

2001 No. 3335

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Amendment) Regulations 2001

Made - - - - - 4th October 2001

Laid before Parliament 11th October 2001

Coming into force - - - - - 1st April 2002

The Secretary of State, in exercise of the powers conferred upon him by section 1(1) of, and paragraphs 2, 3, 7, 8, 10 and 11 of Schedule 1 to, the Building Act 1984(a), 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2001 and shall come into force on 1st April 2002.

(2) In these Regulations—

“the Act” means the Building Act 1984; and

“the principal Regulations” means the Building Regulations 2000(b).

Amendment of the Building Regulations 2000

2.—(1) The principal Regulations shall be amended as follows.

(2) In regulation 2 (interpretation), in the definition of “controlled service or fitting” in paragraph (1), for the words “Part G, H or J” there shall be substituted the words “Part G, H, J or L”.

(3) In regulation 3(1) (meaning of building work), in sub-paragraph (b), before the words “the provision or” there shall be inserted the words “subject to paragraph (1A),”.

(4) After regulation 3(1) there shall be inserted the following paragraph—

“(1A) The provision or extension of a controlled service or fitting—

(a) in or in connection with an existing dwelling; and

(b) being a service or fitting in relation to which paragraph L1, but not Part G, H or J, of Schedule 1 imposes a requirement,

shall only be building work where that work consists of the provision of a window, rooflight, roof window, door (being a door which together with its frame has more than 50 per cent of its internal face area glazed), a space heating or hot water service boiler, or a hot water vessel.”.

(a) 1984 c. 55. Sections 47 and 50 were amended by, and section 51A was inserted by, S.I. 1996/1905.

(b) S.I. 2000/2531.

- (5) In regulation 6 (requirements relating to material change of use), in paragraph (1)(a)—
- (a) after “G2 (bathrooms)” there shall be inserted “H1 (foul water drainage)”;
 - (b) for “H4” there shall be substituted “H6”;
 - (c) for the words “heat producing appliances” there shall be substituted the words “combustion appliances”;
 - (d) after the words “conservation of fuel and power” there shall be inserted the word “-dwellings”; and
 - (e) at the end of the sub-paragraph there shall be added “L2 (conservation of fuel and power—buildings other than dwellings)”.
- (6) In regulation 8 (limitation on requirements) after the words “A to K and N” there shall be inserted the words “(except for paragraphs H2 and J6)”.
- (7) In regulation 12 (giving of a building notice or deposit of plans), after paragraph (4), there shall be inserted the following paragraph—
- “(4A) A person shall deposit full plans where he intends to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement.”.
- (8) In regulation 13 (particulars and plans where a building notice is given), paragraph (2)(c)(ii) shall be omitted.
- (9) In regulation 14 (full plans), after paragraph (3)(a), there shall be inserted the following sub-paragraph—
- “(aa) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and”.
- (10) After regulation 14 there shall be inserted the following regulation—
- “Consultation with sewerage undertaker**
- 14A.**—(1) This regulation applies where full plans have been deposited with the local authority and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.
- (2) Where this regulation applies the local authority shall consult the sewerage undertaker—
- (a) as soon as practicable after the plans have been deposited; and
 - (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 pursuant to a request under regulation 14(5).
- (3) Where a local authority is required by paragraph (2) to consult the sewerage undertaker they shall—
- (a) give to the sewerage undertaker, in a case where they are consulting them following the deposit of full plans, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
 - (b) have regard to any views expressed by the sewerage undertaker; and
 - (c) not pass plans or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.”.
- (11) For regulation 18 there shall be substituted the following regulation—
- “Testing of building work**
- 18.** The local authority may make such tests of any building work as may be necessary to establish whether it complies with regulation 7 or any of the applicable requirements contained in Schedule 1.”.
- (12) For Parts H, J and L of Schedule 1 there shall be substituted the Parts set out respectively in the Schedule to these Regulations.

Repeals and modifications of the Building Act 1984

- 3.—(1) Section 18 (building over sewer etc.) of the Act, and in section 21 (provision of drainage) of the Act, subsections (1) and (2), shall be repealed.

- (2) In section 21(3) of the Act—
- (a) for the words “(1) above” there shall be substituted the words “(4) below”; and
 - (b) for paragraphs (a) and (b) there shall be substituted the words “whether a proposed drain shall be required to connect with a sewer”.
- (3) In section 21(4) of the Act for the words “A proposed drain” to “a sewer unless” there shall be substituted the following—
- “Where plans of a building or of an extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority, or on appeal a magistrates’ court, may require a proposed drain to connect with a sewer where”.
- (4) In section 59 (drainage of building) of the Act—
- (a) in subsection (1)(a) the words “as defined in section 21(2) above” shall be omitted; and
 - (b) after subsection (4) there shall be added the following subsection—
- “(5) In subsection (1) above, “drainage” includes the conveyance, by means of a sink and any other necessary appliance, of refuse water and the conveyance of rainwater from roofs.”.

Transitional provisions

4.—(1) Subject to paragraph (2), where before 1st April 2002 building work has commenced in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2) of the principal Regulations and a notice given to the local authority under regulation 15(1) of the principal Regulations; or
- (b) an initial notice, an amendment notice or a public body’s notice^(a) given in accordance with section 47(1), 51A(2) or 54(1) respectively of the Act,

the principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall continue to apply to that building work as if these Regulations had not been made.

(2) Where an initial notice given before 1st April 2002 is varied by an amendment notice given on or after that date, the principal Regulations and the provisions of the Act repealed or modified by regulation 3 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) Where before 1st April 2002 full plans of building work have been deposited with a local authority in accordance with regulation 12(2) of the principal Regulations and the local authority has, before that date—

- (a) given notice under section 16(6) of the Act that they have passed those plans without conditions; or
- (b) signified 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,

the principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall continue to apply to that building work as if these Regulations had not been made, whether or not the building work departs from those plans.

(4) Where plans of building work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st April 2002 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the principal Regulations and the provisions of the Act repealed or modified by regulation 3 shall continue to apply to that building work as if these Regulations had not been made, whether or not the building work departs from those plans.

(5) Paragraphs (1) to (4) shall not apply to the amendment made by these Regulations to regulation 18 of the principal Regulations.

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

(6) In paragraphs (1) to (4) “building work” has the same meaning as in the principal Regulations.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

Nick Raynsford
Minister of State

4th October 2001

Department for Transport, Local Government and the Regions.

PARTS H, J AND L OF SCHEDULE 1 TO THE BUILDING REGULATIONS
2000, AS SUBSTITUTED BY THESE REGULATIONS

<i>Requirement</i>	<i>Limits on application</i>	
PART H DRAINAGE AND WASTE DISPOSAL		
Foul water drainage		
H1. (1) An adequate system of drainage shall be provided to carry foul water from appliances within the building to one of the following, listed in order of priority—	Requirement H1 does not apply to the diversion of water which has been used for personal washing or for the washing of clothes, linen or other articles to collection systems for reuse.	
(a) a public sewer; or, where that is not reasonably practicable,		
(b) a private sewer communicating with a public sewer; or, where that is not reasonably practicable,		
(c) either a septic tank which has an appropriate form of secondary treatment or another wastewater treatment system; or, where that is not reasonably practicable,		
(d) a cesspool.		
(2) In this Part “foul water” means waste water which comprises or includes—		
(a) waste from a sanitary convenience, bidet or appliance used for washing receptacles for foul waste; or		
(b) water which has been used for food preparation, cooking or washing.		
Wastewater treatment systems and cesspools		
H2. (1) Any septic tank and its form of secondary treatment, other wastewater treatment system or cesspool, shall be so sited and constructed that—		
(a) it is not prejudicial to the health of any person;		
(b) it will not contaminate any watercourse, underground water or water supply;		
(c) there are adequate means of access for emptying and maintenance; and		
(d) where relevant, it will function to a sufficient standard for the protection of health in the event of a power failure.		
(2) Any septic tank, holding tank which is part of a wastewater treatment system or cesspool shall be—		
(a) of adequate capacity;		
(b) so constructed that it is impermeable to liquids; and		
(c) adequately ventilated.		
(3) Where a foul water drainage system from a building discharges to a septic tank, wastewater treatment system or cesspool, a durable notice shall be affixed in a suitable place in the building containing information on any continuing maintenance required to avoid risks to health.		
Rainwater drainage		
H3. (1) Adequate provision shall be made for rainwater to be carried from the roof of the building.		

<i>Requirement</i>	<i>Limits on application</i>
<p>(2) Paved areas around the building shall be so constructed as to be adequately drained.</p>	<p>Requirement H3(2) applies only to paved areas—</p> <ul style="list-style-type: none"> (a) which provide access to the building pursuant to paragraph M2 of Schedule 1 (access for disabled people); (b) which provide access to or from a place of storage pursuant to paragraph H6(2) of Schedule 1 (solid waste storage); or (c) in any passage giving access to the building, where this is intended to be used in common by the occupiers of one or more other buildings.
<p>(3) Rainwater from a system provided pursuant to sub-paragraphs (1) or (2) shall discharge to one of the following, listed in order of priority—</p> <ul style="list-style-type: none"> (a) an adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable, (b) a watercourse; or, where that is not reasonably practicable, (c) a sewer. 	<p>Requirement H3(3) does not apply to the gathering of rainwater for reuse.</p>
<p>Building over sewers</p> <p>H4. (1) The erection or extension of a building or work involving the underpinning of a building shall be carried out in a way that is not detrimental to the building or building extension or to the continued maintenance of the drain, sewer or disposal main.</p> <p>(2) In this paragraph “disposal main” means any pipe, tunnel or conduit used for the conveyance of effluent to or from a sewage disposal works, which is not a public sewer.</p> <p>(3) In this paragraph and paragraph H5 “map of sewers” means any records kept by a sewerage undertaker under section 199 of the Water Industry Act 1991(a).</p>	<p>Requirement H4 applies only to work carried out—</p> <ul style="list-style-type: none"> (a) over a drain, sewer or disposal main which is shown on any map of sewers; or (b) on any site or in such a manner as may result in interference with the use of, or obstruction of the access of any person to, any drain, sewer or disposal main which is shown on any map of sewers.
<p>Separate systems of drainage</p> <p>H5. Any system for discharging water to a sewer which is provided pursuant to paragraph H3 shall be separate from that provided for the conveyance of foul water from the building.</p>	<p>Requirement H5 applies only to a system provided in connection with the erection or extension of a building where it is reasonably practicable for the system to discharge directly or indirectly to a sewer for the separate conveyance of surface water which is—</p> <ul style="list-style-type: none"> (a) shown on a map of sewers; or (b) under construction either by the sewerage undertaker or by some other person (where the sewer is the subject of an agreement to make a declaration of vesting pursuant to section 104 of the Water Industry Act 1991).
<p>Solid waste storage</p> <p>H6. (1) Adequate provision shall be made for storage of solid waste.</p> <p>(2) Adequate means of access shall be provided—</p> <ul style="list-style-type: none"> (a) for people in the building to the place of storage; and 	

(a) 1991 c. 56.

<i>Requirement</i>	<i>Limits on application</i>
(b) from the place of storage to a collection point (where one has been specified by the waste collection authority under section 46 (household waste) or section 47 (commercial waste) of the Environmental Protection Act 1990(a)) or to a street (where no collection point has been specified).	

<i>Requirement</i>	<i>Limits on application</i>
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PART J COMBUSTION APPLIANCES AND FUEL STORAGE SYSTEMS

Air supply

J1. Combustion appliances shall be so installed that there is an adequate supply of air to them for combustion, to prevent overheating and for the efficient working of any flue.

Requirements J1, J2 and J3 apply only to fixed combustion appliances (including incinerators).

Discharge of products of combustion

J2. Combustion appliances shall have adequate provision for the discharge of products of combustion to the outside air.

Protection of building

J3. Combustion appliances and flue-pipes shall be so installed, and fireplaces and chimneys shall be so constructed and installed, as to reduce to a reasonable level the risk of people suffering burns or the building catching fire in consequence of their use.

Provision of information

J4. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the performance capabilities of the hearth, fireplace, flue or chimney shall be affixed in a suitable place in the building for the purpose of enabling combustion appliances to be safely installed.

Protection of liquid fuel storage systems

J5. Liquid fuel storage systems and the pipes connecting them to combustion appliances shall be so constructed and separated from buildings and the boundary of the premises as to reduce to a reasonable level the risk of the fuel igniting in the event of fire in adjacent buildings or premises.

Requirement J5 applies only to—

- (a) fixed oil storage tanks with capacities greater than 90 litres and connecting pipes; and
- (b) fixed liquefied petroleum gas storage installations with capacities greater than 150 litres and connecting pipes, which are located outside the building and which serve fixed combustion appliances (including incinerators) in the building.

Protection against pollution

J6. Oil storage tanks and the pipes connecting them to combustion appliances shall—

- (a) be so constructed and protected as to reduce to a reasonable level the risk of the oil escaping and causing pollution; and
- (b) have affixed in a prominent position a durable notice containing information on how to respond to an oil escape so as to reduce to a reasonable level the risk of pollution.

Requirement J6 applies only to fixed oil storage tanks with capacities of 3,500 litres or less, and connecting pipes, which are—

- (a) located outside the building; and
- (b) serve fixed combustion appliances (including incinerators) in a building used wholly or mainly as a private dwelling, but does not apply to buried systems.

(a) 1990 c. 43.

PART L CONSERVATION OF FUEL AND POWER

Dwellings

L1. Reasonable provision shall be made for the conservation of fuel and power in dwellings by—

- (a) limiting the heat loss:
 - (i) through the fabric of the building;
 - (ii) from hot water pipes and hot air ducts used for space heating;
 - (iii) from hot water vessels;
- (b) providing space heating and hot water systems which are energy-efficient;
- (c) providing lighting systems with appropriate lamps and sufficient controls so that energy can be used efficiently;
- (d) providing sufficient information with the heating and hot water services so that building occupiers can operate and maintain the services in such a manner as to use no more energy than is reasonable in the circumstances.

The requirement for sufficient controls in paragraph L1(c) applies only to external lighting systems fixed to the building.

Buildings other than dwellings

L2. Reasonable provision shall be made for the conservation of fuel and power in buildings other than dwellings by—

- (a) limiting the heat losses and gains through the fabric of the building;
- (b) limiting the heat loss:
 - (i) from hot water pipes and hot air ducts used for space heating;
 - (ii) from hot water vessels and hot water service pipes;
- (c) providing space heating and hot water systems which are energy-efficient;
- (d) limiting exposure to solar overheating;
- (e) making provision where air conditioning and mechanical ventilation systems are installed, so that no more energy needs to be used than is reasonable in the circumstances;
- (f) limiting the heat gains by chilled water and refrigerant vessels and pipes and air ducts that serve air conditioning systems;
- (g) providing lighting systems which are energy-efficient;
- (h) providing sufficient information with the relevant services so that the building can be operated and maintained in such a manner as to use no more energy than is reasonable in the circumstances.

Requirements L2(e) and (f) apply only within buildings and parts of buildings where more than 200 m² of floor area is to be served by air conditioning or mechanical ventilation systems.

Requirement L2(g) applies only within buildings and parts of buildings where more than 100 m² of floor area is to be served by artificial lighting.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Building Regulations 2000 (S.I. 2000/2531). In addition to minor and drafting amendments the following changes of substance are made.
2. The definition of “controlled service or fitting” in regulation 2(1) is extended to include services or fittings in relation to which Part L (conservation of fuel and power) imposes a requirement (*regulation 2(2)*).
3. A new regulation 3(1A) is inserted to limit the definition of building work in relation to the provision of certain controlled services and fittings in existing dwellings (*regulation 2(4)*).
4. The applicable requirements relating to material changes of use contained in regulation 6 are extended to include paragraphs H1 (foul water drainage) and L2 (conservation of fuel and power in buildings and parts of buildings other than dwellings) of Schedule 1 (*regulation 2(5)*).
5. Paragraphs H2 and J6 of Schedule 1 are excluded from the limitation on requirements contained in regulation 8 (*regulation 2(6)*).
6. A new regulation 12(4A) is inserted to extend the cases in which a person is required to deposit full plans and the particulars required by regulation 14 to be included in such plans are extended in consequence (*regulation 2(7) and (9)*).
7. A new regulation 14A is inserted to require the local authority to consult with the sewerage undertaker in certain cases (*regulation 2(10)*).
8. The powers of the local authority to test drains and private sewers contained in regulation 18 are extended to cover tests of any building work (*regulation 2(11)*).
9. New Parts H, J and L of Schedule 1 are substituted for the existing Parts. The new Part H extends the existing requirements (by requiring, in H1 and H3, the provision of adequate foul water and rainwater drainage and by adding a requirement in H6 to provide a means of access to a collection point) and adds new requirements on building over sewers and separate systems of sewers and for the provision of information on wastewater treatment systems. The new Part J extends the existing requirements (by extending J1 to cover the prevention of overheating and by extending J3 to cover the risk of burns to people) and adds new requirements on the protection of liquid fuel storage systems from fire, protection against pollution and for the provision of information. The new Part L amends the existing requirements by separating the requirements which apply to dwellings and other buildings and adds new requirements on lighting systems, solar overheating, mechanical ventilation systems and for the provision of information on services (*regulation 2(12) and the Schedule to the Regulations*).
10. Sections 18 and 21(1) and (2) of the Building Act 1984 are repealed and consequential amendments are made to section 21(3) and (4) and section 59 (*regulation 3*).
11. Regulation 4 contains transitional provisions.
12. The Secretary of State has approved, under section 6(1) of the Building Act 1984, new documents containing practical guidance with respect to the requirements contained in Parts H, J and L. The following Approved Documents will be published by The Stationery Office:
 - Approved Document H—Drainage and Waste Disposal (2002 Edition, ISBN 011 7536075, £12);
 - Approved Document J—Combustion Appliances and Fuel Storage Systems (2002 Edition, ISBN 011 7534943, £12);
 - Approved Document L1—Conservation of Fuel and Power in Dwellings (2002 Edition, ISBN 011 7536091, £12);
 - Approved Document L2—Conservation of Fuel and Power in Buildings other than Dwellings (2002 Edition, ISBN 011 7536105, £15).
13. A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from Building Regulations Division, DTLR, Zone 3/A1, Eland House, Bressenden Place, London, SW1E 5DU (Tel: 020 7944 5755; Fax: 020 7944 5739; Email: bregsa.br@dtlr.gov.uk).

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