



Statutory Document No. 153/07

THE BUILDING REGULATIONS 2007

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Statutory Document No. 153/07

THE BUILDING CONTROL ACT 1991

THE BUILDING REGULATIONS 2007

Approved by Tynwald *21st March 2007*

Coming into operation *1st July 2007*

In exercise of the powers conferred upon the Department of Local Government and the Environment by sections 1(1), 3(1) and 8(2) of, and paragraphs 1, 2, 4, 6 and 7 of Schedule 1 to, the Building Control Act 1991¹, and of all other enabling powers, the following Regulations are hereby made: —

PART 1

GENERAL

1. Citation and commencement

These Regulations may be cited as the Building Regulations 2007, and subject to section 37(1) of the Act, shall come into operation on the 1st July 2007.

2. Interpretation

(1) In these Regulations —

"the Act" means the Building Control Act 1991;

"building" means any permanent or temporary building or earth retaining structure but not any other kind of structure, and a reference to a building includes a reference to part of a building;

"building work" has the meaning given in regulation 3(1);

"conservatory" means a single-storey part of a building which has not less than three-quarters of the area of roof and not less than one-half of the area of walls made of translucent material;

"controlled services or fitting" means a service or fitting in relation to which Part G, H, J, L or P of Schedule 1 imposes a requirement;

"dwelling" includes a dwelling-house and a flat;

"dwelling-house" does not include a flat or a building containing a flat;

¹ 1991 c.21

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“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

"flat" means separate and self contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

"floor area" means the aggregate area of every floor in a building or extension calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the outermost edge of the floor;

"height" means the height of the building measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or the top of the walls or of the parapet, if any, whichever is higher;

"industrial premises" includes factories and other premises used for manufacturing, altering, repairing, cleaning, washing, breaking-up, adapting or processing any article, generating power, incineration, or slaughtering livestock;

"institution" means an institution (whether described as a hospital, home, school or similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons —

(a) living with disabilities due to illness or old age or other physical or mental impairment, or

(b) under the age of 5 years,

where such persons sleep on the premises;

“low voltage” means voltage not exceeding –

(a) in relation to alternating current, 1000 volts between conductors or 600 volts between conductors and earth; or

(b) in relation to direct current, 1500 volts between conductors or 900 volts between conductors and earth;

"material alteration" has the meaning given in regulation 3(3);

"material change of use" has the meaning given in regulation 5;

"multi-occupancy dwelling" means any dwelling occupied by persons who do not form a single household;

"nursing home" has the same meaning as in the Nursing and Residential Homes Act 1988²;

"office premises" includes offices or premises used for the purpose of administration, clerical work (including writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and

² 1988 c.9

the editorial preparation of matter for publication, police and fire service work), handling money (including banking and building society work), and communications (including postal, telegraph and radio communications) or radio, television, film, audio or video recording, or performance not open to the public and their control;

"open-plan dwelling" means a dwelling comprising 2 or more storeys, where any internal staircase gives directly on to a habitable room;

"plans" means plans referred to in regulation 11;

"porch" means a single-storey part of a building which is built to protect any external door into a building from elements of weather and does not contain sanitary or washing facilities;

"sewerage authority" means —

- (a) the Department of Transport, or
- (b) where any functions of that Department are delegated to a local authority under section 2 of the Sewerage Act 1999³, that authority;

"sheltered housing" means an institution comprising (with or without other accommodation) 2 or more dwellings intended to be occupied, under supervision, by persons over the statutory retirement age or persons living with physical or mental impairment;

"shop or commercial premises" includes shops or premises used for a retail trade or business (including the sale to members of the public of food or drink for immediate consumption and retail by auction, self-selection and over-the-counter wholesale trading, the business of lending books or periodicals for gain and the business of a barber or hairdresser) and premises to which the public is invited to deliver or collect goods in connection with their hire, repair or other treatment, or (except in the case of repair of motor vehicles) where they themselves may carry such repairs or other treatment.

"single household" means a single economic unit in which the liability for the housing and living costs is assumed and discharged by one or more members of that unit by reason of common occupation of all areas of domestic habitation.

"sun room" means a single-storey part of a building which has not less than one-half of the area of walls made of translucent material;

- (2) In these Regulations "public building" means a building consisting of or containing —
 - (a) a theatre, public library, hall or other place of public resort;
 - (b) a school or other educational establishment; or
 - (c) a place of public worship
 - (d) a place of leisure or sports;

³ 1999 c.2

but a building is not to be treated as a place of public resort because it is, or it contains a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

PART 2

CONTROL OF BUILDING WORK

3. **Meaning of "building work"**

- (1) In these Regulations "building work" means —
 - (a) the erection or extension of a building;
 - (b) subject to paragraph (2), the provision or extension of a controlled service or fitting in or in connection with a building;
 - (c) the material alteration of a building, or controlled service or fitting, as mentioned in paragraph (2);
 - (d) work required by regulation 6 (requirements relating to material change of use);
 - (e) insertion of insulation material into cavity wall of a building;
 - (f) work involving the underpinning of a building;
 - (g) work involving the erection of earth retaining structures;
 - (h) Work involving laying of any drain or private sewer in connection with a building or extension to a building.
- (2) The provision or extension of a controlled service or fitting —
 - (a) in or in connection with an existing dwelling; and
 - (b) being a service or fitting in relation to which paragraph L1, but not Part G, H, J or P, of Schedule 1 imposes a requirement, shall only be building work where that work consists of the provision of a window, roof light, roof window, door (being door which together with its frame has more than 50 per cent of its internal face area glazed), a space heating or hot water service boiler, or a hot water vessel.
- (3) An alteration is material for the purposes of these regulations if the work, or any part of it, would at any stage result —
 - (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
 - (b) in a building or controlled services or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.
- (4) In paragraph (3) "relevant requirement" means any of the following requirements of Schedule 1, namely —

Part A (structure)
Part B (fire safety)
Part E (resistance to the passage of sound)
Part L1 (conservation of fuel and power in dwellings)
Part L2 (conservation of fuel and power in buildings other than dwellings)
Part M (access and use of building)

4. Requirements relating to building work

- (1) Building work shall be carried out so that —
 - (a) it complies with the relevant requirements contained in Schedule 1; and
 - (b) in complying with any such requirement there is no failure to comply with any other such requirement.
- (2) Building work shall be carried out so that, after it has been completed—
 - (a) any building which is extended or to which a material alteration is made; or
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or
 - (c) any controlled service or fitting;

complies with the relevant requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

5. Meaning of "material change of use"

For the purpose of paragraph 7(1)(e) of Schedule 1 to the Act and for the purpose of these Regulations, there is a material change of use where there is a change in the purpose for which or the circumstances in which a building is used, so that after that change —

- (a) the building is used as a dwelling, where previously it was not;
- (b) the building contains a flat, where previously it did not;
- (c) the building is used as a hotel, boarding house or a multi-occupancy dwelling, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not;
- (f) the building is used as an industrial premises, where previously it was not;
- (g) the building is used as an office premises, where previously it was not;

- (h) the building is used as a shop or commercial premises, where previously it was not; or
- (i) the building is not a building described in classes 1 to 5 in Schedule 2, where previously it was.

6. Requirements relating to material change of use

(1) Where there is material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the relevant requirements of the following paragraphs of Schedule 1 —

- (a) in all cases —
 - B1 (means of warning and escape)
 - B2 (internal fire spread — lining)
 - B3 (internal fire spread — structure)
 - B4 (2) (external fire spread — roofs)
 - B5 (access and facilities for the fire service)
 - B6 (smoke detectors)
 - B7 (sprinklers)
 - C2 (interstitial and surface condensation)
 - F1 and F2 (ventilation)
 - G1 (sanitary conveniences and washing facilities)
 - G2 (bathrooms)
 - H1 (foul water drainage)
 - H6 (solid waste storage)
 - J1 to J6 (combustion appliances)
 - L1 (conservation of fuel and power — dwellings)
 - L2 (conservation of fuel and power — buildings other than dwellings)
 - P1 and P2 (electrical safety)
 - Part M (access and use of building)
- (b) in the case of a material change of use described in regulations 5(c), (d), (e) or (f), A1 to A3 (structure);
- (c) in the case of building exceeding 15 metres in height, B4(1) (external fire spread — walls)
- (d) in the case of a material change of use described in regulation 5(a), C4 (resistance to weather and ground moisture); and
- (e) in the case of a material change of use described in regulation 5(a) or (b), Part E (resistance to the passage of sound).

(2) Where there is material change of use of part only of a building, such work, if any, shall be carried out as is necessary where reasonable to ensure that —

- (a) that part complies in all cases with any applicable requirement referred to in paragraph (1)(a);

- (b) in a case which sub-paragraph (b), (d) or (e) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph; and
- (c) in case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with requirement referred to in that sub-paragraph.

7. Material and workmanship

Building work shall be carried out —

- (a) with adequate and proper materials which —
 - (i) are appropriate for the circumstances in which they are used,
 - (ii) are adequately mixed or prepared, and
 - (iii) are applied, used or fixed so as adequately to perform the function for which they are designed: and
- (b) in a workmanlike manner.

8. Limitation on requirements

Parts A to D, F to K, N and P of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be effected by buildings, or matters connected with buildings).

9. Exempt buildings and work

Subject to paragraph (2) these Regulations do not apply to —

- (1) (a) the erection of any buildings or extension of a kind described in Schedule 2; or
 - (b) the carrying out of any work to or in connection with such building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.
- (2) The requirements of Part P of Schedule 1 apply to –
 - (a) any greenhouse; and
 - (b) any small detached building falling within class 5 in Schedule 2,

which in either case receives its electricity from a source shared with or located inside a dwelling.

PART 3

NOTICES AND PLANS

10. Deposit of plans

A person who intends to —

- (a) carry out building work, or
- (b) make a material change of use, shall deposit plans with the express consent of the legal owner of the premises with the building authority.

11. Plans

(1) Plans shall be deposited in duplicate and the building authority may retain one copy.

- (2) Where —
 - (a) Part B (fire safety) imposes a requirement in relation to proposed building work, or
 - (b) the building is or is intended to be put to a use which is designated under section 1 of the Fire Precautions Act 1975⁴, a further 2 copies of any such plans as demonstrate compliance with those requirements, or as to the matters referred to in paragraph 3(a) to (d) of Schedule 1 to that Act, as the case may be, shall be deposited, and the building authority may retain both copies.
- (3) Plans generally shall consist of —
 - (a) an accurate description of the proposed building work or material change of use;
 - (b) particulars of the location of the building to which the proposal relates and the use or intended use of that building;
 - (c) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates;
 - (d) a statement as to whether the building is or is intended to be put to a use referred to in paragraph (2)(b);
 - (e) particulars of the provision to be made for the drainage of the building or extension;
 - (f) particulars, if section 12 of the Act applies (building over sewers etc.) of the precautions to be taken in building over sewer;
 - (g) a plan to a scale of not less than 1:1250 showing —
 - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;

⁴ 1975 c.18

- (ii) the boundaries of the curtilage of the building, or building as extended, and the size, position and use of every other building or proposed building within the that curtilage;
- (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (h) any other plans which are necessary to show that the work would comply with these Regulations.

(4) In the case of building work which involves the insertion of insulation material into the cavity walls of a building, plans shall be accompanied by a statement as to —

- (a) the name and type of insulating material to be used;
- (b) whether or not the insulating material is approved by the British Board of Agrément or conforms to a British Standard specification;
- (c) whether or not the installer is a person who is the subject of a British Standard Institution Certificate of Registration or has been approved by the British Board of Agrément for the insertion of that material.

(5) Where building work involves the provision of a hot water storage system in relation to which paragraph G3 of Schedule 1 (hot water storage) imposes a requirement, the plan shall be accompanied by a statement which specifies —

- (a) the name, make, model and type of hot water storage system to be installed;
- (b) the name of the body, if any, which has approved or certified that system is capable of performing in a way which satisfies the requirements of paragraph G3 of Schedule 1;
- (c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.

12. Notice of commencement and completion of certain stages of work

(1) A person carrying out building work shall not commence any building work unless —

- (a) he or she has given the building authority a notice in a written form that he or she intends to commence work; and
- (b) at least 2 days have elapsed since the end of the day on which he or she gave the notice.

(2) A person carrying out building work shall not carry out any work to which this paragraph applies unless —

- (a) he or she has given the building authority a notice in writing that he or she intends to commence work; and
- (b) at least 2 days have elapsed since the end of the day on which he or she gave the notice.
- (3) Paragraph (2) applies to —
 - (a) the covering up of any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over site;
 - (b) the haunching or covering up of any drain or sewer in respect of which Part H of Schedule 1 imposes a requirement; and
 - (c) any other part of the building work in respect of which the building authority have imposed a requirement under paragraph (4)(a).
- (4) A building authority, on giving notice that plans for the building have been passed, may include in the notice either or both of the following requirements —
 - (a) a requirement that the person carrying out the work give to the building authority notice that he or she intends to commence such part of the work as may be specified in the requirement;
 - (b) the completion of the building work,
 give a notice in writing to the building authority of its completion.
- (5) A person carrying out building work shall not more than 5 days after —
 - (a) where a building is being erected, and that building (or part of it) is to be occupied before completion, the owner or the person carrying out that work shall give the building authority notice of such intention in writing at least 5 days before the building or any part of it is occupied.
 - (b) the completion of laying of any drain or sewer in respect of which Part H of Schedule 1 imposes a requirement, including any haunching or covering of the drain or sewer and the backfilling of any trench; and
- (6) Where a person fails to comply with paragraphs (1) to (6) he or she shall comply within a reasonable time with any notice given by the building authority requiring him or her to cut into, lay open or pull down so much of the work as prevents it from ascertaining whether these Regulations have been complied with.
- (7) If the building authority has given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within 7 days after the completion of such work give a notice in writing to the building authority of its completion.
- (8) A person who intends to carry out building work is not required to deposit plans where work consists only of work —

(a) described in column 1 of the table in Schedule 3 if the work is to be carried out by a person described in corresponding entry in column 2 of that table, and paragraph 1 and 2 of that Schedule have effect for the purposes of the descriptions in the Table;

(b) described in Schedule 3.

(9) In this regulation "day" means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday or bank holiday.

13. Completion certificates

(1) A building authority shall, where it receives a notice under regulation 12(5)(b) and after taking all reasonable steps to ascertain that the building work satisfies any applicable requirements of Schedule 1, give a certificate to that effect.

(2) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that any applicable requirements of those Regulations have been complied with.

PART 4

MISCELLANEOUS

14. Testing of building work

The building authority may make such test of any building work as may be necessary to establish whether it complies with regulation 7 or any of the applicable requirements contained in Schedule 1.

15 Sound insulation testing

(1) This regulation applies to —

(a) building work in relation to which E1 of Schedule 1 imposes a requirement; and

(b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(e) or 6(2)(b).

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1 —

(a) ensure that appropriate sound insulation testing is carried out in accordance with a procedures approved by the Department; and

(b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local building authority.

(3) The result of the testing referred to in paragraph (2)(a) shall be —

(a) recorded in a manner approved by the Department; and

- (b) given to the local building authority in accordance with paragraph (2)(b) not later than the date on which the notice by regulation 12(4)(b) is given.

(4) Where the building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which he or she gives notice of commencement of the work under regulation 12(1), that, for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1, he or she is using one or more design details approved by Robust Details Limited⁵ or one or more design details approved by the Department, provided that —

- (a) the notification specifies —
 - (i) the part or parts of the building in respect of which he or she is using the design detail;
 - (ii) the design detail concerned; and
 - (iii) the unique number issued by Robust Detail Limited or the Department in respect of the specified use of that design detail; and
- (b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

16 Airtightness testing of building fabric

- (1) This regulation applies to —
 - (a) building work in relation to which L1 and L2 of Schedule 1 imposes a requirement; and
 - (b) work which is required to be carried out to a building to ensure that it complies with L1 & L2 of Schedule 1 by virtue of regulation 6(1)(e) or 6(2)(b).
- (2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with L1 & L2 of Schedule 1 —
 - (a) ensure that appropriate air permeability testing is carried out in accordance with a procedures approved by the Department; and
 - (b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local building authority.

⁵ Robust Details Limited is a non-profit distributing company limited by guarantee in the United Kingdom who work and grant approvals in accordance with a Memorandum of Understanding between Robust Details Limited and a Department of the United Kingdom government.

- (3) The result of the testing referred to in paragraph (2)(a) shall be —
 - (a) recorded in a manner approved by the Department; and
 - (b) given to the local building authority in accordance with paragraph (2)(b) not later than the date on which the notice by regulation 12(4)(b) is given.

(4) Where the building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which he or she gives notice of commencement of the work under regulation 12(1), that, for the purpose of achieving compliance of the work with L1 & L2 of Schedule 1, he or she is using one or more design details approved by Robust Details Limited or one or more design details approved by the Department, provided that —

- (a) the notification specifies —
 - (i) the part or parts of the building in respect of which he or she is using the design detail;
 - (ii) the design detail concerned; and
 - (iii) the unique number issued by Robust Detail Limited or the Department in respect of the specified use of that design detail; and
- (b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

17 Sampling of materials

The building authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable it to ascertain whether such materials comply with the provisions of these Regulations.

18 Unauthorised building works

(1) This regulation applies where it appears to a building authority that unauthorised building work has been carried out on or after the 1st May 1993.

(2) In this regulation "unauthorised building work" means building works, which has been done without —

- (a) full plans of the work being deposited with the building authority; or
- (b) a notice of commencement of work being given, in accordance with regulation 12(1), where full plans have been deposited.

(3) Where this regulation applies, the owner ("the applicant") may apply in writing to the building authority for a regularisation certificate in accordance with this regulation, and shall send with his or her application —

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out ("the relevant requirements").

(4) Where a building authority receives an application in accordance with this regulation, it may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority thinks appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(5) When the applicant has taken any such steps required by the building authority as are described in paragraph (4), and having had regards to any direction given in accordance with sections 6 and 7 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the building authority shall notify the applicant —

- (a) of work which in its opinion is required to comply with relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that it cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (c) that no work is required to secure compliance with the requirements or those requirements as dispensed with or relaxed.

(6) Where the building authority has been able to satisfy itself, after taking all reasonable steps for that purpose, that —

- (a) the relevant requirements have been satisfied (taking into account of any work carried out and any dispensation or relaxation given in accordance with sections 6 and 7 of, and Schedule 2 to, the Act), or
- (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

it may give a certificate to that effect ("a regularisation certificate").

(7) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(8) Where this regulation applies, regulations 10 and 12 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 11 of the Act as the deposit of plans in accordance with building regulations.

19 Alternative approach showing compliance with Schedule 1

In complying with Part B or Part L1 and L2 of Schedule 1, an alternative approach to compliance may be the provision of—

- (a) in Part B Schedule 1 – a fire safety engineering solution containing a quantitative assessment of risks by a qualified fire safety engineer who is a member of the Institute of Fire Engineers or an institution of similar standing acceptable to the building authority, and
- (b) in Part L1 & L2 Schedule 1 – an engineering design from a qualified building services engineer who is a member of the Institute of Building Services Engineers or an institute of similar standing acceptable to the building authority.

20 Provision applicable to self certification schemes

(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 3 and the work is carried out by a person who is described in the corresponding entry in column 2 of that Table in respect of that type of work.

(2) Where this regulation applies, the local authority is authorised to accept, as evidence that the requirements of regulations 4 and 7 have been satisfied, a certificate to that effect by the person carrying out the building work.

(3) Where this regulation applies, the person carrying out the work shall, not more than 30 days after the completion of the work—

- (a) give to the occupier a copy of the certificate referred to in paragraph (2); and
- (b) give to the local building authority—
 - (i) notice to that effect, or
 - (ii) the certificate referred to in paragraph (2).

(4) Paragraph (3) of this regulation does not apply where a person carries out the building work described in Schedule 3 which consists only of work on a low voltage or an extra-low voltage electrical installation.

21 Contravention of regulation 13 not an offence

Regulation 13 is designated as a provision to which section 17 of the Act (penalty for contravening building regulations) does not apply.

22 Transitional provisions

Nothing in these Regulations applies to —

- (a) any plans which, in accordance with the Building Regulations 2003⁶, are deposited with a building authority before the coming into operation of these Regulations,
- (b) work carried out in accordance with plans deposited before such coming into operation; or
- (c) (except as provided by regulation 18) work carried out and completed before such coming into operation.

23 Revocation

The Building Regulations 2003 are hereby revoked.

24. Amendment of Regulations

In the Building (Fees) Regulations 2006⁷ —

- (a) in regulation 2 (Interpretation), in each case substitute —
“exempt building” means a building to which regulation 9(1)(a) of the principal Regulations applies;
“the principal Regulations” means the Building Regulations 2007⁸;
“unauthorised building works” has the same meaning as in regulation 18 of the principal Regulations;
- (b) in regulation 5 (Unauthorised building works), sub paragraphs (1) and (2) and in regulation 9 (Payment of inspection fees), sub paragraph (1), for “regulation 16” , substitute “regulation 18”.

⁶ SD 829/03

⁷ SD 110/06

⁸ SD 153/07

SCHEDULE 1
REQUIREMENTS

Requirement

Limits on application

PART A — STRUCTURE

Loading

A1. (1) The building shall be constructed so that the combined dead, imposed and wind loads are sustained and transmitted by it to the ground —

- (a) safely; and
- (b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.

(2) In assessing whether a building complies with sub-paragraph (1) regards shall be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.

Ground movement

A2. The building shall be constructed so that ground movement caused by —

- (a) swelling, shrinkage or freezing of subsoil; or
- (b) land-slip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building.

Disproportionate collapse

A3. The building shall be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.

Landslip

A4. Earth retaining structures shall be constructed as to prevent land-slip.

Requirement A5 does not apply to retaining walls less than 1.2m in height which do not form part of a building.

PART B — FIRE SAFETY

Means of warning and escape

B1. The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire, from the building to a place of safety outside the building capable of being safely and effectively used at all material times.

Requirement B1 does not apply to an institution provided under section 11 of the Custody Act 1995⁹.

Internal fire spread (linings)

B2. (1) To inhibit the spread of fire within the building the internal linings shall —

- (a) adequately resist the spread of flame over their surface; and
- (b) have, if ignited, a rate of heat release which is reasonable in the circumstances.

(2) In this paragraph "internal linings" means the materials lining any partition, wall, ceiling or other internal structure.

Internal fire spread (structure)

B3. (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.

Requirement B3(3) does not apply to an institution provided under section 11 of the Custody Act 1995.

(2) A wall common to 2 or more buildings shall be designed and constructed so that it resists the spread of fire between those buildings. For the purposes of this sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.

(3) To inhibit the spread of fire within the building, it shall be sub-divided with fire-resisting construction to an extent appropriate to the size and intended use of the building.

(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.

External fire spread

B4. (1) The external walls of the building shall resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

(2) The roof of the building shall resist the spread of fire over the roof and from one building to another, having regard to the use

⁹ 1995 c.1

and position of the building.

Access and facilities for the fire service

B5. (1) The building shall be designed and constructed so as to provide facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Smoke detectors

B6. The building shall be fitted with one or more smoke detectors in such manner as to make adequate provision for the early detection of the outbreak of fire in the building.

Requirement B6 applies only to dwellings.

Sprinklers

B7. Reasonable provision shall be made for installation of sprinklers to the building appropriate for the use to which the building is to be put, to facilitate escape from the building in case of fire

Requirement B7 applies only to —

- (a) multi-occupancy dwellings;
- (b) buildings containing flats;
- (c) buildings to be used for sheltered housing;
- (d) hospitals and nursing homes;
- (e) schools;
- (f) open-plan dwellings; and
- (g) other buildings with compartments over 5,000m³.

Design, installation and testing

B7 (1). Reasonable provision shall be made in the design, installation, inspection and testing of sprinklers to protect against false operation of sprinklers.

Provision of information

B7 (2). Sufficient information shall be provided so that persons wishing to operate, maintain or alter a sprinkler installation can do with reasonable understanding of the system.

PART C — SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE

Preparation of site and resistance to contaminants.**C1.**

(1) The ground to be covered by the building shall be reasonably free from any material that might damage the building or affect its stability, including vegetable matter, topsoil and pre-existing foundations.

(2) Reasonable precaution shall be made to avoid danger to health and safety caused by contaminants on or in the ground covered or to be covered by the building and any land associated with the building.

(3) Adequate sub-soil drainage shall be

<i>Requirement</i>	<i>Limits on application</i>
provided if it is needed to avoid- (a) the passage of ground moisture to the interior of the building; (b) damage to the building, including damage through the transport of water borne contaminants to the foundation of the building.	

Resistance to moisture

C2. The floors, walls and roof of the building shall adequately protect the building and people who use the building from harmful effect caused by:

- (a) ground moisture;
 - (b) precipitation and wind-driven spray;
 - (c) interstitial and surface condensation;
- and
- (d) spillage of water from or associated sanitary fittings or fixed appliances.

PART D — TOXIC SUBSTANCES

Cavity insulation

D1. If insulating material is inserted into a cavity wall reasonable precautions shall be taken to prevent the subsequent permeation of any toxic fumes from that material into any part of the building occupied by people.

PART E — RESISTANCE TO THE PASSAGE OF SOUND

Protection against sound from other parts of the building and adjoining buildings

E1. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

Protecting against sound within a dwelling-house etc.

E2. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that –

- (a) internal walls between a bedroom or a room containing a water closet, and other rooms;

Requirement E2 does not apply to –

- (a) an internal wall which contains a door;
- (b) an internal wall which separates an en suite toilet from the associated bedroom;
- (c) existing walls and floors in a building which is subject to material change

<i>Requirement</i>	<i>Limits on application</i>
(b) and (c) internal floors, provide reasonable resistance to sound.	of use.

Reverberation in the common internal parts of buildings containing flats or rooms for residential purposes

E3. The common internal parts of buildings which contain flat or rooms for residential purposes shall be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable.

Requirement E3 only applies to corridors, stairwells, hallways and entrance halls which give access to the flat or room for residential purposes.

Acoustic conditions in schools

E4. (1) Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and insulation against disturbance by noise appropriate to its intended use.

(2) For the purpose of this Part – “school” has the same meaning as in section 59 of the Education Act 2001¹⁰; and “school building” means any building forming a school or part of a school.

PART F — VENTILATION

Means of ventilation

F1. There shall be adequate means of ventilation provided for people in the building.

Requirement F1 does not apply to a building or space within a building —
(a) into which people do not normally go; or
(b) which is used solely for storage; or
(c) which is a garage used solely in connection with a single dwelling.

Condensation in roofs

F2. Adequate provision shall be made to prevent excessive condensation —

- (a) in a roof; or
- (b) in a roof void above an insulated ceiling.

PART G — HYGIENE

Sanitary conveniences and washing facilities

G1.(1) Adequate sanitary conveniences shall be provided in rooms provided for that purpose, or in bathrooms. Any such room or bathroom shall be separated from places where food is prepared.

Requirement G1(1) applies only to dwellings.

¹⁰ 2001 c.33

(2) Adequate washbasins shall be provided in —

- (a) rooms containing water closets; or
- (b) rooms or spaces adjacent to rooms containing water closets.

Any such room or space shall be separated from places where food is prepared.

(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with paragraph (2).

(4) Sanitary conveniences and washbasins to which this paragraph applies shall be designed and installed so as to allow effective cleaning.

Bathrooms

G2. A bathroom shall be provided containing either a fixed bath or shower bath, and there shall be a suitable installation for the provision of hot and cold water to the bath or shower bath.

Requirement G2 applies only to dwellings.

Hot water storage

G3. A hot water storage system that has a hot water storage vessel which does not incorporate a vent pipe to the atmosphere must be installed by a person competent to do so, and there shall be precautions —

- (a) to prevent the temperature of stored water at any time exceeding 100°C; and
- (b) to ensure that the hot water discharged from safety devices is safely conveyed to where it is visible but will not cause danger to persons in or about the building.

Requirement G3 does not apply to —

- (a) a hot water storage system that has a storage vessel with a capacity of 15 litres or less;
- (b) a system providing space heating only;
- (c) a system which heats or stores water for the purposes only of an industrial process.

PART H — DRAINAGE AND WASTE DISPOSAL

Foul water drainage

H1.(1) An adequate system of drainage shall be provided to carry foul water from appliances within the building to one of the following, listed in order of priority —

- (a) a public sewer; or, where that is not reasonably practicable,
- (b) either a septic tank which has appropriate form of secondary treatment or another wastewater treatment system; or, where that is not reasonably practicable,
- (c) a cesspool.

Requirement H1 does not apply to the diversion of water which has been used for personal washing or for the washing of cloth, linen or other articles to collection systems for reuse.

<i>Requirement</i>	<i>Limits on application</i>
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- (2) Foul water in sub-paragraph (1) means waste water which comprises or includes —
- (a) waste from a sanitary convenience or other soil appliance;
 - (b) water which has been used for cooking or washing.

Cesspools, septic tanks and settlement tanks

H2.(1) Any septic tank and its form of secondary treatment wastewater system or cesspool, shall be so sited and constructed that —

- (a) it is not prejudicial to the health of any person;
- (b) it will not contaminate any watercourse, underground water or water supply;
- (c) there shall be adequate means of access for emptying and maintenance; and
- (d) where relevant, it will function to a sufficient standard for the protection of health in the event of a power failure.

(2) Any septic tank, holding tank which is part of a wastewater treatment system or cesspool shall be —

- (a) of adequate capacity;
- (b) so constructed that it is impermeable to liquids; and
- (c) adequately ventilated.

(3) Where a foul water drainage system from a building discharges to a septic tank, wastewater treatment system or cesspool, a durable notice shall be affixed in a suitable place in the building containing information on any continuing maintenance required to avoid risks to health.

Rainwater drainage

H3.(1) Adequate provision shall be made for rainwater to be carried from the roof of the building.

(2) Paved areas around the building shall be so constructed as to be adequately drained.

(3) Rain water from a system provided pursuant to sub-paragraphs (1) or (2) shall discharge to one of the following, listed in order of priority —

- (a) an adequate soakaway or some other adequate infiltration system; or, where that is not practicable,
- (b) a watercourse; or, where that is not reasonably practicable,
- (c) a sewer.

Requirement H3(2) applies only to paved areas —

- (a) which provide access to the building pursuant to paragraph M2 (access for disabled people);
- (b) which provide access to or from a place of storage pursuant to paragraph H6(2) (solid waste storage); or
- (c) in any passage giving access to the building, where this is intended to be used in common by the occupiers of one or more other buildings.

Requirement H3(3) does not apply to the gathering of rainwater for reuse.

Building over sewers

H4.(1) The erection or extension of a building or work involving the underpinning of a building shall be carried out in a way that is not detrimental to the building or building extension or to the continued maintenance of the drain, sewer or disposal main.

(2) In this paragraph "disposal main" means any pipe, tunnel or conduit used for the conveyance of effluent to or from a sewage disposal works, which is not a public sewer.

(3) In this paragraph and paragraph H5 "map of sewers" means any records kept pursuant to section 16 of the Sewerage Act 1999¹¹.

Requirement H4 applies only to work carried out —

- (a) over a drain, sewer or disposal main which is shown on any map of sewers; or
- (b) on any site or in such a manner as may result in interference with the use of, or obstruction of the access of any person to, any drain, sewer or disposal main which is shown on any map of sewers.

Separate system of drainage

H5. Any system for discharging water to a sewer which is provided pursuant to paragraph H3 shall be separate from that provided for the conveyance of foul water from the building.

Requirement H5 applies only to a system provided in connection with the erection or extension of a building where it is reasonably practicable for the system to discharge directly or indirectly to a sewer for the separate conveyance of surface water which is —

- (a) shown on a map of sewers; or
- (b) under construction either by the sewerage undertaker or by some other person (where the sewer is the subject of an agreement to make a declaration of vesting pursuant to section 8 of the Sewerage Act 1999).

Solid waste storage

H6. (1) Adequate means of storing solid waste shall be provided.

(2) Adequate means of access shall be provided —

- (a) for people in the building to the place of storage; and
- (b) from the place of storage to a collection point (where one has been specified pursuant to regulations under section 66(9) of the Public Health Act 1990¹² or to a street (where no collection point has been specified)).

PART J — HEAT-PRODUCING APPLIANCES

Air supply

J1. Heat-producing appliances shall be so installed that there is an adequate supply of

Requirements J1, J2 and J3 apply only to fixed combustion appliances (including

¹¹ 1999 c.2

¹² 1990 c.10

<i>Requirement</i>	<i>Limits on application</i>
air to them for combustion, to prevent overheating and for the efficient working of any flue.	incinerators).

Discharge of products of combustion

J2. Combustion appliances shall have adequate provision for the discharge of the products of combustion to the outside air.

Protection of building

J3. Combustion appliances and fluepipes shall be so installed, and fireplaces and chimneys shall be so constructed, as to reduce to a reasonable level the risk of the building catching fire in consequence of their use.

Provision of information

J4. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the performance capabilities of the hearth, fireplace, flue or chimney shall be affixed in a suitable place in the building for the purpose of enabling combustion appliances to be safely installed.

Protection of liquid fuel storage systems

J5. Liquid fuel storage systems and the pipes connecting them to combustion appliances shall be so constructed and separated from the building and the boundary of the premises as to reduce to a reasonable level of risk of the fuel igniting in the event of fire in adjacent buildings or premises.

Requirement J5 applies only to —

- (a) fixed oil storage tanks with capacities greater than 90 litres and connecting pipes; and
- (b) fixed liquefied petroleum gas storage installations with capacities greater than 150 litres and connecting pipes, which are located outside the building and which serve fixed combustion appliances (including incinerators) in the building.

Protection against pollution

J6. Oil storage tanks and the pipes connecting them to combustion appliances shall —

- (a) have a secondary containment and protected as to prevent the risk of the oil escaping and causing pollution; and
- (b) have affixed in a prominent position a durable notice containing information on how to respond to an oil escape so as to reduce to a reasonable level the risk of pollution.

Requirement J6 applies only to fixed oil storage tanks with capacities of 3500 litres or less, and connecting pipes, which are —

- (a) located outside the building; and
- (b) serve fixed combustion appliances (including incinerators) in a building used wholly or mainly as a private dwelling,

but does not apply to buried systems.

PART K — STAIRS, RAMPS AND GUARDS

<i>Requirement</i>	<i>Limits on application</i>
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Stairs, ladders and ramps

K1. Stairs, ladders and ramps shall be so designed, constructed and installed as to be safe for people moving between different levels in or about the building.

Requirement K1 applies only to stairs, ladders and ramps which form part of or access to the building.

Protection from falling

K2. The following —

- (a) any stairs, ramps, floors and balconies, and any roof to which people have access, and
- (b) any light well, basement area or similar sunken area connected to a building, shall be guarded with barriers where it is necessary to protect people in or about the building from falling.

Vehicle barriers

K3.(1) Vehicle ramps, and any level in a building to which vehicles have access, shall be provided with barriers where it is necessary to protect people in or about the building.

(2) Vehicle loading bays shall be constructed in such a way, or be provided with such features, as may be necessary to protect people in them from collision with vehicles.

Protection from collision with open windows etc.

K4. Provision shall be made to prevent people moving in or about the building from colliding with open windows, skylights or ventilators.

Requirement K4 does not apply to dwellings.

Protection against impact from and trapping by doors

K5.(1) Provision shall be made to prevent any door or gate —

- (a) which slides or opens upwards, from falling onto any person; and
- (b) which is powered, from trapping any person.

(2) Provision shall be made for powered doors and gates to be opened in the event of a power failure.

(3) Provision shall be made to ensure a clear view of the space on either side of a swing door or gate.

Requirement K5 does not apply to —

- (a) a dwelling, or
- (b) any door or gate which is part of a lift.

PART L — CONSERVATION OF FUEL AND POWER

Dwellings

<i>Requirement</i>	<i>Limits on application</i>
<p>L1. Reasonable provision shall be made for the conservation of fuel and power in dwellings by —</p> <ul style="list-style-type: none"> (a) limiting the heat loss — <ul style="list-style-type: none"> (i) through the fabric of the building; (ii) from hot water pipes and hot air ducts used for space heating; (iii) from hot water vessels; (b) providing space heating and hot water systems which are energy efficient; (c) providing lighting systems with appropriate lamps and sufficient controls so that energy can be used efficiently; (d) providing sufficient information with the heating and hot water services so that the building's occupiers can operate and maintain the services in such a manner as not to use more energy than is reasonable in the circumstances. 	<p>The requirement for sufficient control in requirement L1(c) applies only to external lighting systems fixed to the building.</p>

Buildings or part of buildings other than dwellings

- L2.** Reasonable provision shall be made for the conservation of fuel and power in buildings or parts of buildings other than dwellings by —
- (a) limiting the heat losses and gains through the fabric of the building;
 - (b) limiting the heat loss —
 - (i) from hot water pipes and hot air ducts used for space heating;
 - (ii) from hot water vessels and hot water service pipes;
 - (c) providing space heating and hot water systems which are energy-efficient;
 - (d) limiting exposure to solar overheating;
 - (e) making provision where air conditioning and mechanical ventilation systems are installed, so that no more energy needs to be used than is reasonable in the circumstances;
 - (f) limiting the heat gains by chilled water and refrigerant vessels and pipes and air ducts that serve air conditioning systems;
 - (g) providing lighting systems which are energy-efficient;
 - (h) providing sufficient information with the relevant services so that the building can be operated and maintained in such a manner as to use no more energy than is reasonable in the circumstances.

Requirements L2(e) and (f) apply only within buildings and parts of buildings where more than 200m² of floor area is to be served by air conditioning or mechanical ventilation system.

Requirement L2(g) applies only within buildings and parts of buildings where more than 100m² is to be served by artificial lighting.

PART M — ACCESS TO AND USE OF BUILDINGS

<i>Requirement</i>	<i>Limits on application</i>
Access and use	
M1. Reasonable provision shall be made for people to –	1. The requirements of this Part do not apply to —
(a) gain access to; and	(a) an extension of or material alteration of dwelling; or
(b) use	(b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.
The building and its facilities.	
M2. Suitable independent access shall be provided to the extension where reasonably practicable.	Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.

Sanitary Conveniences in Extensions to Buildings other than Dwellings

M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.

Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

Sanitary Conveniences in Dwellings

M4. (1) Reasonable provision shall be made in the entrance storey for sanitary conveniences, contains no habitable rooms, reasonable provision for sanitary conveniences shall be made in either the entrance storey or principal storey.

The requirements of this part do not apply to a dwelling the total area of which does not exceed 80m².

(2) In this paragraph “entrance storey” means the storey which contains the principal entrance and “principal storey” means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storey equally near, or where the entrance storey, either such storey.

PART N — GLAZING: MATERIALS AND PROTECTION

Protection against impact

N1. Glazing with which people are likely to come into contact whilst moving in or about the building shall —

- (a) if broken on impact, break in a way which is unlikely to cause injury, or
- (b) resist impact without breaking; or
- (c) be shielded or protected from impact.

Manifestation of glazing

N2. Transparent glazing with which people

Requirement N2 does not apply to dwellings.

<i>Requirement</i>	<i>Limits on application</i>
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are likely to come into contact while moving in or about the building shall incorporate features which make it apparent.

Safe opening and closing of windows etc.

N3. Windows, skylights and ventilators which can be opened by people in or about building shall be so constructed or equipped that they may be opened, closed or adjusted safely.

Safe access for cleaning windows etc.

N4. Provision shall be made for any windows, skylights, or any transparent or translucent walls, ceilings or roofs to be safely accessible for cleaning.

PART P – ELECTRICAL SAFETY

Design, installation and testing

P1. Reasonable provision shall be made in the design, installation, inspection and testing of electrical installations in order to protect persons from fire or injury.

The requirements of this part apply only to electrical installations that are intended to operate at low or external low voltage and are –

Provision of information

P2. Sufficient information shall be provided so that persons wishing to operate, maintain or alter an electrical installation can do with reasonable safety.

- (a) in a dwelling;
- (b) in the common parts of a building serving one or more dwellings, but excluding power supplies to lifts;
- (c) in a building that receives its electricity from a source located within or shared with a dwelling; and
- (d) in a garden or in or on land associated with a building where the electricity is from a source located within or shared with a dwelling.

Regulation 9.

SCHEDULE 2

EXEMPT BUILDINGS AND WORK

CLASS 1

Buildings not frequented by people

A detached building —

- (a) into which people do not normally go; or
- (b) into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery, unless any point of such a building is less than one-and-a-half-times its height from

—

- (i) any point of a building into which people can or do normally go; or
- (ii) the nearest point of the boundary of the curtilage of that building, whichever is the nearer.

CLASS 2

Greenhouses and agricultural buildings

1. Subject to paragraph 3, a greenhouse.
2. A building used, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that –
 - (a) no part of the building is used as a dwelling;
 - (b) no point of the building is less than one-and-a-half-times its height from any point of a building which contains sleeping accommodation; and
 - (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.
3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.
4. In paragraph 2, "agriculture" includes horticulture, fruit growing, the growing of plants for seed and fish farming.

CLASS 3

Temporary buildings

A building which is not intended to remain where it is erected for more than 28 days.

CLASS 4

Ancillary buildings

1. A building on a site, being a building which is intended to be used only in connection with the disposal of building or building plots on that site.
2. A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation.
3. A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

CLASS 5

Small detached buildings

1. A detached single storey building, having a floor area which does not exceed 30 square metres, which contains no sleeping accommodation and is a building —
 - (a) no point of which is less than one metre from the boundary of its curtilage; or
 - (b) which is constructed substantially of non-combustible material.
2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if —
 - (a) its floor area does not exceed 30 square metres; and
 - (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.
3. A detached building, having a floor area which does not exceed 10 square metres, which contains no sleeping accommodation.

CLASS 6

Extensions

The extension of a dwelling by the addition at ground level of —

- (a) a conservatory, sun room, porch, covered yard or covered way; or
- (b) a carport open on at least two sides;

where the floor area of that extension does not exceed 15 square metres and no point of which is less than one metre from the boundary of its curtilage, provided :

1. that in the case of a conservatory, sun room or porch which is wholly or partly glazed satisfies the requirements of Part L1 and Part N of Schedule 1, and
2. maximum span of roof members between end supports not exceeding 4 meters and access to roof is for purpose maintenance and repairs only.

Exclusion

Proposed building work which involves building over or within 3 metres of public sewer or private drainage serving more than one building is not exempt from these Regulations.

NOTE

Conservatory, Porch or Sun room

1. When a conservatory, porch or sun room is attached to and built as part of a new dwelling:
 - a) Where there is no separation between the conservatory, porch or sun room and the dwelling, the extension should be treated as an integral part of the dwelling;
 - b) Where there is separation between the conservatory, porch or sun room and the dwelling, energy savings can be achieved if the extension is not heated. If fixed heating installations are proposed, however, they should have their own separate temperature and on/off controls.

2. When a conservatory, porch or sun room is attached to an existing dwelling and an opening is enlarged or newly created as a material alteration, reasonable provision should be made to enable the heat loss from the dwelling to be limited. Ways of meeting the requirement would be:

- a) To retain the existing separation where the opening is not to be enlarged; or
- b) To provide separation as or equivalent to windows and doors having the average U-value given in L1 (table 1) where the opening is to be newly created or enlarged.

3. For the purposes of satisfying the requirements for the conservation of fuel and power, separation between a dwelling and a conservatory, porch or sun room means:

- a) Separating walls and floors insulated to at least the same degree as the exposed walls and floors;
- b) Separating windows and doors with the same U-value and draught-stripping provisions as the exposed windows and doors elsewhere in the dwelling.

Attention is drawn to the safety requirements of Part N of the Building Regulations regarding conservatory/porch glazing.

CLASS 7
Alterations

The installation of —

- (a) a window, roof light, roof window, door (being a door which together with its frame has more than 50 per cent of its internal face area glazed), or
- (b) a space heating or hot water service boiler or a hot water vessel, provided that it satisfies the requirement of Part L1 of Schedule 1 in connection with an existing dwelling.

SCHEDULE 3

Regulation 12(8)

DESCRIPTIONS OF WORK WHERE NO DEPOSIT OF PLANS REQUIRED

Column 1	Column 2
<i>Type of work</i>	<i>Person carrying out work</i>
Installation of a heat-producing gas appliance.	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 1994 ¹³ as Applied by the Gas Safety (Application) Order 1996 ¹⁴
Installation of an oil-fired combustion	An individual registered under the Oil Firing

¹³ S.I.1994 No. 1886

¹⁴ SD 326/96

appliance which has a rated heat output of 45 kilowatts or less and which is installed in a building with no more than 3 storeys (excluding any basement);	Registration Scheme by the Oil Firing Technical Association for the Petroleum Industry Ltd ¹⁵ in respect of that type of work.
Installation of oil storage tanks and the pipes connecting them to combustion appliances.	An individual registered under the Oil Firing Registration Scheme by the Oil Firing Technical Association for the Petroleum Industry Ltd in respect of that type of work.
Installation of a solid fuel burning combustion appliance which has a rated heat output of 50 kilowatts or less and which is installed in a building with no more than 3 storeys (excluding any basement).	An individual registered under the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Ltd ¹⁶ in respect of that type of work.
Installation of fixed low or extra-low voltage electrical installations.	A person registered by BRE Certification Limited ¹⁷ , British Standards Institution ¹⁸ , NICEIC Certification Services Ltd ¹⁹ , or the Department of Local Government and the Environment with the minimum of a certificate in 16 th Edition of Electrical Installation Regulations in respect of that type of work.

Interpretation and application

1. For the purposes of this Schedule —

"appliance" includes any fittings or services, other than a hot water storage vessel which does not incorporate a vent pipe to the atmosphere, which form part of the space heating or hot water system served by the combustion appliance; and

"building work" does not include the provision of a masonry chimney.

2. The final entry in the table above does not apply to building work which is necessary to ensure that a heat-producing gas appliance complies with the applicable requirements contained in Schedule 1 unless the appliance —

(a) has a net rated heat input of 70 kilowatts or less; and

(b) is installed in a building with no more than 3 storeys (excluding any basement).

3. Work consisting of —

(a) replacing any socket-outlet, control switch or ceiling rose;

(b) replacing a damaged cable for a single circuit only;

(c) re-fixing or replacing enclosures of existing installation components, where the circuit protective measures are unaffected;

¹⁵ A company incorporated under the Companies Act 1985 (of Parliament) (c.6) with the registration number 2739706.

¹⁶ HETAS Ltd (Heating Equipment Testing and Approval Scheme) is the official approval body, recognised by the United Kingdom government as the official approval body for the domestic solid fuel industry. It is a non profit making independent body.

¹⁷ A company incorporated under the Companies Act 1985 (of Parliament) (c.6) with the registration number 3548352.

¹⁸ Incorporated by Royal Charter.

¹⁹ A company incorporated under the Companies Act 1985 (of Parliament) (c.6) with the registration number 4411293.

- (d) providing mechanical protection to an existing fixed installation, where the circuit protective measures and current carrying capacity of conductors are unaffected by the increased thermal insulation.

4. Work which —

- (a) is not in a kitchen, or a special location,
- (b) does not involve work on a special installation, and
- (c) consists of —
 - (i) adding light fittings and switches to an existing circuit;
 - (ii) adding socket outlets and fused spurs to an existing ring or radial circuit; or
 - (iii) installing or upgrading main or supplementary equipotential bonding.

5. Work on —

- (a) telephone wiring or extra-low voltage wiring for the purposes of communications, information technology, signalling, control and similar purposes, where the wiring is not in a special location;
- (b) equipment associated with the wiring referred to in sub-paragraph (a).

6. For the purposes of this Schedule —

"kitchen" means a room or part of a room which contains a sink and food preparation facilities;

"special installation" means an electric floor or ceiling heating system, a garden lighting or electric power installation, an electricity generator, or an extra-low voltage lighting system which is not a pre-assembled lighting set bearing the CE marking referred to in regulation 9 of the Electrical Equipment (Safety) Regulations 1994²⁰; and

"special location" means a location within the limits of the relevant zones specified for a bath, a shower, a swimming or paddling pool or a hot air sauna in the Wiring Regulations, sixteenth edition, published by the Institution of Electrical Engineers and the British Standards Institution as BS 7671: 2001 and incorporating amendments 1 and 2."

Made 16th February 2007

John Shimmin
Minister for Local Government and the Environment

²⁰ S.I. 1994 No. 3260.

EXPLANATORY NOTE
(This note is not part of the Regulations.)

These Regulations revoke and replace the Building Regulations 2003. The following changes of substance are made.

The definition of “controlled service or fitting” has been extended to include work that may be carried out under the new Part P (electrical safety) of the Building Regulations. New definitions have been inserted for “sunroom” and “porch”. In order to supplement the definition of a multi-occupancy dwelling a further definition has been provided in relation to a “single household”.

In Part 2 - Control of building work – in regulation 3 the meaning of building work has been extended to take account of works in relation to Part P (Electrical Safety). The meaning of “relevant requirement” has been extended to Part E (Sound insulation) and Part M (Access and use of building).

The applicable requirements relating to material changes of use contained in regulation 6 are extended to include paragraphs –

- M (access and use of building)
- P1 & P2 (electrical safety)

New regulations 15 and 16 have been inserted which make provision for the testing of sound insulation work and the airtightness of building fabric. In new regulation 19 there is provision for an alternative approach that would show compliance with the Regulations by reference to Part B (Fire safety) of Schedule 1 and to Parts L1 and L2 (Conservation of fuel and energy) of Schedule 1. Finally, regulation 20 (Provision applicable to self certification scheme) applies where certain works have been designated as exempt under Schedule 3 when carried out by members of certain bodies and institutions.

Schedule 1 has been changed as follows –

Part A Structure – Requirement A3 has been amended so as to require that all types of buildings should be designed and constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.

Part B Fire Safety – Requirement B7 has been amended clarifying the use and installation of sprinkler systems and the design, installation, testing and information on these to the user of the building.

Part C Site Preparation and Resistance to Contaminants and Moisture – New guidelines and information provide for compliance with new Approved Document C indicating methods by which developers can show compliance with the Regulations.

Part E Resistance to Passage of Sound – Amended requirements and guidelines now apply to walls inside dwellings, between bedrooms and bathrooms and internal floors, and acoustic conditions in schools.

Part J Heat Producing Appliances – This Part has been amended to prevent the risk of pollution from leaking oil tanks. It requires all new or replacement oil tanks to be fitted with secondary containment.

Part M Access to and Use of Buildings — In line with the provisions of the Disability Discrimination Act 2006²¹ this part has been amended to take into account the need for reasonable access to and use of buildings.

Part P Electrical Safety — The requirements of this Part only apply to electrical installations that are intended to operate at low or external low voltage and in relation to dwellings.

Part 6 (extensions) of Schedule 2 (exempt buildings and work) has been changed so as to bring it in line with planning (permitted development) conditions.

Schedule 6 is a new Schedule that applies to works where no deposit of plans is required by persons who have shown that they are competent through their membership of a statutory body (such as, for example, CORGI) or a body approved by the Department.

²¹ 2006 c.17.