

EXPLANATORY MEMORANDUM TO
THE BUILDING (AMENDMENT) REGULATIONS 2017
2017 No. 856

1. Introduction

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

2. Purpose of the instrument

- 2.1 This instrument updates the persons entitled to certificate the compliance of building work with the Building Regulations 2010 (S.I. 2010/2214).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.
Other matters of interest to the House of Commons
- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument updates the list of competent person self-certification schemes in Schedule 3 to the Building Regulations 2010 (“the Building Regulations”) to remove two schemes ceasing to trade and update the name of a scheme that has changed name and legal entity

5. Extent and Territorial Application

- 5.1 This instrument extends to England and Wales.
- 5.2 The territorial application of this instrument is to England and only to excepted energy buildings in Wales 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

- 6.1 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 Installers registered with authorised competent person schemes (“schemes”) have the ability to self-certify that the work that they carry out is compliant with all relevant requirements in the Building Regulations without the need to involve a building control body – local authority or approved inspector which would otherwise be

required. The schemes which are currently authorised for this purpose and the types of work which can be self-certified are listed in Schedule 3 to the Building Regulations.

- 7.2 These Regulations update the list of competent person schemes in Schedule 3 of the Building Regulations to reflect that the fact that the schemes Benchmark Certification Limited and Network VEKA limited have ceased to trade. The Regulations also replace BM Trada Certification Limited with Assure Certification Limited to reflect the change of name and legal entity of that scheme.

Consolidation

- 7.3 The Department periodically carries out a consolidation of building regulations, although there are no immediate plans for the consolidation of the Building Regulations 2010. The amendments made by this instrument will be included the next time there is a consolidation of building regulations.

8. Consultation outcome

- 8.1 The three schemes named in these Regulations were consulted. Further consultation was deemed unnecessary given the minor extent of the changes

9. Guidance

- 9.1 The Department will issue a Departmental Circular Letter to all building control bodies to inform them of the changes made by these Regulations. The Department's website will be amended accordingly.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
10.2 There is 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 activities that are undertaken by small businesses.
11.2 No specific action is proposed to minimise regulatory burdens on small businesses.

12. Monitoring & review

- 12.1 A review of these Regulations would not be necessary or proportionate as they simply reflect commercial changes made to the schemes that installers may register with to self-certify building work.

13. Contact

- 13.1 Ian Drummond at the Department of Communities and Local Government Telephone: 0303 444 1791 or email: ian1.drummond@communities.gsi.gov.uk can answer any queries regarding this instrument.