



Department for Levelling Up,  
Housing & Communities

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*Levelling Up, Housing and Communities Circular 02/2021*

*Department for Levelling Up, Housing and Communities*

*Fry Building, 2 Marsham Street, London SW1P 4DF*

15 December 2021

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

NEW REQUIREMENTS IN SCHEDULE 1  
TO THE BUILDING REGULATIONS 2010,  
AND REGULATIONS 44D TO 44K  
(INFRASTRUCTURE FOR THE  
CHARGING OF ELECTRIC VEHICLES)

NEW APPROVED DOCUMENTS  
(INFRASTRUCTURE FOR THE  
CHARGING OF ELECTRIC VEHICLES)  
TO SUPPORT REQUIREMENTS AND  
REGULATIONS 44D TO 44K

## INTRODUCTION

1. On behalf of the Secretary of State I draw your attention to the publication of The Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021 (S.I. 2021/1392) (“the Amendment Regulations”), which were laid on 15 December 2021 and will come into force on 15 June 2022, and the publication of a new Approved Document.
2. In accordance with section 14(3) of the Building Act 1984, the regulations were made after consultation with the Building Regulations Advisory Committee for England and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
  - draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010; and
  - draw attention to the publication of a new Approved Document S.
4. Annex A to this Circular sets out the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by S.I. 2021/1392.
5. This Circular does not give advice on the technical requirements in the Building Regulations 2010 as these are matters covered by the Approved Documents.

## APPLICATION OF THE REGULATIONS

6. The Amendment Regulations and Approved Document S apply only to buildings and building work in England.

## NEW REQUIREMENT S IN SCHEDULE 1 TO THE BUILDING REGULATIONS 2010, AND NEW REGULATIONS 44D TO 44K

7. The Amendment Regulations introduce a new Part S in Schedule 1. Part S sets out the requirements, and a new Part 9B (regulations 44D to 44K) in the regulations provides for application of Part S to different types of building and building work, and exemptions; minimum standards of an electric vehicle charge point; and for interpretation.
8. The Amendment Regulations amend regulation 8 of the Building (Approved Inspectors etc.) Regulations 2010 (functions of approved inspectors) by adding regulations 44D to 44J (the installation of electric vehicle infrastructure) to the list of regulations which approved inspectors should ensure are complied with in building work covered by an initial notice.
9. The Amendment Regulations introduce a new regulation 56 to the Building Regulations 2010. This requires the Secretary of State to carry out a review of the regulatory provisions under the new Part 9B and Part S of the regulations. The Secretary of State is required to publish a report setting out the conclusions of that review. The first report must be published before 15th June 2027. Subsequent reports must be published at intervals not exceeding 5 years.

## NEW APPROVED DOCUMENT S

10. The Secretary of State has approved new statutory guidance to support compliance with Part S and Part 9B as Approved Document S. The formal notice of approval is at Annex B to this Circular.

11. The Approved Document is available at

<https://www.gov.uk/government/collections/approved-documents>

or paper copies may be ordered from RIBA Bookshops ([www.ribabookshops.com](http://www.ribabookshops.com))

## TRANSITIONAL PROVISION

12. The new requirements do not apply in relation to building work where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before 15 June 2022 provided that the building work is started before 15 June 2023.

## ENQUIRIES

13. All enquiries on matters covered by this Circular should be addressed to:

Department for Levelling Up, Housing and Communities

Technical Policy Division, Fry Building

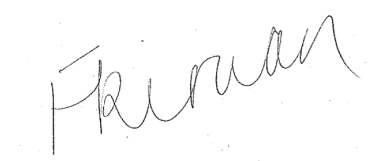
2 Marsham Street, London SW1P 4DF

Tel: 0303 444 0000

E-mail: [enquiries.br@communities.gov.uk](mailto:enquiries.br@communities.gov.uk)

Date: 15 November 2021

Signed:



F Kirwan

An Assistant Secretary in the Department for Levelling Up, Housing and Communities

## ANNEX A

The Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021 (S.I. 2021/1392)

These regulations amend the Building Regulations 2010 (S.I. 2010/2214) as they apply in relation to England to require the installation of electric vehicle charge points or cable routes for electric vehicle charge points when certain kinds of building work are undertaken. These Regulations also amend the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215) as they apply in relation to England.

Regulation 2(2) amends regulation 6(1)(a) of the Building Regulations 2010 (requirements relating to material change of use), by inserting a new line “S2 (infrastructure for the charging of electric vehicles)”.

Regulation 2(3) inserts a new Part 9B into the Building Regulations 2010. Regulations 44D to 44I make provision in relation to the operation of a new Part S (inserted by regulation 2(5) of these regulations) of Schedule 1.

- Regulation 44D provides for the application of paragraph S1 of Schedule 1 (the erection of new residential buildings.)
- Regulation 44E provides for the application of paragraph S2 of Schedule 1 (dwellings resulting from a material change of use.)
- Regulation 44F provides for the application of paragraph S3 of Schedule 1 (residential buildings undergoing major renovation.)
- Regulation 44G provides for the application of paragraph S4 of Schedule 1 (erection of new buildings which are not residential buildings or mixed-use buildings.)
- Regulation 44H provides for the application of paragraph S5 of Schedule 1 (buildings undergoing major renovation which are not residential buildings or mixed-use buildings.)
- Regulation 44I provides for the application of paragraph S6 of Schedule 1 (the erection of new mixed-use buildings and mixed-use buildings undergoing major renovation.)
- Regulation 44J provides for the minimum standards of an electric vehicle charge point.
- Regulation 44K provides for the interpretation of Part 9B and Part S of Schedule 1 to the Building Regulations 2010.

Regulation 2(4) adds a new regulation 56 to the Building Regulations 2010 to make provision for the review of Part 9B of, and Part S of Schedule 1 to, those regulations.

Regulation 2(5) inserts a new Part S into Schedule 1 to the Building Regulations 2010 to require electric vehicle charge points or cabling for electric vehicle charge points to be installed in new residential, non-residential and mixed-use buildings, certain buildings undergoing a material change of use, and certain residential, non-residential and mixed-use buildings undergoing major renovation work.

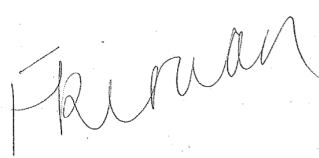
Regulation 3 amends regulation 8(1)(a) of the Building (Approved Inspectors etc.) Regulations 2010 to require approved inspectors to ensure that the requirements in new

regulations 44D to 44J of the Building Regulations 2010 are complied with in building work covered by an initial notice.

Regulation 4 makes transitional provision for the amendments made by regulations 2 and 3 so that those amendments do not apply in relation to building work where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority before 15th June 2022, provided that the building work is started before 15th June 2023.

ANNEX B

# Building Act 1984

<b>NOTICE OF APPROVAL OF A NEW DOCUMENT GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIRMENTS OF THE BUILDING REGULATIONS 2010</b>	
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of said powers under section 6, he has approved the document listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.</p> <p>The approval takes effect on 15 June 2022 except in respect of work for which a building notice or initial notice has been given or full plans deposited before that date and provided work commences before 15 June 2023.</p>	
<b>Document</b>	<b>Requirements of the Building Regulations 2010 in respect of which the document is approved</b>
Approved Document S (Infrastructure for the charging of electric vehicles)	Part S, Schedule 1; and regulations 44D to 44J
Signed by authority of the Secretary of State 	F Kirwan  An Assistant Secretary in the Ministry of Housing, Communities and Local Government  15 December 2021