

2003 No. 2692

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Amendment) Regulations 2003

<i>Made</i>	- - - -	<i>17th October 2003</i>
<i>Laid before Parliament</i>		<i>27th October 2003</i>
<i>Coming into force</i>		
<i>Regulation 1, 2(1) and (8) and 3(5)</i>		<i>1st December 2003</i>
<i>Remainder</i>		<i>1st May 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 1(1) of, and paragraphs 2, 7, 8 and 10 of Schedule 1 to, the Building Act 1984(a) and of all other powers enabling him in that behalf, after consulting with 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.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2003.
- (2) This regulation, and regulations 2(1) and (8) and 3(5), shall come into force on 1st December 2003, and the remainder of these Regulations on 1st May 2004.

Amendment of the Building Regulations 2000

- 2.—(1) The Building Regulations 2000(b) (“the principal Regulations”) are amended as follows.
- (2) In regulation 2 (interpretation) in paragraph (1), insert at the appropriate place—
- ““independent access” means, in relation to a part of a building (including any extension to that building), a route of access to that part which does not require the user to pass through any other part of the building;”.
- (3) In regulation 3 (meaning of building work), in paragraph (3) for the words “Part M (access and facilities for disabled people)” substitute “Part M (access to and use of buildings)”.
- (4) In regulation 5 (meaning of material change of use)—
- (a) in paragraph (h) omit “or”;
- (b) after paragraph (i) add—
- “or
- (j) the building is used as a shop, where previously it was not.”.
- (5) In regulation 6 (requirements relating to material change of use)—
- (a) after paragraph (1)(f) add—

(a) 1984 c.55.

(b) S.I. 2000/2531 relevant amending instruments are S.I. 2001/3335, 2002/440 and 2002/2871. [ODPM 2810]

- “(g) in the case of a material change of use described in regulation 5(c), (d), (e) or (j), M1 (access and use).”;
- (b) in paragraph (2)(b) omit “and”;
- (c) after paragraph (c) add—
- “and
- (d) in a case to which sub-paragraph (g) of paragraph (1) applies—
- (i) that part and any sanitary conveniences provided in or in connection with that part comply with the requirements referred to in that sub-paragraph; and
- (ii) the building complies with requirement M1(a) of Schedule 1 to the extent that reasonable provision is made to provide either suitable independent access to that part or suitable access through the building to that part.”.
- (6) In Schedule 1, in the entry for requirement H3 (rainwater drainage) in the second column (limits on application), for paragraphs (a) and (b) substitute—
- “(a) which provide access to the building pursuant to requirement M1 (access and use), or requirement M2 (access to extensions to buildings other than dwellings);
- (b) which provide access to or from a place of storage pursuant to requirement H6(2) (solid waste storage); or”.
- (7) For Part M of Schedule 1 (access and facilities for disabled people) substitute the Part set out in the Schedule to these Regulations.
- (8) In Schedule 2A—
- (a) in column 1, omit the words from “Installation of—
- (a) a service or fitting in relation to which Part G”,
- to “at a depth greater than 750mm from the surface”; and
- (b) in column 2, omit the words “An individual registered under the Approved Contractor Person Scheme (Building Regulations) by the Institute of Plumbing in respect of that type of work”.

Transitional provisions

3.—(1) Subject to paragraph (2), where before 1st May 2004 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) 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 or an amendment notice given in accordance with section 47(1) or 51A(2)(a) respectively of the Building Act 1984 (“the Act”),

the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(2) to (7) had not been made.

(2) Where an initial notice given before 1st May 2004 is varied by an amendment notice given on or after that date, the principal Regulations shall continue to apply as if the amendments made by regulation 2(2) to (7) 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 May 2004 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

(a) inserted by S.I. 1996/1905, article 2.

(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 shall continue to apply to that building work as if the amendments made by regulation 2(2) to (7) had not been made, whether or not the building work departs from those plans.

(4) Where plans of work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st May 2004 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(2) to (7) had not been made, whether or not the building work departs from those plans.

(5) Where building work is commenced before 1st December 2003 which would have fallen within the fourth entry in Schedule 2A of the principal Regulations (the entry omitted by regulation 2(8)), the principal Regulations shall continue to apply to that building work as if the amendments made by these Regulations had not been made.

Signed by authority of the First Secretary of State

17th October 2003

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

PART M OF SCHEDULE 1 TO THE BUILDING REGULATIONS
2000, AS SUBSTITUTED BY THESE REGULATIONS

<i>Requirement</i>	<i>Limits on application</i>
PART M ACCESS TO AND USE OF BUILDINGS	
Access and use	
<p>M1. Reasonable provision shall be made for people to—</p> <ul style="list-style-type: none"> (a) gain access to; and (b) use <p>the building and its facilities.</p>	<p>The requirements of this Part do not apply to—</p> <ul style="list-style-type: none"> (a) an extension of or material alteration of a dwelling; or (b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.
Access to extensions to buildings other than dwellings	
<p>M2. Suitable independent access shall be provided to the extension where reasonably practicable.</p>	<p>Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.</p>
Sanitary conveniences in extensions to buildings other than dwellings	
<p>M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.</p>	<p>Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.</p>
Sanitary conveniences in dwellings	
<p>M4.—(1) Reasonable provision shall be made in the entrance storey for sanitary conveniences, or where the entrance storey contains no habitable rooms, reasonable provision for sanitary conveniences shall be made in either the entrance storey or principal storey.</p>	
<p>(2) In this paragraph “entrance storey” means the storey which contains the principal entrance and “principal storey” means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey.</p>	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Building Regulations 2000 (S.I. 2000/2531 amended by S.I. 2001/3335, 2002/440 and 2002/2871), “the principal Regulations”.

New Part M of Schedule 1 (access to and use of buildings) is substituted for the existing Part, see regulation 2(7). The new requirements do not refer to disabled people. Instead, by requiring that reasonable provision shall be made for people to gain access to and use the building and its facilities, the needs of disabled people are encompassed as well as those of (for example) people experiencing a temporary impairment of mobility. By virtue of the limits on application of the new Part M, Part M will not apply to material alterations of or extensions of dwellings.

New requirements are introduced for extensions to buildings other than dwellings. These cover the provision, in certain circumstances, of independent access to the extension and of sanitary conveniences within the extension.

Regulation 2 amends regulations 2, 3, 5 and 6 of the principal Regulations. Regulation 2(2) adds a definition of independent access to the interpretation provisions. Regulation 2(3) amends the reference to Part M in regulation 3 of the principal Regulations.

Regulation 2(4) adds a new paragraph (j) to regulation 5 of the principal Regulations, so that if a building is used as a shop where previously it was not, this will be a material change of use. Regulation 2(5) amends regulation 6 of the principal Regulations so that where the whole building is subject to a change of use referred to in subparagraphs (c), (d), (e) or (j) of regulation 5 of the principal Regulations, paragraph M1 of Schedule 1 will apply to the whole building. Where only part of the building is subject to a relevant material change of use, that part and any sanitary conveniences provided in or in connection with that part are to comply with paragraph M1. In addition, the building must comply with paragraph M1(a) of Schedule 1, in that reasonable provision shall be made to provide either suitable independent access to the part of the building that is the subject of the material change of use, or suitable access through the building to that part.

Regulation 2(6) makes minor amendments to paragraphs (a) and (b) in the entry in the limits on application column relating to paragraph H3 of Schedule 1.

Regulation 2(8) removes an exemption from the need to give a building notice or deposit full plans which applied in a specified type of case.

Regulation 3 contains transitional provisions.

The Secretary of State has approved, under section 6(1) of the Building Act 1984, a new approved document containing practical guidance with respect to the requirements contained in Part M. “Approved Document M – Access to and use of buildings” (2004 Edition, ISBN 0-11-753901-5, £12.00) will be published by The Stationery Office.

A regulatory impact assessment has been prepared in relation to the new requirements on access to and use of buildings. A copy may be obtained from the Buildings Division, ODPM, 18/B Portland House, Stag Place, London, SW1E 5LP (Tel: 020 7944 5755; Fax: 020 7944 5739; Email: bregsa.br@odpm.gov.uk).

STATUTORY INSTRUMENTS

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The Building (Amendment) Regulations 2003

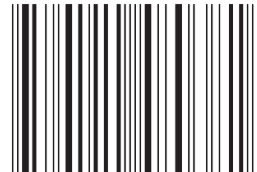
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