
STATUTORY INSTRUMENTS

2021 No. 1392

**The Building Regulations etc. (Amendment)
(England) (No. 2) Regulations 2021**

Amendment of the Building Regulations 2010

2.—(1) The Building Regulations 2010(1) are amended as follows.

(2) In regulation 6(1)(a) (requirements relating to material change of use), after “P1 (electrical safety)” insert on a new line “S2 (infrastructure for the charging of electric vehicles)”.

(3) After Part 9A (physical infrastructure for high-speed electronic communications), insert—

“PART 9B

Infrastructure for the charging of electric vehicles

Application of paragraph S1 of Schedule 1 (the erection of new residential buildings)

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

(1) *S.I. 2010/2214*, relevant amending instruments are *S.I. 2011/1515*, *2012/3119*, *2015/767*, *2016/361* and *490*, *2018/552* and *558* and *2021/1391*.

- 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)

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(2);
 - (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(3),

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.

(2) 1990 c. 9. Section 1 was amended by section 63 of, and paragraphs 7 and 8 of Schedule 17 to, the Enterprise and Regulatory Reform Act 2013 (c. 24), and by section 26(1) of the Historic Environment (Wales) Act 2016 (anaw 4).

(3) 1979 c. 46. Section 1 was amended by section 33 of, and paragraph 25 of Schedule 4 to, the National Heritage Act 1983 (c. 47), section 15 of, and paragraphs 1 and 2 of Schedule 2 to, the Historic Environment Scotland Act 2014 (asp 19), and section 4(1) and (2) of the Historic Environment (Wales) Act 2016.

Application of paragraph S3 of Schedule 1 (residential buildings undergoing major renovation)

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)

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)

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)

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

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

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.”.

- (4) After regulation 55(4) (review of Part 9A and Part R of Schedule 1) add—

“Review of Part 9B and Part S of Schedule 1

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(5) 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).”.

(4) Regulation 55 was inserted by [S.I. 2016/490](#).

(5) [2015 c. 26](#).

(5) In Schedule 1(6) (requirements), after Part R(7) insert—

“Part S Infrastructure for the Charging of Electric Vehicles

The erection of new residential buildings

S1

(1) A new residential building with associated parking must have access to electric vehicle charge points as provided for in paragraph (2).

(2) The number of associated parking spaces which have access to electric vehicle charge points must be—

(a) the total number of associated parking spaces, where there are fewer associated parking spaces than there are dwellings contained in the residential building; or

(b) the number of associated parking spaces that is equal to the total number of dwellings contained in the residential building, where there are the same number of associated parking spaces as, or more associated parking spaces than, there are dwellings.

(3) Cable routes for electric vehicle charge points must be installed in any associated parking spaces which do not, in accordance with paragraph (2), have an electric vehicle charge point where—

(a) a new residential building has more than 10 associated parking spaces; and

(b) there are more associated parking spaces than there are dwellings contained in the residential building.

Dwellings resulting from a material change of use

S2

Where one or more dwellings with associated parking result from a building, or a part of a building, undergoing a material change of use at least one associated parking space for the use of each such dwelling must have access to an electric vehicle charge point.

(6) Schedule 1 was amended by [S.I. 2012/3119](#), [2015/767](#), [2016/361](#), [2016/490](#), [2018/552](#) and [2018/558](#).

(7) Part R was inserted by [S.I. 2016/361](#) and [2016/490](#).

Residential buildings undergoing major renovation

S3

Where a residential building undergoing major renovation will have more than 10 associated parking spaces after the major renovation is completed—

(a) at least one associated parking space for the use of each dwelling must have access to an electric vehicle charge point;

(b) cable routes for electric vehicle charge points must be installed in all additional associated parking spaces.

Erection of new buildings which are not residential buildings or mixed-use buildings

S4

Where a new building which is not a residential building or a mixed-use building has more than 10 parking spaces—

(a) one of those parking spaces must have access to one 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 remaining parking spaces.

Buildings undergoing major renovation which are not residential buildings or mixed-use buildings

S5

Where a building undergoing major renovation, which is not a residential building or a mixed-use building, will have more than 10 parking spaces after the major renovation is completed—

(a) one of those parking spaces must have access to one 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 remaining parking spaces.

The erection of new mixed-use buildings and mixed-use buildings undergoing major renovation

S6

- (1) The requirements of paragraph S1 apply in respect of the part of the new mixed-use building that contains one or more dwellings and the associated parking spaces that are assigned to those dwellings.
- (2) The requirements of paragraph S3 apply in respect of the part of the mixed-use building that is undergoing major renovation that contains one or more dwellings and the associated parking spaces that are assigned to those dwellings.
- (3) The requirements of paragraph S4 apply in respect of the part of the new mixed-use building that contains one or more new premises that are not dwellings and the parking spaces that are assigned to those premises.
- (4) The requirements of paragraph S5 apply in respect of the part of the mixed-use building that is undergoing major renovation that contains one or more premises that are not dwellings and the parking spaces that are assigned to those premises.”.

Commencement Information

- II** [Reg. 2](#) in force at 15.6.2022 (coming into force in accordance with reg. 1(2)), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021, Section 2.