
STATUTORY INSTRUMENTS

1999 No. 77

BUILDING AND BUILDINGS

The Building Regulations (Amendment) Regulations 1999

<i>Made</i>	- - - -	<i>18th January 1999</i>
<i>Laid before Parliament</i>		<i>28th January 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State in exercise of the powers conferred upon him by sections 1(1) and 126(1) of, and paragraphs 1, 7(a)(ii), 7(c), 8 and 10 of Schedule 1 to, the Building Act 1984(2) (“the Act”) and of all other powers enabling him in that behalf, after consulting the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned in accordance with section 14(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Building Regulations (Amendment) Regulations 1999 and shall come into force on 1st April 1999.

Amendment of the Building Regulations 1991

2. The Building Regulations 1991(3) (“the Principal Regulations”) shall be amended in accordance with regulations 3 and 4 of these Regulations.

Interpretation

3. In regulation 2(1), the definitions of “Construction Products Directive”, “European technical approval” and “harmonized standard” shall be omitted.

4. For regulation 7 there shall be substituted the following—

“Materials and workmanship

7. Building work shall be carried out—

(a) with adequate and proper materials which—

(i) are appropriate for the circumstances in which they are used,

(1) Section 126 is cited for the definition of “prescribed”.

(2) 1984 c. 55.

(3) S.I. 1991/2768, to which there are amendments not relevant to these Regulations.

- (ii) are adequately mixed or prepared, and
 - (iii) are applied, used or fixed so as adequately to perform the functions for which they are designed; and
- (b) in a workmanlike manner.”.

Transitional provisions

5.—(1) Subject to paragraph (2), the Principal Regulations shall continue to apply to any building work as if these Regulations had not been made where—

- (a) before 1st April 1999 a building notice, an initial notice, an amendment notice or a public body’s notice⁽⁴⁾ has been given to, or full plans have been deposited with, a local authority in respect of the building work; and
- (b) that work is carried out thereafter in accordance with any such notice or plans, whether with or without any departure from such plans.

(2) Where an initial notice given before 1st April 1999 is varied by an amendment notice given on or after that date, the Principal 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.

(3) In this regulation, “building notice” and “building work” shall have the same meaning as in the Principal Regulations.

Signed by authority of the Secretary of State

Nick Raynsford
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

18th January 1999

(4) As respects initial notices, amendment notices and public body’s notices see respectively, sections 47, 51A and 54 of the Building Act 1984.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Building Regulations 1991 (S.I.1991/2768) to substitute a revised Regulation 7, which is set out in Regulation 4 of these Regulations. The revised Regulation 7 retains the obligation to carry out building work using materials which are appropriate to the particular circumstances which apply, and for those materials to be used in a workmanlike manner. In addition, it provides that materials used in building work must be adequately mixed or prepared, and that they must be used so as adequately to perform the functions for which they are designed. The revised Regulation 7 no longer refers to forms of product approval: guidance on materials and workmanship is given in the approved document referred to below.

Regulation 3 of these Regulations amends Regulation 2(1) of the Building Regulations 1991 to remove the definitions of “Construction Products Directive”, “European technical approval” and “harmonized standard” in consequence of the revised Regulation 7.

Regulation 5 of these Regulations contains transitional provisions which make provision for the Building Regulations 1991 to continue to apply to any building work where, before 1st April 1999, a building notice, an initial notice, a public body’s notice or an amendment notice has been given to a local authority, or full plans have been deposited with a local authority. All work carried out in accordance with such a notice or plans will be subject to the previous version of Regulation 7, regardless of when the work is carried out and whether or not there are departures from such plans. However, where an initial notice given before 1st April 1999 is amended by an amendment notice given after that date, Regulation 5 provides that new work added to the initial notice will be subject to the revised version of Regulation 7.

As the revised Regulation 7 does not impose any additional costs or give rise to any savings, no Regulatory Impact Assessment has been prepared in relation to these Regulations.

The Secretary of State has approved, under section 6 of the Building Act 1984, a new document containing practical guidance with respect to Regulation 7. The new document, “Approved Document to Support Regulation 7: Materials and Workmanship” (1999 Edition, ISBN 0–11–753482–X, price £4.95), is published by TSO. Copies are available from: TSO Publications Centre, PO Box 276, London, SW8 5DT (telephone orders–0171 873 9090, fax orders–0171 873 8200), and through booksellers.