



Department for Levelling Up,  
Housing & Communities

To:

The Chief Executive

Unitary, Metropolitan, District and London Borough Councils in England

County and County Borough Councils in Wales

The Town Clerk, City of London

The Clerk, Council of the Isles of Scilly

The Sub-Treasurer, Inner Temple

The Under Treasurer, Middle Temple

The Head of Building Control

Unitary Metropolitan, District and London Borough Councils in England

County and County Borough Councils in Wales

City of London

Council of the Isles of Scilly

Approved Inspectors

cc: The Chief Executive:

County Councils in England

National Park Authorities in England & Wales

The Chief Fire Officer: Fire and Rescue Authorities in England & Wales

15 December 2021

Dear Sir or Madam

**The Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021**

I am writing to inform you of The Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021 (the “Amendment Regulations”) and a new Approved Document both covering the installation of infrastructure for the charging of electric vehicles. The regulations were made on 13 December 2021 and laid before Parliament on 15 December 2021. The Amendment Regulations have been laid as part of the response to a consultation in 2019 “Electric Vehicle Charging in Residential and Non-Residential Buildings.”

<https://www.gov.uk/government/consultations/electric-vehicle-chargepoints-in-residential-and-non-residential-buildings>

## ***Scope of this Circular Letter***

The guidance in this Circular Letter applies to buildings and building work in England.

## ***Publications***

The Amendment Regulations and accompanying Explanatory Memorandum will be available at [www.legislation.gov.uk](http://www.legislation.gov.uk).

DLUHC Circular 02/2021, which describes the amendments more fully is available at:

<https://www.gov.uk/government/collections/building-regulations-circulars>

The Government response to the consultation on this policy is also available at:

<https://www.gov.uk/government/consultations/electric-vehicle-charge-points-in-residential-and-non-residential-buildings>

A new Approved Document S to give practical guidance is available at:

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

## ***Coming into force date***

The Amendment Regulations come into force on 15 June 2022.

## ***Requirements to install electric vehicle charge points***

### ***Introduction***

The Amendment Regulations (Part S and Part 9B) impose requirements and set out exemptions in relation to electric vehicle charge points and cable routes as follows:

- 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 (**dwelling 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 of, and Part S of Schedule 1 to, the Building Regulations 2010.

The Amendment Regulations amend 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)”.

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.

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.

### Transitional arrangements

The Amendment Regulations come into force on 15 June 2022. However, the Amendment Regulations will 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.

Please note that “building notice”, “initial notice” and “full plans” have the meanings given in regulation 2 of the Building Regulations 2010.

### Commencement of work

In the Department’s opinion the commencement of work would usually be marked by work such as:

- excavation for strip or trench foundations or for pad footings;
- digging out and preparation of ground for raft foundations;
- vibrofloatation (stone columns) piling, boring for piles or pile driving;
- drainage work specific to the building(s) concerned.

We consider that the following sorts of work would not be likely to constitute the commencement of work:

- removal of vegetation
- demolition of any previous buildings on the site;
- removal of top soil;
- removal or treatment of contaminated soil;
- excavation of trial holes;
- dynamic compaction;
- general site servicing works (e.g. roadways)

In some cases, applications will be in respect of a number of buildings on a site, for example a number of houses. In such cases it is the commencement of work on the first of the buildings within the application which determines whether all the building work can take advantage of the transitional provisions, not each individual building.

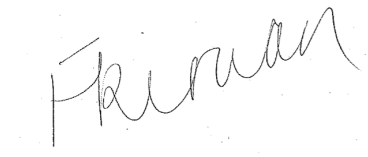
### **Enquiries**

Telephone enquiries on this Circular Letter should be addressed to Technical Policy

Division on 0303 444 0000 and all e-mail enquiries to

enquiries.br@communities.gov.uk.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F Kirwan', written in a cursive style.

**F Kirwan**

Deputy Director

Technical Policy Division  
Building Safety Portfolio