

2014 No. 579

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Regulations &c. (Amendment) Regulations 2014

Made - - - - *10th March 2014*

Laid before Parliament *13th March 2014*

Coming into force - - *6th April 2014*

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

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Building Regulations &c. (Amendment) Regulations 2014.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply in relation to any building in Wales other than an excepted energy building, and “excepted energy building” shall have the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009(c).

(4) These Regulations come into force on 6th April 2014.

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(d) are amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation)(e) in the definition “energy efficiency requirements” for “and 40” substitute “, 40 and 43”.

(3) In regulation 12 (giving of a building notice or deposit of plans)(f)—

(a) in paragraph (6)—

(i) omit “or” after sub-paragraph (a), and

(ii) insert after sub-paragraph (b)—

(a) 1984 c.55. Section 1 was amended by section 1(1) to (3), paragraph 4A of Schedule 1 was inserted by section 8(1), paragraph 7 was amended by section 3(1) to (5), and paragraph 8(1) was amended by section 3(6) of the Sustainable and Secure Buildings Act 2004 (c.22). Paragraph 7(a)(xxiie) of Schedule 1 was inserted by section 11 of the Climate Change and Sustainable Energy Act 2006 (c.19).

(b) Section 14(3) was amended by article 8(3) of S.I. 2009/3019.

(c) S.I. 2009/3019.

(d) S.I. 2010/2214, as amended as described in the footnotes following.

(e) As amended by S.I. 2011/1515 and S.I. 2012/3119. There are other amendments, but none is relevant.

(f) As amended by S.I. 2012/3119. There are other amendments, but none is relevant.

“; 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”.

(4) For the heading of Part 5 substitute—

“Self-certification schemes and third party certification schemes”.

(5) In regulation 20 (provisions applicable to self-certification schemes)(a)—

- (a) omit paragraph (3C); and
- (b) in paragraph 5 omit “, and the certificate shall contain this wording”.

(6) After regulation 20 insert the following regulation—

“Provisions applicable to third party certification schemes

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).

(2) Where this regulation applies, the local 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 local 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 local 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).”.

(7) In regulation 43(2) (pressure testing)(b) after “26” insert “and regulation 26A”.

(8) In regulation 47 (contravention of certain regulations not to be an offence)(c) after “27,” insert “27A,”.

(a) As amended by S.I. 2012/3119.

(b) There is an amendment, but it is not relevant.

(c) As substituted by S.I. 2012/3119.

(9) For the Table in Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) substitute the Table in Part 1 of the Schedule to these Regulations.

(10) After Schedule 3 insert the Schedule in Part 2 of the Schedule to these Regulations.

(11) In Schedule 4 (descriptions of work where no building notice or deposit of full plans required)(a) paragraph 1(g)—

- (a) in sub-paragraph (i) after “appliance” add “(other than a fixed flueless gas cooker)”; and
- (b) in sub-paragraph (ii) for “12(6)(b)” substitute “12(6A)”.

Amendments to the Building (Approved Inspectors etc) Regulations 2010

3.—(1) The Building (Approved Inspectors etc) Regulations 2010(b) are amended in accordance with the following paragraphs.

(2) In regulation 8 (functions of approved inspectors)(c)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “26 (CO₂ emission rates for new buildings),” insert “26A (fabric energy efficiency rates for new buildings),” and
 - (ii) in sub-paragraph (b) after “27,” insert “27A,”; and
- (b) paragraph (2) is revoked.

(3) In regulation 20 (application of regulations 20 etc. of the Principal Regulations)(d)—

- (a) in the heading after “20,” insert “20A,”;
- (b) in paragraph (1) after “20 (provisions applicable to self-certification schemes),” insert “20A (provisions applicable to third party certification schemes),”; and
- (c) after paragraph (2) insert the following paragraph—

“(2A) Regulation 27A(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed,” there were inserted “or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc) Regulations 2010 the initial notice ceases to be in force”.

Signed by authority of the Secretary of State for Communities and Local Government

Stephen Williams
Parliamentary Under Secretary of State
Department for Communities and Local Government

10th March 2014

SCHEDULE

Regulation 2(9) and (10)

PART 1

<i>“Column 1 Type of work</i>	<i>Column 2 Person carrying out work</i>
1. Installation of a heat-producing gas appliance. This paragraph does not apply to	A person, or an employee of a person, who is a member of a class of persons approved

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- (a) There are amendments, but none is relevant.
 - (b) S.I. 2010/2215, as amended as described in the footnotes following.
 - (c) As amended by S.I. 2012/3119.
 - (d) As amended by S.I. 2012/3119 and S.I. 2013/1959.

the provision of a masonry chimney.	in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998(a).
2. Installation of— (a) an oil-fired combustion appliance; or (b) oil storage tanks and the pipes connecting them to combustion appliances. This paragraph does not apply to the provision of a masonry chimney.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited(b), Benchmark Certification Limited(c), Building Engineering Services Competence Assessment Limited(d), Certsure LLP(e), HETAS Limited(f), NAPIT Registration Limited(g), Oil Firing Technical Association Limited(h), or Stroma Certification Limited(i).
3. Installation of a solid fuel-burning combustion appliance other than a biomass appliance. This paragraph does not apply to the provision of a masonry chimney.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, or NAPIT Registration Limited.
4. Installation of a heating or hot water system, or its associated controls.	A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998, or a person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited, or Stroma Certification Limited.
5. Installation of a mechanical ventilation or air conditioning system or associated controls, in a building other than a dwelling, that does not involve work on a system shared with parts of the building occupied separately.	A person registered in respect of that type of work by Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
6. Installation of an air conditioning or ventilation system in a dwelling, that does not involve work on a system shared with other dwellings.	A person registered in respect of that type of work by Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
7. Installation of an energy efficient lighting system or electric heating system, or	A person registered in respect of that type of work by Building Engineering Services

(a) S.I. 1998/2451.

(b) A company formed and registered under the Companies Acts (as defined in section 2 of the Companies Act 2006, c.46) with the registration number 02876277.

(c) A company formed and registered under the Companies Acts with the registration number 07144771.

(d) A company formed and registered under the Companies Acts with the registration number 03712932.

(e) A limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000 (c.12) with the registration number OC379918.

(f) A company formed and registered under the Companies Acts with the registration number 02117828.

(g) A company formed and registered under the Companies Acts with the registration number 05190452.

(h) A company formed and registered under the Companies Acts with the registration number 02739706.

(i) A company formed and registered under the Companies Acts with the registration number 06429016.

associated electrical controls, in buildings other than dwellings.	Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
8. Installation of fixed low or extra-low voltage electrical installations in dwellings.	A person registered in respect of that type of work by BSI Assurance UK Limited(a), Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, Oil Firing Technical Association Limited, or Stroma Certification Limited.
9. Installation of fixed low or extra-low voltage electrical installations in dwellings, as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
10. Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.	A person registered in respect of that type of work by BM Trada Certification Limited(b), BSI Assurance UK Limited, CERTASS Limited(c), Certsure LLP, by Fensa Limited(d) under the Fenestration Self-Assessment Scheme, by NAPIT Registration Limited, Network VEKA Limited(e), or Stroma Certification Limited.
11. Installation, as a replacement, of a window, rooflight, roof window or door in an existing building other than a dwelling. This paragraph does not apply to glass which is load bearing or structural or which forms part of glazed curtain walling or a revolving door.	A person registered in respect of that type of work by BM Trada Certification Limited, CERTASS Limited, Certsure LLP, by Fensa Limited under the Fenestration Self-Assessment Scheme, or by Stroma Certification Limited.
12. Installation of a sanitary convenience, sink, washbasin, bidet, fixed bath, shower or bathroom in a dwelling, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, or Stroma Certification Limited.
13. Installation of a wholesome cold water supply or a softened wholesome cold water supply.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, or NAPIT Registration

(a) A company formed and registered under the Companies Acts with the registration number 07805321.

(b) A company formed and registered under the Companies Acts with the registration number 02110046.

(c) A company formed and registered under the Companies Acts with the registration number 04350234.

(d) A company formed and registered under the Companies Acts with the registration number 03058561.

(e) A company formed and registered under the Companies Acts with the registration number 04029350.

	Limited.
14. Installation of a supply of non-wholesome water to a sanitary convenience fitted with a flushing device, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, or Stroma Certification Limited.
15. Installation in a building of a system to produce electricity, heat or cooling— (a) by microgeneration; or (b) from renewable sources (as defined in Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources(a)).	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, BRE Global Limited(b), Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited, or Stroma Certification Limited.
16. Installation, as a replacement, of the covering of a pitched or flat roof and work carried out by the registered person as a necessary adjunct to that installation. This paragraph does not apply to the installation of solar panels.	A person registered in respect of that type of work by NAPIT Registration Limited or the National Federation of Roofing Contractors Limited(c).
17. Insertion of insulating material into the cavity walls of an existing building.	A person registered in respect of that type of work by Cavity Insulation Guarantee Agency Limited(d) under the Cavity Wall Insulation Self Certification Scheme, by Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
18. Installation of insulating material to the internal walls of a building, not including the installation of flexible thermal linings.	A person registered in respect of that type of work by British Board of Agrément(e), CERTASS Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
19. Installation of insulating material to the external walls of a building, not including insulation of demountable-clad buildings.	A person registered in respect of that type of work by British Board of Agrément, CERTASS Limited, Certsure LLP, NAPIT Registration Limited, or Stroma Certification Limited.
20. Installation of insulating material to the external and internal walls of a building (“hybrid insulation”), not including insulation of demountable-clad buildings, and not including the installation of flexible thermal linings	A person registered in respect of that type of work by British Board of Agrément, Certsure LLP, or NAPIT Registration Limited.”

(a) OJ No L218, 5.6.2009, p.16, Article 2.

(b) A company formed and registered under the Companies Acts with the registration number 03548352.

(c) A company formed and registered under the Companies Acts with the registration number 02591364.

(d) A company formed and registered under the Companies Acts with the registration number 03044131.

(e) A company formed and registered under the Companies Acts with the registration number 00878293.

PART 2

“SCHEDULE 3A

Regulations 12(6)(c)
and 20A(1)

Third Party Certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans

<i>Column 1</i> <i>Type of work</i>	<i>Column 2</i> <i>Person inspecting work</i>
Electrical installations in dwellings.	A person registered in respect of that type of work by BSI Assurance UK Limited, NAPIT Registration Limited, or Stroma Certification Limited.”

EXPLANATORY NOTE

(This note is not part of the Order)

Regulation 2 of, and the Schedule to, these Regulations amend the Building Regulations 2010 (S.I. 2010/2214, as amended by S.I. 2011/1515, S.I. 2012/718, S.I. 2002/3119, S.I. 2013/181, S.I. 2013/1105 and S.I. 2013/1959) (“the Building Regulations”).

Regulation 2(3), (4), (6) and (10), and Part 2 of the Schedule, provide for the introduction of certification of compliance of certain types of building work with the requirements of regulations 4 (requirements relating to building work) and 7 (materials and workmanship) of the Building Regulations by a new category of persons described as “third party certifiers”.

Regulation 2(9) and Part 1 of the Schedule, substitute the Table in Schedule 3 (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) with a revised and updated Table.

Regulation 2(2), (7) and (8) corrects omissions arising from earlier amendments to the 2010 Regulations. Regulation 2(5) makes drafting corrections.

Regulation 2(11) amends Schedule 4 (descriptions of work where no building notice or deposit of full plans required). Regulation 2(11)(a) ensures that building work consisting of the provision of a fixed flueless gas cooker may benefit from the exemptions in the Schedule. Regulation 2(11)(b) makes a drafting correction.

Regulation 3 of these Regulations amends the Building (Approved Inspectors etc) Regulations 2010 ((S.I. 2010/2215, as amended by S.I. 2002/3119 and S.I. 2013/1959). Paragraphs (1), (2) and (3)(c) of regulation 3 correct omissions arising from earlier amendments to the Regulations. Paragraph (3)(a) and (b) of regulation 3 makes provision for third party certification under the new regulation 20A of the 2010 Regulations to have effect also in relation to building work supervised by approved inspectors rather than by local authorities.

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