

EXPLANATORY MEMORANDUM
THE BUILDING REGULATIONS 2010

2010 No. 2214

THE BUILDING (APPROVED INSPECTORS ETC) REGULATIONS 2010

2010 No. 2215

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government, and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**
 - 2.1 The Building Regulations 2010 consolidate the Building Regulations 2000 (S.I. 2000/2531) and subsequent amending Regulations, and the Building (Approved Inspectors etc.) Regulations 2010 consolidate the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532) and subsequent amendments. These are two separate but related consolidations. All the amending instruments made since each of the 2000 Regulations came into effect (listed in Schedule 5 to the Building Regulations 2010 and Schedule 8 to the Building (Approved Inspectors etc.) Regulations 2010) are incorporated into the instruments.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None

4. **Legislative Context**
 - 4.1 Section 1 of the Building Act 1984 (c.55) enables building regulations to be made for England and Wales for a number of purposes with respect to the design and construction of buildings and the services, fittings and equipment provided in or in connection with buildings. These purposes include securing the health, safety, welfare and convenience of persons in and about buildings, furthering the conservation of fuel and power, preventing waste, undue consumption, misuse or contamination of water, furthering the protection or enhancement of the environment, and facilitating sustainable development.
 - 4.2 The Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 have been made pursuant to these powers. The Building Regulations 2010 establish general functional requirements for buildings when

constructed, and are supported by Approved Documents, approved and issued under section 6 of the Building Act 1984, which set out detailed practical guidance on compliance. The Building Regulations also set out procedures for the control of building work by local authorities. The Building (Approved Inspectors etc.) Regulations 2010, in conjunction with Part 2 of the Building Act 1984, make provision for a private sector building control system as an alternative to that offered by local authorities.

- 4.3 The two sets of Regulations are consolidated in view of the large number of amendments made over the past ten years, enabling 19 sets of Regulations to be revoked and a further two instruments to be revoked except for amendments to primary legislation. Both sets of Regulations have been re-ordered and re-numbered. The Regulations also contain provision securing that transitional and saving provisions from the revoked Regulations continue to have effect.
- 4.4 Minor substantive changes have also been made in the Building Regulations 2010, in particular to simplify the definition of 'rooms for residential purposes' and the removal of specific notification requirements for cavity wall insulation. In Schedule 3 revisions have been made to the types of work that may be self-certified as complying with the regulations and to the list of bodies (or schemes) which are authorised to register persons for the purpose of such self-certification.
- 4.5 Tables of destinations showing how the old numbering corresponds to the new numbering for each set of Regulations are attached to this memorandum.

5. Territorial Extent and Application

- 5.1 These instruments apply to England and Wales.

6. European Convention on Human Rights

- 6.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

- 7.1 Since the Regulations were last consolidated in 2000, there have been at least 20 amending instruments. The numbering within the Regulations has become increasingly complex and confusing due to the addition and revocation of regulations, and this makes the Regulations difficult to follow. This is why the Department is carrying out a consolidation of each set of Regulations. The consolidation should make it easier for the users of the Regulations to understand

the statutory requirements placed upon them. The Department is also re-ordering some of the regulations to bring related topics together - for example all of the energy efficiency requirements are being moved into one Part - and making some very minor changes, for example amending one of the definitions.

7.2 In tandem with the consolidation the Department is taking the opportunity to revise Schedule 3 to the Building Regulations 2010. The revisions consist of changes to the types of work that may be carried out by a registered installer under a self-certification scheme and to the list of bodies authorised to register installers. Self-certification provides an alternative, less burdensome mechanism of complying with the procedural aspects of the regulations. In addition, most of the new or extended schemes are in areas such as the installation of microgeneration and renewable technologies, the replacement of windows and doors in dwellings, the replacement of roof coverings and the installation of cavity wall insulation and so will help to support the Government's commitment to improving energy efficiency in buildings.

- Consolidation

7.3. These Regulations are consolidations being carried out as part of the Government's commitment to simplification and reducing the burden of regulation. The Department intends that they will create clear sets of Regulations from which to work in the future.

7.4 The Government has publicly committed to bringing the consolidated Regulations into force on 1st October 2010.

8. Consultation outcome

8.1 A statutory consultation with the Building Regulations Advisory Committee (BRAC) and other representative interests, including other government departments, LABC (the body that represents local authority building control) and the Association of Corporate Approved Inspectors (ACAI) was carried out under section 14(3) of the Building Act 1984 in relation to the inclusion of new and extended self-certification schemes in Schedule 3 to the Building Regulations 2010.

8.2 As the consolidation of the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 did not involve any changes to substantive requirements, the Department was not obliged to consult under the Building Act 1984. However, as a matter of courtesy the Department has carried out an informal consultation with BRAC and other representative interests, including LABC and ACAI.

- 8.3 On the consolidation generally there was a recognition that the resulting instrument would be easier and simpler to use. There were some concerns expressed about short-term difficulties in dealing with different regulation numbers and a different order for the Regulations. A number of consultees felt that the opportunity should have been taken to review all the requirements in those Regulations but this was beyond the scope of the consolidation exercise and is expected to be the subject of a broader review. Those bodies who represent the main users of the legislation, namely LABC and ACAI, welcomed the consolidation.
- 8.4 A number of comments on different applications to operate self-certification schemes were received, either supporting the applications or expressing reservations that a particular application did not appear to satisfy the criteria for authorisation. These comments have been taken into account in deciding which schemes to authorise.

9. Guidance

- 9.1 The Department will issue a Departmental Circular to explain that the Regulations have been consolidated. It will contain a correspondence table showing how the regulation numbers in the 2000 Regulations correspond to the regulation numbers in the 2010 Regulations (similar to the tables annexed to this Memorandum). It will also be published on the Department's website.
- 9.2 The Department will ensure that all of the guidance which is published in conjunction with the Regulations such as the Approved Documents is issued with amendment slips and the correspondence tables. Amended versions of the Approved Documents and other Departmental guidance will be published as soon as practicable.

10. Impact

- 10.1 The impact on businesses, charities or voluntary bodies will fall mainly on Approved Inspectors who refer to the Regulations as part of their job, legal firms, and, to a lesser extent, on those carrying out building work. Although there will be an initial cost in terms of familiarisation with the consolidated Regulations, in the long term the consolidated Regulations will make it easier to refer to and understand the Regulations thus saving businesses time in dealing with them. There will be no significant impact on charities or voluntary bodies as they would only very rarely be looking at the legislation.
- 10.2 There is also a separate impact on businesses in terms of the new self-certification schemes. This is in relation to the fact that business will be able to join a scheme for a wider range of types of building work, and when joining a scheme it will

save them the cost of notifying the work directly to the local authority or an Approved Inspector. There will also be a wider range of choice of schemes for some types of work which will impact on businesses wishing to join a scheme in terms of opening up the choice of which they join. As registration with a self-certification scheme means that no building control charges are payable it is likely that scheme members will secure more business as they will be able to quote a cheaper price for work.

- 10.3 The impact on the public sector is particularly on local authorities whose building control teams/departments refer to the Regulations as part of their job. Although there will be an initial cost in terms of familiarisation with the consolidated Regulations, in the longer term the consolidated Regulations will make it easier to refer to and understand the Regulations saving local authorities time.
- 10.4 Two Impact Assessments are attached to this memorandum and will be published alongside the Explanatory Memorandum on the OPSI website. One is for the consolidation and the other is specifically for the new self-certification schemes. Both show considerable Net Present Value benefits over ten years.

11. Regulating small business

- 11.1 The Regulations apply to small business. As the consolidation is designed to make the Regulations easier to understand, all businesses should find them beneficial in terms of time saved. Small businesses would benefit especially because they tend not to have specialist knowledge available in-house. Also we anticipate that the majority of the businesses who will join the new self-certification schemes will be small businesses and so may benefit more from the ability to self-certify that their work complies with the requirements of the Regulations.
- 11.2 To minimise the impact of the requirements on firms employing up to 20 people, the Department will be publishing amended versions of the Approved Documents as soon as practicable. In the meantime the correspondence table will enable them easily to follow the consolidated regulations, as will the amendment slip to any Approved Documents which they hold.
- 11.3 The basis for the final decision on what action to take to assist small business was to make it as easy as possible to deal with the consolidated Regulations.

12. Monitoring & review

- 12.1 We are not proposing a formal review of the consolidation of Regulations generally as there has been no significant change to the substantive requirements in the consolidated instruments. There are periodic reviews of the requirements in

the Regulations, generally at three-yearly intervals, and the Department would expect any problems or benefits to be picked up in these.

- 12.2 We plan to conduct a periodic review of the operation of the new and extended self-certification schemes to make sure that they are delivering compliance with the requirements of the Building Regulations. Such reviews are normally held at three yearly intervals but can be held after a shorter period if it appears that one or more schemes is failing to achieve compliance with the Regulations.

13. Contact

Ms Clare Farmer at the Department for Communities and Local Government email: clare.farmer@communities.gsi.gov.uk can answer any queries regarding the instrument.

Title: Consolidation of the Building Regulations 2000 (as amended) and the Building (Approved Inspectors etc) Regulations 2000 (as amended). Lead department or agency: Communities and Local Government Other departments or agencies: None	Impact Assessment (IA)
	IA No: 0015
	Date: September 2010
	Stage: FINAL STAGE
	Source of intervention: Domestic
	Type of measure: Secondary legislation
Contact for enquiries: Ian Drummond 0303 44 41791	

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

There has not been a consolidation of the Building Regulations 2000 (as amended) and the Building (Approved Inspectors etc.) Regulations 2000 (as amended) since 2000. A consolidation of legislation incorporates all subsequent amendments made to the legislation into one piece of legislation. As there have been many changes made since 2000, to see fully what is now in the Building Regulations would require looking at 18 statutory instruments (see Annex A). Over the years, due to changes in Policy, some regulations have been amended, revoked or deleted leaving the regulations appearing unclear and illogical in places. Government intervention is necessary as only legislation can resolve this problem.

What are the policy objectives and the intended effects?

The consolidation is part of the Government's commitment to simplification and reducing the burden of regulation. The Consolidation will tidy up the existing regulations by re-numbering and re-ordering the regulations for clarity and ease of use. Consolidating the regulations will make them easier to read, understand and to refer to in the everyday work of those who use them, and also to those who are new to the regulations. It also provides a "clean" set of regulations which will make future amendments to the regulations easier to understand. The consolidation will also allow the revocation of all earlier building regulations and approved inspectors legislation (18 statutory instruments)

What policy options have been considered? Please justify preferred option (further details in Evidence Base)

Option 1 was to do nothing
 Option 2 was to incorporate all amendments made to the 2000 Regulations into two sets of regulations, one for the Building Regulations 2000 (as amended) and one for the Building (Approved Inspectors etc.) Regulations 2000 (as amended). We chose option 2 because the grouping of related matters in the regulations will make them much easier to use (for example, all provisions on the energy efficiency of buildings will be brought together) and the new numbers and order will make it far easier to amend the regulations sensibly and practicably in future.

When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?	It will not be reviewed
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	No

Ministerial Sign-off For final stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: Andrew Stunell..... Date: 6th September 2010

Summary: Analysis and Evidence

Policy Option 2

Description: Policy Option 2 - Consolidation of the Building Regulations 2000 (as amended) and the Building (Approved Inspectors etc) Regulations 2000 (as amended)

Price Base Year 2010	PV Base Year 2010	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: £3.8m	High: £17.1m	Best Estimate: £9.3m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£0.22m	N/A	£0.22m
High	£0.53m	N/A	£0.53m
Best Estimate	£0.36m		£0.36m

Description and scale of key monetised costs by 'main affected groups'

These are building control officers in Local Authorities, and lawyers working with building control officers (£272,500) and Approved Inspectors (£36,500) The one-off costs for these groups are initial familiarisation and administration costs. Private sector lawyers would incur familiarisation costs, (£50,000) but this would only affect those who use the regulations regularly. Those who do not would not incur extra costs as they have to familiarise themselves each time they use the regulations regardless of any changes.

Other key non-monetised costs by 'main affected groups'

It is possible that users of the regulations may experience other costs such as those associated with time taken for understanding any changes that affect cross referencing with the approved and any other associated documents (until these can also be amended). However, these would be very minimal, if any, and not possible to cost and therefore have not been monetised. Also as we will be publicising a map showing how the numbering of regulations has changed, this should minimise any such costs.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	£0.5m	£4.01m
High	N/A	£2.1m	£17.66m
Best Estimate		£1.2m	£9.64m

Description and scale of key monetised benefits by 'main affected groups'

These are building control officers in Local Authorities, and lawyers working with building control officers, (£7,310,000) Approved Inspectors (£980,000) as well as private sector lawyers. (£1,350,000) The main benefits for these groups are associated with an annual reduction in the time taken when using the legislation. This reduction is assumed to fall by 5% per annum, with ranges, as detailed in the Evidence Base.

Other key non-monetised benefits by 'main affected groups'

Although there are not currently any known major issues with non-compliance of the regulations because they have not been consolidated, it is possible that once consolidation is completed and the regulations therefore become easier to comprehend, that compliance with them may increase. This would have a benefit to society as a whole but it is not possible to monetise this.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

The figures are not firm, but are estimates, based on assumptions about the way building control officers and lawyers use their time in terms of how often they have to refer to the regulations and the costs of providing the building control service have been averaged. Ranges have been included to reflect uncertainty. Further details are in the evidence base.

Impact on admin burden (AB) (£m):		Impact on policy cost savings (£m):		In scope Yes
New AB:	AB savings:	Net:	Policy cost savings: £270,000 pa	

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?	England and Wales				
From what date will the policy be implemented?	01/10/2010				
Which organisation(s) will enforce the policy?	Department for Communities and Local Government				
What is the annual change in enforcement cost (£m)?	Nil				
Does enforcement comply with Hampton principles?	N/A				
Does implementation go beyond minimum EU requirements?	N/A				
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: N/A		
Does the proposal have an impact on competition?	No				
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?	Costs: N/A		Benefits: N/A		
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	Micro N/A	< 20 N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties ¹ Statutory Equality Duties Impact Test guidance	No	11
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	11
Small firms Small Firms Impact Test guidance	No	11
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	11
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	11
Social impacts		11
Health and well-being Health and Well-being Impact Test guidance	No	11
Human rights Human Rights Impact Test guidance	No	11
Justice system Justice Impact Test guidance	No	11
Rural proofing Rural Proofing Impact Test guidance	No	11
Sustainable development Sustainable Development Impact Test guidance	No	11

¹ Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessment of earlier stages (e.g. Consultation, Final, Enactment).

No.	Legislation or publication
1	Building Regulations 2000, as amended
2	Building (Approved Inspectors etc) Regulations 2000, as amended
3	Survey of Building Control Bodies, March 2008
4	

+ Add another row

Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices.

Note: The figures below are present value figures.

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	0.36	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Annual recurring cost										
Total annual costs	0.36									
Transition benefits										
Annual recurring benefits	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.7	0.6
Total annual benefits	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.7	0.6

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

There is discretion for departments and regulators as to how to set out the evidence base. However, it is desirable that the following points are covered:

- Problem under consideration;
- Rationale for intervention;
- Policy objective;
- Description of options considered (including do nothing);
- Costs and benefits of each option;
- Risks and assumptions;
- Administrative burden and policy savings calculations;
- Wider impacts;
- Summary and preferred option with description of implementation plan.

Inserting text for this section:

Select the notes here and either type section text, or use **Paste Without Format** toolbar button to paste in the standard EBBodyPara Style. Format text by applying EB styles from the toolbar.

Introduction

The Building Regulations 2000 (SI 2000/2531) and The Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532) are separate yet related pieces of secondary legislation. They are made under the powers from the Building Act 1984. The objective of both sets of Regulations is to ensure the health, safety, welfare and convenience of people in and around buildings, and water and energy efficiency of buildings. The legislation covers both the technical standards that need to be met and the procedures that need to be followed when building work is carried out. The regulations apply to the majority of new buildings, as well as to some alterations of existing buildings in England and Wales, and apply to domestic, commercial and industrial buildings.

Those carrying out building work need to comply with the regulations, and Building Control's function is to ensure compliance. Building Control can be carried out either by the local authority or by an Approved Inspector. Both essentially carry out the same role but have different procedural aspects, hence the two separate sets of regulations.

Problem under Consideration

The Building Regulations 2000 (SI 2000/2531) and The Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532) have not been consolidated for 10 years. However, we have had an informal consolidation available on the department's website, which we know is made use of and has been of value. As the regulations are amended, causing both sets of regulations to become more difficult to comprehend, we believe that a formal consolidation of the regulations is now required.

Rationale for government intervention

Although the regulations have not been consolidated since 2000, they have been amended a great many times since, so that to see fully what is now in the Building Regulations requires looking at 18 statutory instruments. See Annex A. Over the years due to changes in policy, some regulations have been amended, revoked or deleted leaving the regulations appearing messy and illogical in places, with complex numbering. In some cases the amendments have been further amended or revoked. The consolidation provides an opportunity to clarify this and tidy it up, with the aim of making the regulations more user friendly, particularly to those new to them. A consolidated set of regulations will also importantly provide a tidy and logical base on which to make future amendments to.

If the regulations are not consolidated then they will get more untidy and difficult to comprehend as time goes on and as more amendments are made to them. The regulations will be amended over time regardless of whether we carry out a consolidation so it would therefore be sensible to tidy these up now, before adding to them further. This will make future amendments to the legislation much easier to understand. Only the Government can intervene to resolve this problem, as it can only be resolved through legislation.

The Government has publicly committed to bringing the consolidated regulations into force on 1 October 2010.

Policy objective

The consolidation is part of the Government's commitment to simplification and reducing the burden of regulation. The Consolidation will tidy up the existing regulations by re-numbering and re-ordering the regulations for clarity and ease of use. Consolidating the regulations will make them easier to read, understand and to refer to in the everyday work of those who use them, and also to those who are new to the regulations. It also allows the revocation of the 2000 Regulations and all subsequent amendments.

At the same time as the consolidation we are also inviting applications for new and extension to existing Competent Persons Schemes, and introducing new types of work which can be carried out by these schemes. Competent Person Schemes are a mechanism to allow competent installers to self-certify that their work complies with all relevant requirements in the Building Regulations. Where work is carried out by members of such schemes there is no need to notify a building control body in advance or pay a building control charge, saving building owners £100+ per job. The types of work, and those authorised to carry out these types of work as a Competent Person Scheme, are listed in one of the schedules of the Building Regulations 2000 (as amended). The consolidation provides us with an opportunity to amend this schedule to take into account any new types of work and new Competent Persons Schemes, rather than making separate amendments to this after the consolidation. Although taking place as part of this exercise, the introduction of new Competent Persons Schemes and new types of work, is its own exercise and therefore has its own separate impact assessment.

The consolidation is not a general review of the Building Regulations and therefore does not make substantive requirement changes to the Building Regulations, or to the building control system more generally.

Consultation

We have not carried out a full public consultation on the consolidation of the Building Regulations. Section 14 of the Building Act 1984 does not require us to formally consult the Building Regulations Advisory Committee (BRAC) and other representative interests as we are not making any changes to the substantive requirements of the regulations. However, we informally consulted representative interests, who use the Building Regulations as a main part of their work, such as members of BRAC, Association of Consultant Approved Inspectors (ACAI) and Local Authority Building Control (LABC) on our plans for consolidation. There was recognition by these consultees that a consolidation would result in substantially simpler legislation and the consolidation was therefore broadly welcomed. Some concerns were expressed that the changes to numbering and reordering of some provisions might present some short term difficulties to users familiar with the current legislation. We propose to address this by ensuring that all of the guidance that is published in conjunction with the Regulations such as the Approved Documents is issued with amendment slips and the correspondence tables. Amended versions of the Approved Documents and other Departmental guidance will be published as soon as practicable. Others considered that an opportunity should have been taken to review fully all the requirements but this was not the intention of the proposal on consolidation and is being taken forward through a separate review process on a longer timescale.

Description of Options

Option 1: to do nothing and therefore not to consolidate

If we took no action and therefore did not consolidate, although there would be no initial costs involved, the lack of clarity in the existing legislation, coupled with the likelihood of further amendments and changes to the legislation occurring in the near future would impose future costs. This would be in terms of time taken to use the legislation, as well as possible non-monetised costs resulting from non-compliance with legislation that has effectively become too complicated and unclear to understand. It would also be particularly difficult for someone new to the legislation to understand it. This problem would be highly likely to increase over time, as more amendments are made to the legislation.

Option 2

This is to incorporate all amendments to the Regulations made since 2000 into a new set of regulations, one for the Building Regulations 2000 (as amended) and one for the Building (Approved Inspector etc) Regulations 2000 (as amended) much as for the informal consolidation now on our website. However, in addition to this it also involves the renumbering of the Regulations sequentially, as well as reordering some of the regulations in a more consistent way for clarity and ease of use. This would mean that some references in other documents would be out of date. This may cause some initial confusion to those who are regular users of the regulations which has been identified as part of the transitional costs, but we consider that this will soon resolve itself once users of the regulations are more used to their new appearance. To reduce any initial confusion we will ensure that all of the guidance that is published in conjunction with the Regulations such as the Approved Documents is issued with amendment slips and the correspondence tables. Amended versions of the Approved Documents and other Departmental guidance will be published as soon as practicable. As we are not planning to change any substantive requirements in the Regulations through the consolidation, the text of the regulations printed would not be affected, just the numbering of them. We have chosen this option because grouping of related matters in the regulations will make them much easier to use and the new numbers and order will make it far easier to amend the regulations sensibly and practicably in the future.

We also considered consolidating into one set of regulations but feedback from those who regularly use the regulations suggested that this would not be helpful. It was therefore felt preferable to have separate sets of regulations to ensure clarity and ease of use. Users felt that a single set of regulations would be confusing.

Costs

Local Authorities

Familiarisation Costs

It is estimated that there are 4000 Local Authority Building Control Inspectors, (the figure is based on the Survey of Building Control Bodies, March 2008) and 500 lawyers working on the regulations for Local Authorities on a regular basis (this figure is based on approximately 1-2 lawyers per building control body). It is estimated that an average of 1 hour of each officer's time is spent for initial familiarisation of the consolidated regulations at an overall average cost of £60 per hour (this figure is based on an average hourly rate, based on evidence previously provided by Local Authorities).

This gives a total central estimate of **£270,000**. High and low estimates have been made around the time spent. The high estimate, assuming 1 hour 20 minutes per inspector or lawyer gives a total of £360,000. The low estimate, assuming 40 minutes per inspector or lawyer gives a total of £180,000.

Administrative Cost

A small one off cost will be incurred in changing Local Authority forms as a result of the renumbering in the consolidation. This is estimated to take half an hour of one administrative person's time (with high and low ranges) at £15 ph for each of the 332 Local Authority Building control departments, totalling a one off cost of **£2,500**.

High and low ranges estimates have been made around the time spent. The high estimate, assuming 40 minutes per change, gives a one off cost of £3,300. The low estimate, assuming 20 minutes per change gives a one off cost of £1,700.

Private Sector

Approved Inspectors

It is estimated that there are 600 people working as Approved Inspectors (this figure is based on the Survey of Building Control Bodies, March 2008). It is estimated that an average of 1 hour of each officer's time is spent for initial familiarisation of the consolidated regulations at an overall average labour cost of £60 per hour. This gives a total one off cost of **£36,000**. High and low ranges around estimated time spent (high: 1 hour 20 mins for 800 inspectors, low: 40 mins for 500 inspectors) gives a total one off cost of £64,000 (high) and £20,000 (low).

An administrative cost of 30 mins each for 70 organisations at £15 per hour gives a one off cost of **£525** (range: high at 40 mins gives £700, low at 20 mins gives £350).

Private Sector Lawyers

We have assumed that there is an estimated 5000 private sector lawyers who would need to work with the Regulations but we have no data available to us to inform our assumption. Lawyers would need to settle disputes, ensure local enforcement, provide internal advice for construction companies and perform other functions such as conveyancing. Of these 5000 we estimate around 2000 of these deal with the regulations on a regular basis, and would therefore need to familiarise themselves with them. However, they are not dealing with them as often as Local Authority lawyers as it is only part of their work. They would therefore only need an estimated 15 minutes familiarisation time at a rate of £100 per hour giving a total one-off cost of **£50,000**.

High and low estimates have been made around this central figure. A high estimate, assuming 3000 lawyers taking 20 minutes familiarisation time each gives a one off cost of £100,000. A low estimate, assuming 1,000 lawyers at 10 minutes familiarisation time each gives an estimate of £16,667.

Builders

We do not anticipate that there will be any particular costs on builders in general because they tend to refer to the detailed guidance in the Approved Documents which include extracts from the relevant parts of the regulations rather than referring to the regulations themselves.

Total Overall Costs

The total overall transition cost is therefore **£359,000** based on £272,500 (local authorities) plus £86,500 (private sector). (High: £528,000, Low: £219,000).

We do not consider that there will be any ongoing costs (see the benefits section).

Benefits

Public Sector

Local Authorities

Once Local Authority Building Control Inspectors have familiarised themselves with the consolidated legislation, then the time taken for them to use the legislation will be less, resulting in an annual saving benefit.

The size of this consolidation benefit will reduce over time as further changes to the regulations add complexity. However, it should also be noted that in the absence of a consolidation there would be increased costs due to added complexity for use of unconsolidated regulations over time in any case. It is therefore assumed that the reduction is at 5% per annum (with low of 8% and high of 2%).

It is estimated that there are 4000 Local Authority Building Control Inspectors, and 500 lawyers working on the regulations for Local Authorities on a regular basis, and the time taken using the consolidated regulations could reduce by an estimated average of 20 minutes per month of each officer's time (High 30 minutes per month, Low 10 minutes per month) at an overall average labour cost of £60 per hour. This gives an annual benefit of **£1,080,000** (high £1,620,000, low £540,000).

The total annual benefit to the public sector is therefore £1,080,000

Private Sector

Approved Inspectors

Once Approved Inspectors have familiarised themselves with the consolidated legislation, then the time taken for them to use the legislation will be less, resulting in an annual saving benefit.

The size of this consolidation benefit will reduce over time as further changes to the regulations add complexity. However, it should also be noted that in the absence of a consolidation there would be increased costs due to added complexity for use of unconsolidated regulations over time in any case. It is therefore assumed that the reduction is at 5% per annum (with low of 8% and high of 2%).

It is estimated that there are 600 Approved Inspectors working on the regulations on a regular basis, and the time taken using the consolidated regulations could reduce by an estimated average of 20 minutes per month of each officer's time at an overall average labour cost of £60 per hour. This gives an annual benefit of **£144,000**.

High and low ranges estimates have been made around this central figure. A high estimate, assuming 30 minutes time per month for each of 800 inspectors gives an annual cost of £288,000. A low estimate, assuming 10 minutes time per month of each of 500 inspectors gives an annual cost of £60,000.

Private Sector Lawyers

As for costs, we assume around 2000 private sector lawyers actually deal with the regulations on a regular basis, and would therefore save time from consolidated regulations. We have assumed an average of one hour less per lawyer per year at £100 per hour, resulting in an annual benefit of **£200,000**. The assumption of 1 hour is based on the fact that these lawyers are not using this legislation on a regular basis so they need to familiarise themselves with this legislation each time they use it regardless of whether or not it has been consolidated and so the time saving made by the consolidation is not large.

A high estimate for 3000 lawyers taking an average of 1 hour 20 minutes gives an annual benefit of £400,000 and a low estimate of 1000 lawyers taking an average of 40 minutes gives £66,667.

Builders

As explained previously under costs, we do not anticipate and particular significant impact to builders and therefore no benefit to builders from the consolidation has been included.

Total Private Sector Benefit

The total annual private sector benefit is therefore £200,000 for less lawyer time and £144,000 for less approved inspector time giving an annual private sector benefit in the first year of **£344,000**. Discounted over 10 years of benefit, reducing at a rate of 5% per annum gives a present value private sector benefit of **£2,330,000**.

Total Overall Benefits (private and public sector)

This gives a total annual benefit in the first year of **£1,424,000** (high: £2,308,000, low: £666,700). Totalled over ten years, discounted and including an annual benefit reduction of 5% (high 2%, low 8%) as outlined above, gives a present value benefit of **£9,642,000** (high £17,657,000, low £4,012,000).

Net Benefit to Business

The net reduction in burden on business from a net present benefit of £2,330,000 minus a net one off cost of £86,500 to give a net present value of **£2,243,500**.

Risks and assumptions

As detailed in our costs and benefits above, our figures are based on many assumptions, such as estimates of numbers of lawyers, the hourly rate of both building control officers and lawyers, as well as the time taken in their jobs referring to or using the legislation. There are no firm figures available. The previous consolidation in 2000 did not have an accompanying impact assessment as this was not a requirement then, so we have no prior figures to base our figures on. We have therefore used ranges in places, and have estimated to the best of our knowledge using evidence where available.

We expect our net present value figures to be at the slightly lower end of the scale, as there may be non-monetised factors such as the benefits from increased compliance for which we have not included.

Wider impacts

We would expect the consolidation to have some wider impact on society in terms of the use of building control's time. If less time is spent on actually using the regulations as part of their job, then their time could effectively be spent on other parts of their jobs. This would impact on their availability to the customer as part of their role in ensuring compliance with the regulations. It is possible that this could then have a beneficial knock on effect to the general overall quality of building work. As the consolidation is designed to make the Regulations easier to understand, small businesses may find it more beneficial in terms of time saved than larger businesses as small businesses tend not to have specialist knowledge available in-house.

Impact Tests

STATUTORY EQUALITY DUTIES

We have completed an Equalities Impact Assessment, and estimate that there is no impact here, as the consolidation has no greater or lesser affect on people in terms of equality. The impact will be the same on all of those who use the regulations or who are affected by them. This is particularly highlighted by the fact that we are not actually making any substantive requirement changes in the consolidation. For example there is nothing in the consolidation that will change to affect woman more than men, or to affect ethnic minorities, or to affect those with a disability, and so on.

ECONOMIC IMPACTS

Small Firms

There may be a slight impact on small firms: lawyers who may need to refer to the regulations could be those from small firms and some Approved Inspectors are also in small firms. Small building companies may also be affected by the consolidation as it is designed to make the Regulations easier to understand, and they may find it more beneficial in terms of time saved than larger businesses as small businesses tend not to have specialist knowledge available in-house.

Competition

There is no impact on competition.

ENVIRONMENTAL IMPACTS

There is no environmental impact

SOCIAL IMPACTS

There is no social impact

SUSTAINABLE DEVELOPMENT

There is no impact on sustainable development

Monitoring and evaluation

We are not proposing a formal PIR as there are ongoing reviews of the regulations, and we would expect any problems or benefits to be picked up in these.

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), it could be to review existing policy or there could be a political commitment to review];</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p>
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]</p>
<p>Reasons for not planning a PIR: [If there is no plan to do a PIR please provide reasons here] The consolidation is not altering or adding any requirements within the Building Regulations or Approved Inspectors Regulations, merely bringing all the provisions into simpler documents. Any review of the time saved would be very complex and difficult to attempt.</p>

Add annexes here.

ANNEX 2

Changes made over the past 10 years to both sets of Regulations

The Building Regulations 2000 (SI 2000/2531), amended by:

- The Building and Approved Inspectors (Amendment) Regulations 2010 (SI 2010/719)
- The Building and Approved Inspectors (Amendment No.2) Regulations 2009 (SI 2009/2465)
- The Building (Amendment No.2) Regulations 2009 (SI 2009/2397)
- The Building and Approved Inspectors (Amendment) Regulations 2009 (SI 2009/1219)
- The Building (Amendment) Regulations 2009 (SI 2009/466)
- Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No.2) Regulations 2008 (SI 2008/2363)
- The Building (Amendment) Regulations 2008 (SI 2008/671)
- The Energy Performance of Buildings (Certificates and Inspections) (England and Wales)(Amendment) Regulations 2008 (SI 2008/647)
- The Building and Approved Inspectors (Amendment) (No.2) Regulations 2007 (SI 2007/3384)
- The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (SI 2007/991)
- The Building and Approved Inspectors (Amendment) (No.2) Regulations 2006 (SI 2006/3318)
- The Building and Approved Inspectors (Amendment) Regulations 2006 (SI 2006/652)
- The Building (Amendment) (No.3) Regulations 2004 (SI2004/3210)
- The Building (Amendment) Regulations 2004 (SI 2004/1465)
- The Building and Building (Approved Inspectors etc.) (Amendment) Regulations 2003 (SI 2003/3133)
- The Building (Amendment) Regulations 2003 (SI 2003/2692)
- The Building (Amendment) (No. 2) Regulations 2002 (SI 2002/2871)
- The Building (Amendment) Regulations 2002 (SI 2002/0440)
- The Building (Amendment) Regulations 2001 (SI 2001/3335)

The Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532), amended by:

- The Building and Approved Inspectors (Amendment) Regulations 2010 (SI 2010/719)
- The Building and Approved Inspectors (Amendment No.2) Regulations 2009 (SI 2009/2465)
- The Building and Approved Inspectors (Amendment) Regulations 2009 (SI 2009/1219)
- Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No.2) Regulations 2008 (SI 2008/2363)
- The Energy Performance of Buildings (Certificates and Inspections) (England and Wales)(Amendment) Regulations 2008 (SI 2008/647)
- The Building and Approved Inspectors (Amendment) (No.2) Regulations 2007 (SI 2007/3384)
- The Building and Approved Inspectors (Amendment) (No2) Regulations 2006 (SI 2006/3318)
- The Building and Approved Inspectors (Amendment) Regulations 2006 (SI 2006/652)
- The Building (Approved Inspectors etc.) (Amendment) Regulations 2004 (SI 2004/1466)
- The Building (Approved Inspectors etc) (Amendment) Regulations 2003 (SI 2003/3133)
- The Building (Approved Inspectors etc) (Amendment) Regulations 2002 (SI 2002/2872)
- The Building (Approved Inspectors etc.) (Amendment) Regulations 2001 (SI 2001/3336)

Table showing how the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532) correspond with the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215)

Provisions revoked before 1st October 2010 are not listed in the table.

Parts, regulation and Schedule headings	Number of Part, regulation or Schedule in Building (Approved Inspectors etc.) Regulations 2000	Number of Part, regulation or Schedule in Building (Approved Inspectors etc.) Regulations 2010
General	Part 1	Part 1
Citation, commencement and revocations (heading revised to "Citation and commencement")	1	1 and 38
Interpretation	2	2
Grant and withdrawal of approval	Part 2	Part 2
Approval of inspectors	3	4
Designation of bodies to approve inspectors	4	3
Manner of approval or designation	5	5
Termination of approval or designation	6	6
Lists of approvals and designations	7	7
Supervision of work by Approved Inspectors (now contains regulations 8 to 19)	Part 3	Part 3
Initial notice (heading revised to "Form, grounds and period for rejecting initial notice")	8	10
Amendment notice (heading revised to "Form, grounds and period for rejecting amendment notice")	9	11
Independence of approved inspectors	10 (for the paragraphs see below)	9
	10(1)	9(5)
	10(2)	9(1)
	10(3)	9(2)
	10(4)	9(3)
	10(5)	9(4)
Functions of approved inspectors	11 (for the paragraphs and sub-paragraphs see below)	8
	11(1)(a)	8(1)(a)

	11(1)(c)	8(1)(b)
	11(2)	8(2)
Application of provisions of the Principal Regulations (contains new regulation 20: Application of regulations 20, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations)	-	Part 4
Provisions applicable to self certification schemes for building work	11A	20(1)
Energy performance certificates	12	20(1) and (3)
Sound insulation testing	12A	20(1) and (5)
Mechanical ventilation air flow rate testing	12AA	20(1)
Pressure testing	12B	20(1)
Commissioning	12C	20(1) and (6)
CO2 emission rate calculations	12D	20(1) and (2)
Wholesome water consumption calculation	12E	20(1) and (4)
Approved inspector's consultation with fire authority (heading revised to "Approved inspector's consultation with the fire and rescue authority")	13 (for the paragraphs and sub-paragraphs see below)	12
	13(1)	12(6)
	13(1)(b)	12(6)(a)
	13(1)(c)	12(6)(b)
	13(1)(d)	12(6)(c)
	13(2)	12(1)
	13(3)	12(2)
	13(4)	12(3)
	13(5)	12(4)
	13(6)	12(5)
Approved inspector's consultation with sewerage undertaker	13A	13
Plans certificates (the regulations formerly in Part 4 are now in Part 3)	Part 4	-
Form of plans certificate (heading revised to "Form, grounds and period for rejecting plans certificate")	14	14(1)
Grounds and period for rejecting plans certificate	15 (for the paragraphs see below)	14(2)-(4)
	15(1)	14(2)
	15(2)	14(3)
	15(3)	14(4)
Effect of plans certificate	16	15
Final certificates (the regulation formerly in Part 5 is now in Part 3)	Part 5	-
Form, grounds and period for rejecting final certificate	17	16

Cessation of effect of initial notice (the regulations formerly in Part 6 are now in Part 3)	Part 6	-
Events causing initial notice to cease to be in force	18 (for the paragraphs see below)	17
	18(1)	17(1)
	18(2)	17(2) and (3)
	18(3)	17(4)
	18(4)	17(5)
	18(5)	17(6)
	18(6)	17(7)
Cancellation of initial notice	19	18
Local authority powers in relation to partly completed work	20	19
Public bodies	Part 7	Part 5
Approval of public bodies	21	21
Public body's notice (heading revised to "Form, grounds and period for rejecting public body's notice")	22	22
Public body's consultation with the fire authority (heading revised to "Public body's consultation with the fire and rescue authority")	23	23
Public body's consultation with the sewerage undertaker	23A	24
Public body's plans certificate (heading revised to "Form, grounds and period for rejecting public body's plans certificate")	24	25(1)
Grounds and period for rejecting public body's plans certificate	25 (for the paragraphs see below)	25(2)-(4)
	25(1)	25(2)
	25(2)	25(3)
	25(3)	25(4)
Effect of public body's plans certificate	26	26
Public body's final certificate (heading revised to "Form, grounds and period for rejecting public body's final certificate")	27	27
Events causing public body's notice to cease to be in force	28	28
Certificates relating to deposited plans	Part 8	Part 6
Certificates given under section 16(9) of the Act	29	29
Registers (the regulation formerly in Part 9 is now in Part 7)	Part 9	-
Register of notices and certificates	30	30

Effect of contravening building regulations (the regulation formerly in Part 10 is now in Part 7)	Part 10	-
Contravention of certain regulations not to be an offence	31	31
Miscellaneous Provisions (contains new regulations 30-38)	Part 11	Part 7
Electronic service of documents	31A (for the sub-paragraphs see below)	32
Self-certification scheme certificate	31A(a)	32(c)
Self-certification scheme notice	31A(b)	32(c)
EPC	31A(c)	32(e)
Notice of EPC	31A(d)	32(f)
Notice of sound insulation testing results	31A(e)	32(h)
Mechanical ventilation air flow rate testing results	31A(ea)	32(i)
Notice of pressure testing results	31A(f)	32(j)
Notice of commissioning	31A(g)	32(k)
Notice of CO2 emission calculations	31A(h)	32(d)
Notice of wholesome water consumption calculation	31A(ha)	32(g)
Notice of contravention	31A(i)	32(a)
Notice in relation to partly completed work	31A(j)	32(b)
Transitional provisions	32	-
Transitional provisions: interpretation	Regulation 25 of the Building and Approved Inspectors (Amendment) Regulations 2010 (S.I. 2010/719) (“the 2010 Regulations”)	33
Transitional provisions: work already started before 1st October 2010	Regulation 26 of the 2010 Regulations	34
Transitional provisions: work for which notification is not required	Regulation 27 of the 2010 Regulations	35
Transitional provisions: notice given or plans deposited before 1st October 2010	Regulation 28 of the 2010 Regulations	36
Transitional and saving provisions: earlier Building Regulations	Continues the effect of transitional provisions in earlier Approved Inspectors Regulations	37
Revocations and consequential amendments	-	38
Revocation of regulations	Schedule 1	Schedule 8
Forms	Schedule 2	Schedule 1
Grounds for rejecting an initial	Schedule 3 (for the	Schedule 2

notice, an amendment notice, or a plans certificate combined with an initial notice	paragraphs see below)	
	1-7	1-7
	7A	8
	8	9
	9	10
	11	11
	12	12
Grounds for rejecting a plans certificate, or a plans certificate combined with an initial notice	Schedule 4 (for the paragraphs see below)	Schedule 3
	1-7	1-7
	7A	8
	8	9
Grounds for rejecting a final certificate	Schedule 5	Schedule 4
Grounds for rejecting a public body's notice, or a combined public body's notice and plans certificate	Schedule 6 (for the paragraphs see below)	Schedule 5
	1-5	1-5
	5A	6
	6	7
	8	8
Grounds for rejecting a public body's plans certificate, or a combined public body's notice and plans certificate	Schedule 7	Schedule 6
Grounds for rejecting a public body's final certificate	Schedule 8	Schedule 7
Consequential Amendments	-	Schedule 9