



## BUILDING (AMENDMENT) REGULATIONS 2019

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Statutory Document No. 2019/0276

*Building Control Act 1991*

## BUILDING (AMENDMENT) REGULATIONS 2019

*Approved by Tynwald:**17 July 2019**Coming into Operation in accordance with regulation 2*

The Department of Environment, Food and Agriculture makes the following Regulations under section 1 of, and Schedule 1 to, of the Building Control Act 1991.

### 1 Title

These Regulations are the Building (Amendment) Regulations 2019.

### 2 Commencement

If approved by Tynwald,<sup>1</sup> these Regulations come into operation on 31 December 2019 subject to the savings and transitional provisions prescribed in regulation 4.

### 3 Amendments to the Building Regulations 2014

(1) The Building Regulations 2014<sup>2</sup> are amended as follows.

(2) In regulation 3 —

(a) after the definition of “building work” insert —

“**change to a building’s energy status**” means any change that results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;<sup>22</sup>

(b) in the definition of “controlled service or fitting”, for “S” substitute **Q**<sup>22</sup>; and

(c) after the definition of “electrical installation” insert —

“**energy efficiency requirements**” means the requirements of regulations 21C, 21D, Part L of Schedule 1 and Schedule 4;<sup>22</sup>

<sup>1</sup> Tynwald approval required under section 37 of the Building Control Act 1991.

<sup>2</sup> SD 2014/0165

- (3) In regulation 6, after “Schedule 1”, in both places it occurs, insert **6A** and Schedule 4 **2A**.
- (4) In regulation 8(1) —
- (a) after “relevant requirements of” insert **6A** Schedule 4 and **2A**; and
- (b) in paragraph (a)(x) for “.” substitute **6A**; **2A**.
- (5) In regulation 9 —
- (a) renumber the existing paragraph as (1); and
- (b) after the text insert —
- 6A**(2) Subject to paragraph (3), building work must be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2007+A1:2009 entitled "Fire classification of construction products and building elements. Classification using test data from reaction to fire tests" (ISBN 978 0 580 59861 6) published by the British Standards Institution on 30th March 2007 and amended in November 2009.
- (3) Paragraph (2) does not apply to —
- (a) cavity trays when used between two leaves of masonry;
- (b) any part of a roof if that part is connected to an external wall;
- (c) door frames and doors;
- (d) electrical installations;
- (e) insulation and water proofing materials used below ground level;
- (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;
- (g) membranes;
- (h) seals, gaskets, fixings, sealants and backer rods;
- (i) thermal break materials where the inclusion of the materials is necessary to meet the thermal bridging requirements of Part L of Schedule 1; or
- (j) window frames and glass.
- (4) In this regulation —

- (a) a "relevant building" means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which –
- (i) contains one or more dwellings;
- (ii) contains an institution; or
- (iii) contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house); and
- (b) "above ground level" in relation to a storey means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey. **22**.
- (6) In regulation 10, for "N, P and S" substitute **23**P and Q **22**.
- (7) In regulation 12(1) –
- (a) in sub-paragraph (b), omit "or";
- (b) in sub-paragraph (c), for ",", substitute **23**; or **22** and
- (c) after sub-paragraph (c) insert –
- 23**(d) make a change to a building's energy status, **22**.
- (8) In regulation 13(3)(a), after "thermal element," insert **23** change of a building's energy status, **22**.
- (9) In regulation 21(1), after "Schedule 1" insert **23** and Schedule 4 **22**.
- (10) After regulation 21 insert –

## **23** PART 3A - VENTILATION

### **21A** Information about ventilation

- (1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to building work.
- (2) The person carrying out the work must not later than 5 days after the work has been completed, give sufficient information to the owner about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation.

**21B Mechanical ventilation air flow rate testing**

- (1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to the creation of a new dwelling by building work.
- (2) The person carrying out the work must, for the purpose of ensuring compliance with paragraph F1(1) of Schedule 1, —
  - (a) ensure that testing of the mechanical ventilation air flow rate is carried out in accordance with a procedure approved by the building authority; and
  - (b) give notice of the results of the testing to the building authority.
- (3) The notice referred to in paragraph (2)(b) must —
  - (a) record, in a manner approved by the building authority, the results and the data upon which they are based; and
  - (b) be given to the building authority not later than 5 days after the final test is carried out.

**PART 3B - FUEL AND POWER****21C Information about use of fuel and power**

- (1) This paragraph applies where Part L1(a)(i) of Schedule 1 applies in relation to building work.
- (2) The person carrying out the work must, not later than 5 days after the work has been completed, provide to the owner information —
  - (a) about the building; and
  - (b) about the fixed building services and their maintenance requirements;that is sufficient for the building to be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.

**PART 3C - COMMISSIONING****21D Commissioning**

- (1) This regulation applies to building work in relation to which paragraph F1(2) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed system for

mechanical ventilation or any associated controls where testing and adjustment is not possible.

- (2) This regulation also applies to building work in relation to which either Schedule 4 or paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed building service where testing and adjustment is not possible or would not affect the energy efficiency of that fixed building service.
- (3) Where this regulation applies the person carrying out the work must give to the building authority a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the building authority. This requirement is for the purpose of ensuring compliance with paragraph F1(2) or L1(b) of Schedule 1 or Schedule 4.
- (4) The notice must be given to the building authority –
  - (a) where this regulation applies, not later than 5 days after building work has been completed; or
  - (b) where this regulation does not apply, not more than 30 days after completion of the work.

## **PART 3D - ENERGY EFFICIENCY**

### **21E Energy Efficiency Requirements**

Schedule 4 (energy efficiency requirements) has effect.

## **PART 3E - PHYSICAL INFRASTRUCTURE FOR HIGH SPEED ELECTRONIC COMMUNICATIONS NETWORKS**

### **21F Exemptions from paragraph R1 of Schedule 1**

The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 do not apply to the following types of building or building work –

- (a) buildings which are –
  - (i) listed on the Protected Buildings Register in accordance with section 14 (the protected buildings register) of the Town and Country Planning Act 1999; or
  - (ii) in a conservation area designated in accordance with section 18 of that Act,

where compliance with paragraph R1 of Schedule 1 would unacceptably alter their character or appearance;

- (b) buildings occupied for purposes connected to national security;
- (c) buildings situated in isolated areas where the prospect of high-speed connection is considered too remote to justify equipping the building with high-speed ready in-building physical infrastructure or an access point;
- (d) major renovation works in cases in which the cost of compliance with paragraph R1 of Schedule 1 would be disproportionate to the benefit gained.

## 21G Interpretation of Part R of Schedule 1

In Part R of Schedule 1 —

**“access point”** means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed ready in-building physical infrastructure is made available;


**“high-speed electronic communications network”** means an electronic communications network which is capable of delivering broadband access services at speeds of at least 30 Mbps;

**“high-speed ready in-building physical infrastructure”** means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

**“in-building physical infrastructure”** means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

**“major renovation works”** means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it;

**“network termination point”** means a physical point at which an occupier is provided with access to high-speed electronic communications networks; and

**“undertakings”** means persons carrying out works, construction or maintenance for the purposes of providing public communications networks. .



- (11) In regulation 22, after “Schedule 1” insert **“or Schedule 4”**.
- (12) In regulation 24 –
- (a) in paragraph (1)(a), for “all new buildings to which Part L” substitute **“all buildings to which Schedule 4 and Part L”**; and
  - (b) for paragraph (3) substitute –
    - (3) The air permeability of the building after work to which this regulation applies must be either –**
      - (a) the same as or lower than the value set out in Schedule 3 to the Building Control (Approved Documents) Order 2019<sup>3</sup>; or
      - (b) lower than the air permeability of the building prior to the work being carried out. **”**.
- (13) Schedule 1 is amended as specified in Schedule 1 to these Regulations.
- (14) Schedule 2 is amended as specified in Schedule 2 to these Regulations.
- (15) After Schedule 3, insert Schedule 4 contained in Schedule 3 to these Regulations.

#### **4 Savings and transitional provisions**

- (1) Amendments made by these Regulations do not apply to building work –
- (a) commenced before 31 December 2019; and
  - (b) that received a completion certificate from the building authority before 1 July 2020.
- (2) In this regulation –
- “completion certificate” is a certificate issued under regulation 21 of the Building Regulations 2014.

**MADE 19 JUNE 2019**

**GEOFFREY BOOT**

*Minister for Environment, Food and Agriculture*

<sup>3</sup> SD 2019/0279



## SCHEDULE 1

## AMENDMENTS TO SCHEDULE 1 TO THE BUILDING REGULATIONS 2014

[Regulation 3]

**Schedule 1 to the Building Regulations 2014 amended**

- (1) In Part K, after the requirement “Vehicle barriers and loading bays” insert —

**Protection against impact with glazing**

K4. Glazing, with which people are likely to come into contact while 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.

- (2) In Part K, in requirement “Protection from collision with open windows etc.” —

- (a) for “K4. Provision must be” substitute “K5.1. Provision must be”; and  
 (b) for “Requirement K4 does not” substitute “Requirement K5.1 does not”.

- (3) In Part K, after requirement “Protection from collision with open windows etc.” insert —

**Manifestation of glazing**

K5.2 Transparent glazing with which people are likely to come into contact while moving in or about the building, shall incorporate features which make it apparent.

Requirement K5.2 does not apply to dwellings.

**Safe opening and closing of windows etc.**

K5.3 Windows, skylights and ventilators which can be opened by people in or about the building shall be so constructed or equipped that they may be opened, closed or adjusted safely.

Requirement K5.3 does not apply to dwellings.

**Safe access for cleaning windows etc.**

**K5.4** Provision shall be made for any windows, skylights or any transparent or translucent walls, ceilings or roofs to be safely accessible for cleaning.

Requirement K5(4) does not apply to –  
(a) dwellings; or  
(b) any transparent or translucent elements whose surfaces are not intended to be cleaned.

☐☐.

(4) In Part K, in requirement “Protection against impact from and trapping by doors” –

(a) for “K5. (1) Provision must be made to prevent any” substitute ☐☐K6. (1) Provision must be made to prevent any☐☐; and

(b) for “requirement K5 does not” substitute ☐☐Requirement K6 does not☐☐.

(5) In Part L, in the right hand column (Limits on application) insert ☐☐Requirement L1 does not apply to buildings to which Schedule 4 does not apply.☐☐.

(6) In Part M, for “Access and use” substitute ☐☐Access to and use of buildings other than dwellings☐☐.

(7) In Part M, for the requirement “Access and use” substitute –

**☐☐Access to and use of buildings other than dwellings**

M1. Reasonable provision must be made for people to –  
(a) gain access to; and  
(b) use, the building and its facilities.

Requirement M1 does not apply to 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.☐☐.

(8) In Part M, for the requirement “Sanitary conveniences in dwellings” substitute –

**Access to and use of dwellings**

**Category 1 - visitable dwelling**

**M4(1).** Reasonable provision must be made for people to –  
(a) gain access to; and  
(b) use,  
the dwelling and its facilities.

Requirement M4(1) does not apply to:  
(a) an extension to a dwelling; or  
(b) any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

**Category 2- accessible and adaptable dwellings**

**M4(2). optional requirement**

(1) Reasonable provision must be made for people to –  
(a) gain access to; and  
(b) use,  
the dwelling and its facilities.  
(2) The provision made must be sufficient to –

Optional requirement M4(2) –  
(a) may apply only in relation to a dwelling that is erected;  
(b) will apply in substitution for requirement M4(1);  
(c) does not apply where optional requirement M4(3) applies;  
(d) does not apply to any part of a

- (a) meet the needs of occupants with differing needs, including some older or disabled people; and
- (b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.

building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

**Category 3- wheelchair user dwellings**  
**M4(3) optional requirement**

- (1) Reasonable provision must be made for people to —
  - (a) gain access to; and
  - (b) use, the dwelling and its facilities.
- (2) The provision made must be sufficient to —
  - (a) allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs; or
  - (b) meet the needs of occupants who use wheelchairs.

Optional requirement M4(3) —

- (a) may apply only in relation to a dwelling that is erected;
- (b) will apply in substitution for requirement M4(1);
- (c) does not apply where optional requirement M4(2) applies;
- (d) does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Optional requirement M4(3)(2)(b) applies only where the planning permission under which the building work is carried out specifies that it shall be complied with.

22.

- (9) Omit Part N.
- (10) In Part S —
  - (a) for “PART S” substitute **23 PART Q 22**; and
  - (b) for “S1” in each place it occurs, substitute **23 Q1 22**.
- (11) At the end of the Schedule insert —

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**23 PART R - PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS**

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**In-building physical infrastructure R1**

- (1) Building work must be carried out so as to ensure that the building is equipped with a high-speed ready in-building physical infrastructure, up to a network termination point for high-speed electronic communications networks.
- (2) Where the work concerns a building containing more than one dwelling, the work must be carried out so as to ensure that the building is equipped in addition with a common access point for high-speed electronic communications networks.

Requirement R1 applies to building work that consists of —

- (a) the erection of a building; or
- (b) major renovation works to a building. **24**.



**SCHEDULE 2****AMENDMENTS TO SCHEDULE 2 TO THE BUILDING REGULATIONS 2014**

[Regulation 3]

**Schedule 2 to the Building Regulations 2014 amended**

- (1) In CLASS 6, for “Part L1 and Part N” substitute **Part L1 and Part N K4, K5.1, K5.2, K5.3 and K5.4**.
- (2) In CLASS 7, for “Part S”, in both places it occurs, substitute **Part Q**.





**SCHEDULE 3**

[Regulation 3]

**☒ SCHEDULE 4****ENERGY EFFICIENCY REQUIREMENTS**

[Regulations 6 and 21E]

**1 Application of energy efficiency requirements**

- (1) The energy efficiency requirements apply to —
  - (a) the erection of any building of a kind falling within this sub-paragraph;
  - (b) the extension of any such building, other than an extension to which sub-paragraph (4) applies; and
  - (c) the carrying out of any work to or in connection with any such building or extension.
- (2) A building falls within sub-paragraph (1) if it —
  - (a) is a roofed construction having walls;
  - (b) uses energy to condition the indoor climate; and
  - (c) does not fall within one or more of the categories listed in sub-paragraph (3).
- (3) The categories referred to in sub-paragraph (2)(c) are buildings which are —
  - (a) included on the Protected Buildings Register in accordance with section 14 (the protected buildings register) of the Town and Country Planning Act 1999 where compliance with the requirements would unacceptably alter their character or appearance;
  - (b) used primarily or solely as places of worship;
  - (c) temporary buildings, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
  - (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50 square metres.
- (4) This sub-paragraph applies to any extension of a building falling within class 6 in Schedule 2 except a conservatory or porch —
  - (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window; or

- (b) into which the building's heating system has been extended.
- (5) In this paragraph —
- (a) a reference to industrial sites and workshops with low energy demand is a reference to buildings used to accommodate industrial activities in spaces where the air is not habitually heated or cooled other than by the industrial activity itself;
  - (b) a reference to non-residential agricultural buildings with low energy demand is a reference to buildings designed to be used separately that are heated only for specific purposes of short duration (such as plant germination or egg hatching);
  - (c) “place of worship” means a building used for formal public worship and any adjoining space the function of which is directly linked to that use;
  - (d) “stand-alone building” means a building entirely detached from any other building;
  - (e) “temporary building” has the same meaning as in Class 3 of Schedule 2 and includes a portable or modular building;
  - (f) “total useful floor area” means the total area of all enclosed spaces measured to the internal face of the external walls.

## 2 Requirements relating to a change to energy status

Where there is a change to a building's energy status, such work, if any, must be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1.

## 3 Requirements for the renovation or replacement of thermal elements

- (1) Where the renovation of an individual thermal element —
- (a) constitutes a major renovation; or
  - (b) amounts to the renovation of more than 50% of the element's surface area,
- the renovation must be carried out so as to ensure that the whole of the element complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically and functionally feasible and economically reasonable.
- (2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement —
- (a) constitutes a major renovation; or
  - (b) (in the case of part replacement) amounts to the replacement of more than 50% of the thermal element's surface area,

the whole of the thermal element must be replaced so as to ensure that it complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically and functionally feasible and economically reasonable.

#### **4 Energy performance rates for new buildings**

Where a building is erected, the Standard Assessment Procedure value for the building must meet or exceed the target Standards Assessment Procedure value that is stated in the Building Control (Approved Documents) Order 2019, applying the methodology of calculation and expression of the energy performance of buildings as stated in the approved documents.

#### **5 Standard Assessment Procedure value calculations**

- (1) This paragraph applies where a building is erected and paragraph 4 applies.
- (2) Not later than the day before the work starts the person carrying out the work must give the building authority a notice which specifies —
  - (a) the target Standard Assessment Procedure value for the building as stated in the Building Control (Approved Documents) Order 2019 and calculated and expressed in accordance with the approved documents;
  - (b) the Standard Assessment Procedure value for the building as designed, calculated and expressed in accordance with the approved documents; and
  - (c) a list of specifications to which the dwelling is to be constructed.
- (3) Not later than 5 days after the work has been completed, the person carrying out the work must give the building authority a notice which specifies —
  - (a) the target Standard Assessment Procedure value for the building as stated in the Building Control (Approved Documents) Order 2019 and calculated and expressed in accordance with the approved documents;
  - (b) the Standard Assessment Procedure value for the building as constructed, calculated and expressed in accordance with the approved documents; and
  - (c) whether the building has been constructed in accordance with the list of specifications referred to in sub-paragraph 2(c), and if not a list of any changes to those specifications.
- (4) In this paragraph —

"specifications" means specifications used for the calculation of the Standard Assessment Procedure value; and

“approved documents” means documents L1A, L1B, L2A and L2B, as listed in the Building Control (Approved Documents) Order 2019.

## **6 Consequential improvements to energy performance**

- (1) Sub-paragraph (2) applies to an existing building with a total useful floor area over 1,000m<sup>2</sup> where the proposed building work consists of or includes –
  - (a) an extension;
  - (b) the initial provision of any fixed building services; or
  - (c) an increase to the installed capacity of any fixed building services.
- (2) Subject to sub-paragraph (3), where this sub-paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.
- (3) Nothing in sub-paragraph (2) requires work to be carried out if it is not technically and functionally feasible and economically reasonable.

## **7 Interpretation of Schedule 4**

In this Schedule –


“building” means the building as a whole or parts of it that have been designed or altered to be used separately;

“building envelope” in relation to a building means the walls, floor, roof, windows, doors, roof windows and roof-lights;

“energy performance of a building” means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;

“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation ;

“new dwelling” does not include a dwelling that is formed by a material change of use of a building; and

“Standard Assessment Procedure value” means the value of the energy performance of a building calculated or measured in accordance with the approved documents. .

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

These Regulations make amendments to the Building Regulations 2014.

The Regulations amend the Building Regulations 2014 [SD 2014/0165] to establish requirements regarding the energy efficiency of buildings. These requirements apply to certain new buildings and to renovations and extensions to existing buildings. The provisions require that such buildings meet or exceed the target Standard Assessment Procedure target value calculated using the Standard Assessment Procedure. Notice of the target Standard Assessment Procedure value at the planning approval stage and the actual value when the building is completed must be given to the building authority.

In addition, where significant building work is being carried out to an existing building the work must meet fuel and power use standards.

The Regulations stipulate that materials used in building work on residential multi-storey buildings must meet fire standards equivalent to those in the United Kingdom. Provisions have also been added requiring building work to at least match the United Kingdom standards on ventilation, fuel and power use, commissioning and the infrastructure for electronic communications networks.

Additional requirements for airtightness testing have been added to the Regulations to mandate that building work must result in the standards set out in the Building Control (Approved Documents) Order 2019 being met or result in an improvement of the airtightness of the existing building.

These Regulations also amend Schedule 1 to the Building Regulations 2014 to insert additional provisions regarding glazing and sanitary conveniences in dwellings.