

**EXPLANATORY MEMORANDUM TO
THE BUILDING (AMENDMENT) REGULATIONS 2014**

2014 No. 2362

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This instrument updates the lists of bodies authorised by the Secretary of State to operate schemes to register persons as competent to certify compliance with certain requirements of the Building Regulations 2010 (S.I. 2010/2214) (“the 2010 Regulations”) in certain circumstances.

3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

3.1 None.

4. **Legislative Context**

4.1 This instrument is part of the continuing review by the Department of the operation of self-certification and third party certification of building work as compliant with the 2010 Regulations, which are made under the Building Act 1984 (1984 c.55).

5. **Territorial Extent and Application**

5.1 This instrument applies to England and to excepted energy buildings, as defined in the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019) in Wales.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- What is being done and why

7.1.1 Competent person self-certification schemes have been established under the Building Act 1984 to allow persons carrying out certain types of building work to self-certify their work as compliant with applicable requirements in the 2010 Regulations. The Department has also authorised schemes for the third party certification of electrical work covered by Part P of the 2010 Regulations. Schemes are authorised under powers in paragraph 4A of Schedule 1 to the Building Act 1984.

7.1.2 Two scheme operators have asked for the revocation of the authorisation of their schemes for certain types of work. The schemes have no members for the types of work. The Department therefore considers that the names of the schemes should be removed from Schedule 3 and Schedule 3A to the 2010 Regulations as set out in amendment regulation 2(2) and (3).

Consolidation

7.2 The Department has no plans at present to consolidate the 2010 Regulations. The 2010 Regulations and all instruments amending them made under the Building Act 1984 are available online at <http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/buildingregulations/buildingregs..>

8. Consultation outcome

8.1 A consultation was not needed as the revocations were requested by the scheme operators concerned.

9. Guidance

9.1 The Department will issue guidance on the effect of this Statutory Instrument to local authorities through the publication of a Departmental Circular and a Circular letter to building control bodies.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies as the schemes currently have no members for these types of work.

10.2 There will be no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 There is no need to minimise the impact of the amendments on firms employing up to 20 people as the schemes have no members.

11.3 No action needs to be taken to assist small business

12. Monitoring & review

12.1 A review is not needed as the amendments simply revoke authorisations.

13. Contact

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