
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Building Act 1984 (“the Act”). They revoke and replace with amendments the Building Regulations 1991 (“the 1991 Regulations”) and consolidate all subsequent amendments to those Regulations. They impose requirements on people carrying out certain building operations.

The Regulations for the most part carry forward the provisions of the 1991 Regulations, as successively amended, with minor alterations to clarify the sense or to reflect changes in other legislation. The additional requirements are those introduced by regulation 16 (see below).

Regulation 2 contains definitions used in these Regulations.

Control is imposed on “building work” as defined in regulation 3(1). “Building work” includes work required by regulation 6 (requirements relating to material change of use). “Material change of use” is defined in regulation 5.

Regulation 4 makes provision for building work to be carried out in compliance with the applicable requirements in Schedule 1. Regulation 6 provides that, where a material change of use is made, the building or the part in question must meet the applicable requirements in Schedule 1.

Regulation 7 provides that any building work is to be carried out with adequate and proper materials and in a workmanlike manner.

Regulation 8 provides that compliance with the requirements in Parts A to K and N of Schedule 1 does not require anything to be done beyond what is necessary to secure reasonable standards of health and safety.

Regulation 9 and Schedule 2 exempt from control the erection of, and work in connection with, certain buildings and extensions.

Regulation 10 prescribes the Metropolitan Police Authority for the purposes of section 5 of the Act, thereby making the Authority exempt from the procedural requirements of these Regulations.

Regulation 11 empowers local authorities to dispense with or relax the requirements of these Regulations.

Regulation 12 requires a person intending to carry out building work or make a material change of use to give a building notice to, or deposit full plans with, the local authority. There is an exception for gas appliances installed by, or under the supervision of, persons approved under the Gas Safety (Installation and Use) Regulations 1998. Full plans are required in two cases: 1) where the building is to be put to a “relevant use”, defined in regulation 12(1) as a use as a workplace of a kind to which Part II of the Fire Precautions (Workplace) Regulations 1997 applies or a use designated under section 1 of the Fire Precautions Act 1971; and 2) where the intention is to erect a building fronting on to a private street. Under Regulation 20, a person who elects under Part II of the Act for building work to be supervised by an approved inspector is not required to give a building notice or deposit plans.

Regulation 13 specifies the plans and particulars to be given in or with a building notice. Regulation 14 specifies the matters to be covered by full plans, which are to be deposited in duplicate (with additional copies of plans where Part B of Schedule 1 imposes a requirement).

Regulation 15 requires a person carrying out building work under local authority supervision to notify them before work starts; and before and after certain operations are carried out. Notice must

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also be given on the completion of the work; and when the building or part of it is first occupied if this occurs before completion.

Regulation 16 requires the calculation of an energy rating for a new dwelling and notification of that rating to the local authority. Regulation 16 further requires the posting in the dwelling of a notice of that rating, or, in certain circumstances, the giving of a notice of that rating to the occupier of the dwelling—these requirements are additional to those arising under the equivalent provisions in the 1991 Regulations, as amended, i.e. those in regulation 14A, introduced by S.I.1994/1850.

Regulation 17 provides for the issue by the local authority, where they have been requested to do so or where the building is to be put to a “relevant use” as defined by regulation 12(1), of certificates of completion.

Regulations 18 and 19 provide for the local authority to test drains and private sewers and to sample materials.

Regulation 20 disapplies certain regulations where work is supervised in accordance with Part II of the Act and the Building (Approved Inspectors etc.) Regulations 2000.

Regulation 21 provides for the issue by the local authority of regularisation certificates in relation to unauthorised building work.

Regulation 22 designates regulation 17 as a provision to which section 35 of the Act does not apply; accordingly, contravention of regulation 17 is not an offence.

Regulation 23 sets out the transitional provisions.

Regulation 24 revokes the Regulations specified in Schedule 3.

Schedule 1 is set out in tabular form and contains the functional requirements that are to be complied with. The right-hand column indicates the cases in which a particular requirement does not apply.

The Secretary of State is empowered by the Building Act 1984 to approve and issue documents containing practical guidance with respect to the requirements contained in these Regulations. It is intended that the Secretary of State will re-approve the following publications, originally approved for the purposes of the 1991 Regulations, for the purposes of these Regulations:

- Approved Document A – Structure: 1992 Edition, fourth impression (with amendments) 1994
- Approved Document B – Fire safety: 2000 Edition
- Approved Document C – Site preparation and resistance to moisture: 1992 Edition, second impression (with amendments) 1992
- Approved Document D – Toxic Substances: amended 1992
- Approved Document E – Resistance to the passage of sound: 1992 Edition, second impression (with amendments) 1992
- Approved Document F – Ventilation: 1995 Edition
- Approved Document G – Hygiene: 1992 Edition, second impression (with amendments) 1992
- Approved Document H – Drainage and Waste Disposal: amended 1992
- Approved Document J – Heat Producing Appliances: amended 1992
- Approved Document K – Protection from falling, collision and impact: 1998 Edition
- Approved Document L – Conservation of fuel and power: 1995 Edition
- Approved Document M – Access and facilities for disabled people: 1999 Edition
- Approved Document N – Glazing—safety in relation to impact, opening and cleaning: 1998 Edition
- Approved Document to support regulation 7 – materials and workmanship: 1999 Edition

Copies of these Approved Documents are available from The Stationery Office.

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The intention is that these approvals will be subject to amendments to be contained in a forthcoming publication “Amendments 2000 to the Approved Documents” that will be available from The Stationery Office.

A Regulatory Impact Assessment has been prepared for the new requirements contained in regulation 16. A copy may be obtained from Building Regulations Division, DETR, Zone 3/A1, Eland House, Bressenden Place, London, SW1E 5DU (Tel: 020 7944 5753; Fax 020 7944 5739; E-mail: bregsa_br@detr.gov.uk).