
STATUTORY INSTRUMENTS

2006 No. 652

**The Building and Approved Inspectors
(Amendment) Regulations 2006**

PART 5

Transitional provisions

Transitional provisions – interpretation and application

29.—(1) In this Part—

“the Act” means the Building Act 1984;

“the Building Regulations” means the Building Regulations 2000;

“the Approved Inspectors Regulations” means the Building (Approved Inspectors etc) Regulations 2000;

(2) The following provisions of this Part shall not apply in relation to regulation 12 of the Building Regulations to the extent that it is amended by 10(b) of these Regulations.

Transitional provisions – work already commenced

30.—(1) Subject to paragraph (2), where before 6th April 2006 building work is commenced in accordance with—

(a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2) (giving of a building notice or deposit of plans) of the Building Regulations and a notice given to the local authority under regulation 15(1)(1) (notice of commencement and completion of certain stages of work) of the Building Regulations; or

(b) an initial notice or an amendment notice given in accordance with section 47(1)(2) (giving and acceptance of initial notice) or 51A(2)(3) (variation of work to which initial notice related) of the Act,

the Building Regulations and the Approved Inspectors Regulations shall continue to apply to that building work as if these Regulations had not been made.

(2) Where before 6th April 2006 work is commenced in accordance with an initial notice, which is varied by an amendment notice given on or after that date, the Building Regulations and Approved Inspectors Regulations shall continue to apply as if these Regulations had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(1) Amended by S.I.2002/440.

(2) Amended by section 8(2) of the Sustainable and Secure Buildings Act 2004 (c. 22), and S.I. 1996/1905.

(3) Section 51A was inserted by S.I. 1996/1905.

(3) Where before 6th April 2006 building work to which regulation 12(5)(4) of the Building Regulations applies is commenced, the Building Regulations shall continue to apply to that building work as if these Regulations had not been made.

(4) Regulation 4A (requirements relating to thermal elements) of the Building Regulations shall not apply to the replacement or renovation of a thermal element where that work is commenced before 6th April 2006.

Transitional provisions – work for which full plans not required

31.—(1) Where before 6th April 2006—

- (a) a contract is entered into for the provision of building work in respect of which regulation 12 (giving of a building notice or deposit of plans) of the Building Regulations does not require the deposit of full plans; and
- (b) that work has not commenced,

the Building Regulations shall continue to apply to that work as if these Regulations, other than the amendments made by regulations 10(c), 13, 21 and 22, had not been made, provided that the work is commenced before 1st October 2006.

Transitional provisions – full plans

32.—(1) Subject to paragraph (3), paragraph (2) applies where before 6th April 2006—

- (a) full plans of building work are deposited with a local authority in accordance with regulation 12(2) of the Building Regulations;
- (b) the local authority—
 - (i) gives notice under section 16(6) (passing or rejection of plans) of the Act that they have passed those plans without conditions; or
 - (ii) signifies in writing to the person by whom or on whose behalf the plans were deposited that any condition subject to which they passed the plans has been fully met; and
- (c) that work has not commenced.

(2) The Building Regulations shall continue to apply to that building work as if these Regulations, other than the amendments made by regulation 21, had not been made, whether or not the building work departs from those plans.

(3) Paragraph (2) does not apply where work is commenced on or after 1st April 2007.

Transitional provisions – plans certificates

33.—(1) Subject to paragraph (3), paragraph (2) applies where before 6th April 2006—

- (a) plans of work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority in accordance with section 50(5) (plans certificates) of the Act, and accepted by the local authority either before, on or after that date; and
- (b) that work has not commenced.

(2) The Building Regulations and the Approved Inspectors Regulations shall continue to apply to that building work as if these Regulations, other than the amendments made by regulations 21 and 25, had not been made, whether or not the building work departs from those plans.

(3) Paragraph (2) does not apply where the work is commenced on or after 1st April 2007.

(4) Substituted by S.I. [2004/3210](#).

(5) Section 50(1) and (5) were substituted by S.I. [1996/1905](#).

Transitional provisions – buildings previously exempt

34.—(1) Paragraph (2) applies to building work in relation to—

- (a) buildings of a kind described in Schedule 2(6) (exempt buildings and work) to the Building Regulations to which, by virtue of the amendments made by regulation 8, the energy efficiency requirements of the Building Regulations apply; or
- (b) buildings to which regulation 28 applies.

(2) Where this paragraph applies, the amendments made by regulation 8 (exempt buildings and work) and so much of regulation 2 (amendment of the Building Regulations 2000) as relates to that regulation shall not apply where—

- (a) the building work is commenced before 6th April 2006; or
- (b) the contract for the provision of the work is entered into before that date and the work is commenced before 1st April 2007.