M30** [S.I. 2009/1219](#) amended by [S.I. 2009/2465](#) and [2010/719](#).

**M31** Regulation 22A was inserted by [S.I. 2008/671](#) and is revoked by [S.I. 2009/2397](#).

#### Revocations and consequential amendments **E+W**

**54.**—<sup>F364</sup>(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.]

<sup>F365</sup>(2) Schedule 6, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010<sup>M32</sup> and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007<sup>M33</sup>, has effect.]

#### Textual Amendments

**F364** 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)

**F365** 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

**M32** [S.I. 2010/404](#).

**M33** [S.I. 2007/991](#).

**[<sup>F366</sup>Review of Part 9A and Part R of Schedule 1 E+W**

- 55.**—(1) Before the end of each review period the Secretary of State must—
- (a) carry out a review of Part 9A and Part R of Schedule 1; and
  - (b) publish a report setting out the conclusions of the review.
- <sup>F367</sup>(2) . . . . .
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision in Part 9A and Part R of Schedule 1;
  - (b) assess the extent to which those objectives have been achieved;
  - (c) assess whether those objectives remain appropriate; and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way that imposes less onerous regulatory provision.
- (4) In this regulation, “review period” means—
- (a) the period of five years beginning on the 9th May 2016; and
  - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this regulation is published before the last day of the review period to which it relates, the next review period will begin with the day on which that report is published.]

**Textual Amendments**

**F366** Reg. 55 added (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016 \(S.I. 2016/490\)](#), regs. 1(4), 2(5) (with reg. 1(3))

**F367** Reg. 55(2) omitted (26.12.2022) by virtue of [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), [Sch. para. 7](#)

**[<sup>F368</sup>Review of Part 9B and Part S of Schedule 1 E+W**

- 56.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in Part 9B of, and Part S of Schedule 1 to, these Regulations; and
  - (b) publish a report setting out the conclusions of that review.
- (2) The first report must be published before 15th June 2027.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate; and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).]

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**Changes to legislation:** There are currently no known outstanding effects for the The Building Regulations 2010. (See end of Document for details)

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**Textual Amendments**

**F368** Reg. 56 inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/1392\)](#), regs. 1(2), **2(4)** (with regs. 1(4), 4)

Signed by authority of the Secretary of State

Department for Communities and Local  
Government

*Andrew Stunell*  
Parliamentary Under Secretary of State

**Changes to legislation:**

There are currently no known outstanding effects for the The Building Regulations 2010.