



Sustainable and Secure Buildings Act 2004

2004 CHAPTER 22

3 Contents of building regulations

- (1) Schedule 1 to the Building Act 1984 (provision that may be included in building regulations) is amended in accordance with subsections (2) to (7).
- (2) In sub-paragraph (a)(ii) of paragraph 7, for “and use” substitute “, use and re-use”.
- (3) In sub-paragraph (a)(ix) of that paragraph, after “gases,” insert “ vapours, ”.
- (4) In sub-paragraph (a)(xiv) of that paragraph, at the end insert “ (including equipment for monitoring and measuring supplies of water) ”.
- (5) After sub-paragraph (a)(xxii) of that paragraph insert—
 - “(xxia) measures relating to the security of buildings,
 - (xxiib) measures affecting the use of fuel or power,
 - (xxiic) equipment for monitoring and measuring supplies of fuel, power or heat,
 - (xxiid) recycling facilities (including facilities for composting),”.
- (6) In sub-paragraph (1) of paragraph 8, after paragraph (e) insert—
 - “(f) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases where the persons in occupation of a building or part of a building change in prescribed circumstances.”
- (7) For sub-paragraph (2) of paragraph 8 substitute—
 - “(2) Subject to sub-paragraphs (3) to (6) below and to sections 2(2) and 2A of this Act, building regulations shall not apply to or in connection with buildings erected before the date on which the regulations come into force.

Changes to legislation: Sustainable and Secure Buildings Act 2004, Section 3 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The following building regulations may be made to apply to or in connection with buildings erected before the date on which the regulations come into force—
- (a) regulations falling within sub-paragraph (1)(a) to (e) above;
 - (b) regulations made with respect to the demolition of buildings;
 - (c) regulations made with respect to the use of materials or components (including surface finishes) that (in whole or in part) have been produced from, or incorporate, recycled items;
 - (d) regulations made with respect to the re-use of materials or components (including surface finishes);
 - (e) regulations falling within sub-paragraph (4) below.
- (4) Building regulations fall within this sub-paragraph if—
- (a) in accordance with sub-paragraph (1)(f) above, they are framed by reference to a change in the occupants of a building (or part); and
 - (b) they are—
 - (i) made for the purpose mentioned in section 1(1)(b) of this Act; or
 - (ii) made (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- (5) The provision that may be made by building regulations includes provision imposing on a person carrying out work of any type in relation to a building (whenever erected), or in relation to any service, fitting or equipment provided in or in connection with a building (whenever erected)—
- (a) a requirement to do things for the purpose mentioned in section 1(1)(b) of this Act; or
 - (b) a requirement to do things (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- (6) The things whose doing may be required by virtue of sub-paragraph (5) above are—
- (a) things to be done in relation to the work in question;
 - (b) any other things but only if they are to be done in relation to—
 - (i) the building in question; or
 - (ii) any service, fitting or equipment provided in or in connection with that building.”
- (8) In section 44 of that Act (Crown application), after subsection (10) insert—
- “(11) For the purposes of building regulations which, in accordance with paragraph 8(1)(f) of Schedule 1 to this Act, are framed by reference to a change in the occupants of a building (or part), this section applies, with any necessary modifications, in relation to the making of a change of occupants as it applies in relation to the carrying out of work.”
- (9) In section 45(1) of that Act (application to United Kingdom Atomic Energy Authority), for “(10)” substitute “(11)”.

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Commencement Information

II [S. 3](#) partly in force; [s. 3](#) not in force at Royal Assent see [s. 11\(4\)](#); [s. 3\(1\)-\(7\)](#) in force at 16.11.2004

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Changes and effects yet to be applied to :

- s. 3(8) omitted by [2022 c. 30 Sch. 5 para. 89\(2\)](#)
- s. 3(9) omitted by [2022 c. 30 Sch. 5 para. 89\(2\)](#)