

2008 No. 671

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Amendment) Regulations 2008

Made - - - - *10th March 2008*

Laid before Parliament *13th March 2008*

Coming into force - - *6th April 2008*

The Secretary of State for Communities and Local Government makes the following Regulations in exercise of the powers conferred by sections 1(1) and 35A(2) of, and paragraph 4 of Schedule 1 to, the Building Act 1984(a):

Citation and commencement

1. These Regulations may be cited as the Building (Amendment) Regulations 2008 and shall come into force on 6th April 2008.

Amendment of the Building Regulations 2000

2.—(1) The Building Regulations 2000(b) are amended as follows.

(2) In regulation 12(5)(a)(c) (giving of a building notice or deposit of plans) omit “, and paragraphs 1 and 2 of that Schedule have effect for the purposes of the descriptions in the Table”.

(3) After regulation 22(d) (contravention of certain regulations not to be an offence) insert—

“Time limit for prosecution for contravention of certain regulations

22A. The following regulations are designated as provisions to which section 35A of the Act (time limit for prosecution for contravention of certain building regulations) applies—

(a) regulations 4 and 6(e), to the extent that Part L of Schedule 1 (conservation of fuel and power) imposes a requirement; and

(b) regulations 4A, 4B, 17C and 17D(f).”.

(4) In column 2 of paragraph 10 of the Table in Schedule 2A (self-certification schemes) for “BRE Certification Limited” substitute “EC Certification Limited(g)”.

Signed by authority of the Secretary of State for Communities and Local Government

(a) 1984 c.55; section 1(1) was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c.22); section 35A was inserted by section 13(1) of the Climate Change and Sustainable Energy Act 2006 (c.19).

(b) S.I. 2000/2531.

(c) Regulation 12(5) was substituted by S.I. 2004/3210.

(d) Regulation 22 was amended by S.I. 2006/652.

(e) Regulations 4 and 6 were amended by S.I. 2006/652; there are other amendments to regulation 6 but none is relevant.

(f) Regulations 4A, 4B, 17C and 17D were inserted by S.I. 2006/652.

(g) A company incorporated under the Companies Act 1985 (c. 6) with the registration number 06418028.

10th March 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2000.

Regulation 2(3) of these Regulations inserts a new regulation 22A, which designates provisions of building regulations to which section 35A of the Building Act 1984 applies. Section 35A provides for an extended time limit for bringing prosecutions for contravention of designated provisions. For designated provisions, the time limit is extended from 6 months from the date of a contravention to a maximum of 2 years from that date. The 2 year limit is subject to a provision that the prosecution must be brought within 6 months of the date on which evidence sufficient to justify bringing the prosecution comes to the knowledge of the person commencing the proceedings. By virtue of section 35A(6), the extended time limit does not apply in relation to a contravention of any provision which was committed before 6th April 2008.

The only provisions which may be designated under section 35A are those in building regulations made for the purpose of conserving (or otherwise in connection with the use of) fuel and power, or reducing greenhouse gas emissions. The new regulation 22A designates:

- regulation 4 (requirements relating to building work), to the extent that the applicable requirements are those contained in Part L of Schedule 1 (conservation of fuel and power),
- regulation 4A (requirements relating to thermal elements),
- regulation 4B (requirements relating to a change to energy status),
- regulation 6 (requirements relating to material change of use), to the extent that the applicable requirements are those contained in Part L of Schedule 1,
- regulation 17C (new buildings: target CO₂ emission rate), and
- regulation 17D (consequential improvements to energy performance).

Regulation 2(4) of these Regulations amends Schedule 2A by substituting EC Certification Limited as one of the bodies which are able to register persons for the purposes of self-certification schemes (that is, schemes where a person can self-certify that work complies with building regulations). This follows a change of ownership of the self-certification scheme, in respect of the installation of fixed low or extra-low voltage electrical installations, which was formerly owned by BRE Certification Limited.

These Regulations also make a minor correction to regulation 12(5) to remove surplus text. This is a consequence of two paragraphs having been omitted from Schedule 2A when it was substituted by the Building and Approved Inspectors (Amendment) Regulations 2006.

An impact assessment of the effect this instrument will have on the costs of business in relation to the amendments made by regulation 2(3) is available from the Department's website at www.communities.gov.uk or from Communities and Local Government publications, PO Box 236, Wetherby LS23 7NB (Tel.: 0870 1226 236; Fax.: 0870 1226 237; Textphone: 0870 1207 405; Email: communities@twoten.com).

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