

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

DETR 07/2000

Department of the Environment,
Transport and the Regions
Eland House, Bressenden Place, London SW1E 5DU

13 October 2000

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2000

THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

Introduction

1. I am directed by the Secretary of State to draw your attention to the following Statutory Instruments:
 - The Building Regulations 2000 (S.I. 2000/2531)
 - The Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532).
2. The purpose of this Circular is to explain the changes in these Regulations and to notify building control bodies of certain approvals. There are no substantive changes in the functional requirements in Schedule 1 to the Building Regulations, and no changes in the guidance on those functional requirements contained in the Approved Documents.

The Building Regulations 2000

3. After consultation with the Building Regulations Advisory Committee and with representatives of the interests concerned in accordance with section 14(3) of the Building Act 1984, the Secretary of State has made the Building Regulations 2000 ("the new Principal Regulations"). These Regulations revoke and replace, with amendments, the Building Regulations 1991 ("the old Principal Regulations"), and consolidate all subsequent amendments to those Regulations.

4. The Building Regulations 2000 come into effect on 1st January 2001, and will apply throughout England and Wales.

TRANSITIONAL PROVISIONS

5. Regulation 23(1) of the new Principal Regulations provides that the old Principal Regulations will continue to apply in relation to any building work as if the new Principal Regulations had not been made, where, before 1st January 2001, a building notice, an initial notice, an amendment notice or a public body's notice has been given to a local authority, or full plans have been deposited with a local authority. All work carried out in accordance with such a notice or plans will be subject to the old Principal Regulations regardless of when the work is carried out and whether or not there are departures from the plans. However, where an amendment notice is given on or after 1st January 2001 relating to an initial notice given before that date, regulation 23(2) provides that the work added to the initial notice will be subject to the new Principal Regulations.

CHANGES IN THE PROVISIONS OF THE BUILDING REGULATIONS

6. A table, which cross-references the provisions of the new Principal Regulations to the old Principal Regulations, can be found at Annex 1. Minor changes are explained in that table.
7. More extensive changes have been made in the following regulations:
 - regulation 12 – giving of a building notice or deposit of plans
 - regulation 13 – particulars and plans where a building notice is given
 - regulation 16 – energy rating
 - regulation 21 – unauthorised building work.
8. These changes are explained in Annex 2 (regulations 12, 13, and 21) and Annex 3 (regulation 16) to this Circular.

AMENDMENTS TO THE FUNCTIONAL REQUIREMENTS OF THE BUILDING REGULATIONS

9. As noted in paragraph 2 above, no substantive changes have been made to the functional requirements contained in Schedule 1 to the new Principal Regulations, which corresponds to Schedule 1 to the old Principal Regulations.
10. However, the following paragraphs have been amended to clarify their meaning:
 - requirement C2 has been amended to make it clear that precautions relating to dangerous and offensive substances shall be *reasonable*;
 - requirements C3 and C4 have been amended to make it clear that *adequate* subsoil drainage shall be provided where appropriate; and that buildings shall *adequately* resist the passage of moisture;

- requirements E1, E2 and E3 have been amended to make it clear that walls, floors and stairs shall *have reasonable resistance* to airborne and/or impact sound.

APPROVED DOCUMENTS

11. No new Approved Documents have been published in connection with the consolidation of the Building Regulations. The Secretary of State, in exercise of his powers under section 6 of the Building Act, has approved the existing DETR Approved Documents for the purposes of the new Principal Regulations. All approvals are subject to amendments contained in the ‘Amendments 2000’ document (see paragraph 12 below). Formal notification of these approvals is contained in Annex 4 to this Circular.
12. A compendium of amendments to the DETR Approved Documents – “Amendments 2000 to the Approved Documents” – is being published by TSO. This:
 - replaces all references to the old Principal Regulations with references to the new Principal Regulations;
 - substitutes revised passages on “Use of Guidance”, in line with that in the 2000 Edition of Approved Document B, in all the other DETR Approved Documents;
 - updates the statements of the requirements in Parts C and E set out in the two corresponding Approved Documents;
 - makes other corrections and adjustments; and provides an up to date list of all the DETR Approved Documents.
13. Steps will be taken to re-approve the two non-Departmental Approved Documents:
 - Timber Intermediate Floors for Dwellings
 - Basements for Dwellings.

The Building (Approved Inspectors etc.) Regulations 2000

14. After consultation with the Building Regulations Advisory Committee and with representatives of the interests concerned in accordance with section 14(3) of the Building Act 1984, the Secretary of State has made the Building (Approved Inspectors etc.) Regulations 2000 (“the new AI Regulations”). These Regulations revoke and replace, with amendments, the Building (Approved Inspectors etc.) Regulations 1985 (“the old AI Regulations”), and consolidate all subsequent amendments to those Regulations.
15. The Building (Approved Inspectors etc.) Regulations 2000 come into effect on 1st January 2001, and will apply throughout England and Wales.

TRANSITIONAL PROVISIONS

16. Regulation 32(1) of the new AI Regulations provides that the old AI Regulations will

continue to apply in relation to any building work as if the new AI Regulations had not been made, where, before 1st January 2001, an initial notice, an amendment notice or a public body's notice has been given to a local authority. All work carried out in accordance with such a notice will be subject to the old AI Regulations regardless of when the work is carried out. However, where an amendment notice is given on or after 1st January 2001 relating to an initial notice given before that date, regulation 32(2) provides that the work added to the initial notice will be subject to the new AI Regulations.

CHANGES IN THE PROVISIONS OF THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS

17. A table, which cross-references the provisions of the new AI Regulations to the old AI Regulations, can be found at Annex 5. Minor changes are explained in that table.
18. More extensive changes have been made in the following regulations:
 - regulation 12 – energy rating
 - regulation 13 – approved inspector's consultation with the fire authority.
19. These changes are explained in Annex 3 (regulation 12) and Annex 6 (regulation 13) to this Circular.

Building Regulation and Fire Safety: Procedural Guidance

20. The Department intends to publish a new edition of "Building Regulation and Fire Safety: Procedural Guidance" before the new Principal Regulations and new AI Regulations come into effect.

Departmental Circulars and Letters

21. Guidance given in previous Departmental Circulars and circular letters on the provisions of the old Principal Regulations and old AI Regulations (and amendments to them) is still applicable. Those Circulars and circular letters have not been cancelled unless otherwise stated in this Circular.

Enquiries

22. Enquiries on administrative matters raised by this Circular should be addressed to:

Janet Albon: Building Regulations Division, DETR, Zone 3/A1, Eland House,
Bressenden Place, London, SW1E 5DU.
Tel: 020 7944 5753. Fax: 020 7944 5739 or 5719
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Paul F. Everall

Assistant Secretary in the Department of the Environment,
Transport and the Regions

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

Approved Inspectors

cc: The Chief Executive: County Councils in England
The Chief Fire Officer: Fire Authorities in England and Wales

File references: CI/43/04/17 and CI/43/05/06.

ANNEX 1

THE BUILDING REGULATIONS 2000

The following table cross-references the Building Regulations 2000 with the Building Regulations 1991 (as amended); and highlights all minor changes.

| | 2000 | 1991 |
|---|------|---|
| PART I – General | | |
| Citation and commencement | 1 | 1 |
| Interpretation. <i>Definitions added for ‘amendment notice’, ‘day’, ‘energy rating’, ‘European Technical Approval issuing body’, ‘final certificate’, ‘fronting’, ‘initial notice’, ‘private street’ ‘public body’s final certificate’ and ‘public body’s notice’. Redundant definitions omitted.</i> | 2 | 2 amended by SI 1999/77 |
| PART II – Control of building work | | |
| Meaning of building work. <i>Reference to B1 updated to reflect 1999 amendments to Part B.</i> | 3 | 3 |
| Requirements relating to building work. <i>To aid clarity, ‘relevant’ replaced with ‘applicable’ and punctuation changed.</i> | 4 | 4 |
| Meaning of material change of use. <i>No change.</i> | 5 | 5 amended by SI 1995/1356 |
| Requirements relating to material change of use. <i>To aid clarity ‘relevant’ replaced with ‘applicable’. Reference to B1 updated to reflect 1999 amendments to Part B.</i> | 6 | 6 amended by SI 1995/1356 SI 1994/1850 |
| Materials and workmanship. <i>No change.</i> | 7 | 7 substituted by SI 1999/77 |
| Limitation on requirements. <i>No change.</i> | 8 | 8 |
| Exempt buildings and work. <i>No change.</i> | 9 | 9 |
| PART III – Exemption of public bodies from procedural requirements | | |
| The Metropolitan Police Authority. <i>No change.</i> | 10 | 9A added by SI 2000/1554 |
| PART IV – Relaxation of requirements | | |
| Power to dispense with or relax requirements. <i>Language updated to reflect devolution.</i> | 11 | 10 |
| PART V – Notices and plans | | |
| Giving of a building notice or deposit of plans. <i>See Annex 2, paragraph 2.1.</i> | 12 | 11 |
| Particulars and plans where a building notice is given. <i>To aid clarity ‘in accordance with’ replaced with ‘for the purpose of’. Footnote on section 18 of the Building Act 1984 updated. Also, see Annex 2, paragraph 2.2.</i> | 13 | 12 |

| | 2000 | 1991 |
|---|------|---|
| Full plans. <i>To aid clarity 'in accordance with' replaced with 'for the purpose of'; and 'designated use for the purpose of the Fire Precautions Act 1971' replaced with 'relevant use as defined by regulation 12(1)'.</i> | 14 | 13 amended by SI 1992/1180 |
| Notice of commencement and completion of certain stages of work. <i>No change.</i> | 15 | 14 |
| Energy rating. <i>See Annex 3.</i> | 16 | 14A added by SI 1994/1850 |
| Completion certificates. <i>To aid clarity text expanded and 'designated use for the purpose of the Fire Precautions Act 1971' replaced with 'relevant use as defined by regulation 12(1)'.</i> | 17 | 15 |
| PART VI – Miscellaneous | | |
| Testing of drains and private sewers. <i>No change.</i> | 18 | 16 |
| Sampling of material. <i>No change.</i> | 19 | 17 |
| Supervision of building work otherwise than by local authorities. <i>Regulation re-formatted to aid clarity.</i> | 20 | 18 |
| Unauthorised building work. <i>See Annex 2, paragraph 2.3.</i> | 21 | 13A added by SI 1994/1850 amended by SI 1995/1356 |
| Contravention of certain regulations not to be an offence. <i>No change.</i> | 22 | 21 |
| Transitional provisions. | 23 | 20 |
| Revocations. | 24 | 19 |
| SCHEDULES | | |
| Requirements | 1 | 1 |
| Structure. <i>No change.</i> | A | A amended by SI 1994/1850 |
| Fire safety. <i>No change.</i> | B | B substituted by SI 1999/3410 |
| Site preparation and resistance to moisture. <i>See paragraph 10.</i> | C | C |
| Toxic substances. <i>No change.</i> | D | D |
| Resistance to the passage of sound. <i>See paragraph 10.</i> | E | E |
| Ventilation. <i>No change.</i> | F | F amended by SI 1994/1850 |
| Hygiene. <i>No change.</i> | G | G |
| Drainage and waste disposal. <i>No change.</i> | H | H |
| Heat producing appliances. <i>No change.</i> | J | J |
| Protection from falling, collision and impact. <i>No change.</i> | K | K substituted by SI 1997/1904 |
| Conservation of fuel and power. <i>No change.</i> | L | L substituted by SI 1994/1850 |
| Access and facilities for disabled people. <i>To aid clarity 'Part M4' replaced with 'Requirement M4'.</i> | M | M substituted by SI 1998/2561 |
| Glazing – safety in relation to impact, opening and cleaning. <i>No change.</i> | N | N substituted by SI 1997/1904 |

| | 2000 | 1991 |
|---|------|------|
| Exempt buildings and work | 2 | 2 |
| Buildings controlled under other legislation. <i>No change.</i> | I | I |
| Buildings not frequented by people. <i>No change.</i> | II | II |
| Greenhouses and agricultural buildings. <i>No change.</i> | III | III |
| Temporary buildings. <i>No change.</i> | IV | IV |
| Ancillary buildings. <i>No change.</i> | V | V |
| Small detached buildings. <i>No change.</i> | VI | VI |
| Extensions. <i>No change.</i> | VII | VII |
| Revocation of regulations. | 3 | 3 |

ANNEX 2

THE BUILDING REGULATIONS 2000

Changes in regulations 12, 13 and 21

2.1 REGULATION 12 – GIVING OF A BUILDING NOTICE OR DEPOSIT OF PLANS

- 2.1.1 Regulation 11(2) of the old Principal Regulations required the deposit of full plans in cases involving buildings put or intended to be put to a use designated under section 1 of the Fire Precautions Act 1971. The building notice option is not available in such cases. As explained in the Department's circular letter to local authorities dated 6 January 1999, the Fire Precautions (Workplace) Regulations 1997 amended the Fire Precautions Act 1971. As a result, the combined effect of the Fire Precautions legislation and the Building Regulations 1991 is to require the deposit of full plans in cases where building work relates to premises put or intended to be put to use as a workplace to which Part II of the 1997 Regulations applies – as well as in cases where work relates to a building whose use is designated under section 1 of the 1971 Act.
- 2.1.2 In order to make this position clearer, regulation 12(3) in the new Principal Regulations provides that full plans shall be deposited where a person intends to carry out building work to a building put or intended to be put to a "relevant use". The expression "relevant use" is defined in regulation 12(1) to mean a use as a workplace of a kind to which Part II of the Fire Precautions (Workplace) Regulations 1997 applies, or a use designated under section 1 of the Fire Precautions Act 1971.
- 2.1.3 Regulation 11(5) of the old Principal Regulations related to the effect of a building notice as regards the advance payments code in the Highways Act 1980. The Joint Committee on Statutory Instruments, in their report on the old Principal Regulations, expressed the view that regulation 11(5) appears to be ultra vires, as it seeks to modify primary legislation. To avoid this risk, regulation 12(4) in the new Principal Regulations instead requires a person to deposit full plans where he intends to erect a building fronting on to a private street, i.e. it removes the building notice option in these cases. The words "fronting" and "private street" are defined in regulation 2 by reference to section 203 of the Highways Act 1980. The effect is that a person cannot avoid the operation of the advance payments code by using the building notice procedure instead of depositing full plans.
- 2.1.4 Paragraphs (5) and (6) of regulation 12 in the new Principal Regulations correspond to paragraphs (3) and (4) in regulation 11 of the old Principal Regulations.

2.2 REGULATION 13 – PARTICULARS AND PLANS WHERE A BUILDING NOTICE IS GIVEN

- 2.2.1 Paragraph (3) in regulation 13 of the new Principal Regulations (which corresponds to

paragraph (3) in regulation 12 of the old Principal Regulations) has been redrafted in more general terms, more in line with the approach in paragraph (4). This is to take account of developments since 1991 on the single market, and to avoid any barrier to trade.

2.3 REGULATION 21 – UNAUTHORISED BUILDING WORK

- 2.3.1 Paragraphs (1) and (2) in regulation 21 of the new Principal Regulations correspond to paragraph (1) in regulation 13A of the old Principal Regulations. The new paragraphs (1) and (2) have been redrafted in response to criticism of the original and amended versions of regulation 13A from the Joint Committee on Statutory Instruments. The new wording retains the intended sense that unauthorised building work is work carried out without a building notice or deposit of plans; or without the benefit of an initial notice, amendment notice or public body's notice. It avoids the terminology of a person being "required" by regulations or by primary legislation to deposit plans, give a building notice or give an initial notice. Both the original and amended versions of regulation 13A adopted this turn of phrase and both versions were criticised by the Joint Committee. One difficulty with the old drafting was the implication that section 47 of the Building Act "requires" a person to give an initial notice – when that is in fact an optional alternative to depositing plans or giving a building notice. The new approach to defining "unauthorised work" avoids this difficulty.
- 2.3.2 There is no equivalent of paragraph (8) of old regulation 13A in regulation 21. This is because, in the Department's current view, old paragraph (8) merely stated what is, anyway, the case i.e. that this regulation does not affect the powers of a local authority under section 36 of the Act.

ANNEX 3

THE BUILDING REGULATIONS 2000

THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

Energy Ratings of Dwellings

INTRODUCTION

- 3.1. This annex contains guidance on the requirements for energy ratings set out in regulation 16 of the Building Regulations 2000 (“the new Principal Regulations”) and regulation 12 of the Building (Approved Inspectors etc.) Regulations 2000 (“the new AI Regulations”). It refers also to the use of energy ratings for the purposes of Part L in Schedule 1 to the new Principal Regulations. This guidance replaces that contained in paragraphs 24 to 41 and paragraphs 55 to 68 of DoE Circular 12/95 and paragraph 7 of the DETR circular letter dated 31 March 1999. **Those paragraphs are hereby cancelled.**

CHANGES IN THE NEW PRINCIPAL REGULATIONS AND NEW AI REGULATIONS

- 3.2. Regulation 16 in the new Principal Regulations and regulation 12 in the new AI Regulations contain the same requirement for the calculation of energy ratings for new dwellings and the notification of those ratings to the building control body as are set out in regulation 14A of the old Principal Regulations and regulation 10A of the old AI Regulations. The additional requirement is for the posting up in the dwelling of a notice of the energy rating, or, in certain circumstances, the giving of a notice of the energy rating to the occupier of the dwelling.

APPROVED PROCEDURE FOR CALCULATION OF ENERGY RATINGS

- 3.3. Regulation 16 of the new Principal Regulations and regulation 12 of the new AI Regulations stipulate that energy ratings should be calculated by means of a procedure approved by the Secretary of State.
- 3.4. **The notice of approval by the Secretary of State for the Environment, Transport and the Regions of the method to be used for the purpose of calculating energy ratings required by regulations 16 and 12 in the new Regulations is contained in Annex 7 to this Circular.** This notice (which takes effect on 1st January 2001) has the effect of re-approving the procedure approved for the purposes of regulation 14A of the old Principal Regulations and regulation 10A of the old AI Regulations. The approved method is the “Government’s

Standard Assessment Procedure for Energy Rating of Dwellings – 1998 Edition” (also known as “SAP 1998”).

PART L – APPROVED PROCEDURE

- 3.5. The Approved Document to Part L offers the “Energy Rating Method” as one way of showing compliance with the requirements of Part L in Schedule 1 to the new Principal Regulations. It states that for this purpose the energy rating must be calculated by the SAP as given in Appendix G to the Document. Appendix G was amended in March 1999 to refer to “SAP 1998”. (See also paragraphs 3.29 – 3.30 below.)

QUALIFICATIONS OF PERSONS CALCULATING SAP ENERGY RATINGS

- 3.6. Under regulations 16 and 12 the formal responsibility for calculating the energy rating rests with the person carrying out the building work. It is, however, possible for that person to engage a consultant to carry out the calculation both for the purposes of regulations 16 or 12, and for the purposes of showing compliance with Part L. As with all Building Regulations matters, it is the building control body’s responsibility to check on compliance. It may be that they choose to undertake detailed checking of all calculations. Alternatively, they could accept SAP ratings, as notified, with some lesser degree of checking depending on their view of the competence of the body that has produced the rating.
- 3.7. As indicated in paragraph 0.19 in the Approved Document for Part L, individuals or bodies authorised by the Secretary of State as assessors for undertaking SAP rating calculations can be accepted by the building control body as competent for that purpose. These authorised organisations are entitled to issue SAP ratings on certificates bearing the official SAP logo. They use computer software that has been approved for SAP calculations for Building Regulations purposes by the Building Research Establishment (BRE), on behalf of the Department of the Environment, Transport and the Regions. They also have in place quality assurance systems. Contact information for these organisations is available from the Environment and Energy Helpline (Tel: 0800 585794).

REGULATIONS 16 AND 12 – COMMENTARY

- 3.8. *Paragraphs 16(1) and 12(1)*: specify when the regulations apply, i.e. where a new dwelling is created by building work or by a material change of use in connection with which building work is carried out.
- 3.9. *Paragraphs 16(2) and 12(2)*: require that the person carrying out the building work must calculate the energy rating of the dwelling and must notify that rating to the local authority or to the approved inspector. They specify that the energy rating must be calculated using a procedure approved by the Secretary of State (see paragraph 3.4 above and Annex 7). They do not prevent the person carrying out the building work from engaging someone else to do the calculation (e.g. an authorised energy rating organisation). However, the person carrying out the work must take responsibility for the correctness of the rating.
- 3.10. *Paragraphs 16(3) and 12(3)*: lay down a deadline for notification of the energy rating to the building control body:

in the case of the new Principal Regulations, the basic deadline is the same as the deadline for the completion notice – not more than five days after the completion of the building work. Alternatively, in the case of a dwelling created by the erection of a

building, the deadline is the point in time five days before intended occupation, if that is sooner than five days after completion of the building work. It should be noted that, in new build cases, there is a separate deadline for each individual dwelling in a block of flats or other multi-dwelling building which it is intended to occupy before completion or the building work;

in the case of the new AI Regulations, the basic deadline for the notice is five days after completion of the dwelling. An alternative deadline applies if the dwelling is occupied before the final certificate is given. In a case where a dwelling is created by a material change of use, an alternative deadline applies if the change of use takes place before a final certificate is given. In these cases, the notice must be given to the approved inspector no later than the end of an eight week period beginning with the date of the occupation or change of use. If the completion of the dwelling falls during that eight week period, the notice would have to be given in accordance with the basic deadline of five days after completion of the dwelling. These deadlines recognise that, under regulation 18, the initial notice may cease to have effect at the end of the eight week period, so that the approved inspector who gave the initial notice would no longer have any locus.

3.11. *Paragraphs 16(4) and 12(4)*: establish the **new requirement** that the person carrying out the building work must put up in the dwelling, as soon as practicable after the energy rating has been calculated in accordance with paragraph (2) of each regulation, a notice of that rating. The notice must be put up in a conspicuous place in the dwelling (see paragraphs 3.23 to 3.26 below). The expression “as soon as practicable” gives flexibility for developers to choose the appropriate time for posting up of the notice, in cases where the energy rating is calculated before, or at an early stage in, the construction process.

3.12. *Paragraphs 16(5) and 12(5)*: set the deadlines by which the energy rating notice must be put up. These are the same as for the notification of the energy rating to the local authority or approved inspector:

in the case of the new Principal Regulations, the basic deadline for putting up the notice is five days after completion of the building work. There is the alternative, earlier deadline where occupation of a dwelling in a new building is intended before completion of the building work;

in the case of the new AI Regulations, the basic deadline for putting up the notice is five days after the completion of the dwelling. There is an alternative deadline in the case of a dwelling created by a material change of use where the change of use takes place before a final certificate is given.

3.13. *Paragraphs 16(6) and 12(6)*: establish the **alternative duty** of giving the energy rating notice to the occupier, if occupation occurs before the notice has been put up in the dwelling (see paragraphs 3.27 to 3.28 below). This could occur in some cases where a dwelling is occupied before physical completion, though in cases where a dwelling is in a new building, and building control is being done by a local authority, the provisions of regulation 16(5) should ensure that notices are always in place before occupation.

3.14. *Paragraphs 16(6) and 12(7)*: set the deadlines for giving the energy rating notice to the occupier:

in the case of the new Principal Regulations, this is the same deadline as for the completion notice i.e. five days after completion of the building work;

in the case of the new AI Regulations, the basic deadline is five days after completion of the dwelling. In the case where occupation of a dwelling (other than one created by

a material change of use) has occurred before a final certificate has been given, the deadline is eight weeks from occupation. If completion of the dwelling occurs during the eight weeks, the basic deadline of five days after completion then applies.

- 3.15. *Paragraph 16(7) and 12(8)*: dis-apply the requirement to put up an energy rating notice in the dwelling, or give a notice to the occupier, if the person carrying out the building work intends to occupy, or occupies, the dwelling as his residence.

Regulations 16 and 12: SAP ratings given at plans stage

- 3.16. In the SAP worksheet (or in equivalent computer software) it is made clear that in certain circumstances default values can be used for the site specific parameters of shelter, overshadowing and glazing orientation. These were intended to allow a SAP rating to be calculated as part of a type approval, where the site of any building erected to the plans would be unknown. These three parameters have a minimal effect on the final value of a SAP rating, and if the other parameters remain unchanged, the SAP rating does not necessarily need to be recalculated to reflect the specific site conditions.
- 3.17. For these reasons, it is possible to give SAP notifications under regulations 16 or 12 before work begins. If the person carrying out the work is satisfied that an energy rating calculated as part of a type approval or otherwise on the basis of plans will be a correct statement of the energy rating of the dwelling as built, it is open to him to use that rating for the purposes of regulations 16 or 12.
- 3.18. However, if relevant departures from the plans occur during construction, such as different U-values, or if different types of heating are installed, the SAP rating must be recalculated for the purposes of regulations 16 or 12 using the actual parameters.
- 3.19. It is therefore not necessarily the case that an additional SAP rating will be required on completion. The energy rating required under regulations 16 and 12 can be supplied at any time during the building process up to the points outlined above. For an energy rating submitted with plans, and also held to be the rating given to satisfy regulations 16 and 12, the building control body would be expected to satisfy itself that the relevant aspect of the building had been built in accordance with the plans or equivalent provisions had been made.

Regulations 16 and 12: incorrect energy ratings

- 3.20. If, on checking the energy rating, a building control body obtains a value significantly different from that given by the person who has given notice of the value, it would be reasonable to say that it has not been calculated by the approved method and therefore does not comply with regulation 16 or 12.
- 3.21. In a case where a local authority is carrying out building control, section 35 provides a sanction for non-compliance with regulation 16. In a case where an approved inspector is carrying out building control, a final certificate cannot be given if the approved inspector is not satisfied that the requirements of regulation 12 have been complied with.

Regulations 16 and 12: no energy rating or no notice in dwelling or given to occupier

- 3.22. The comments made in paragraph 3.21 also apply where no energy rating is notified to the building control body; or where the requirement to put up a notice of the energy rating or give it to the occupier has not been complied with.

Regulations 16 and 12: format and content of the energy rating notices in dwellings

- 3.23. The Department suggests that the notice for posting up in the dwelling should be typed on A4 paper and placed in a suitable plastic holder for protection.
- 3.24. The Department suggests that the notice should contain the following information:

| |
|---|
| <p style="text-align: center;">ENERGY RATING</p> <p style="text-align: center;">The energy rating of this dwelling is: [figure] [OR] The energy rating of this dwelling is no worse than: [figure]]</p> <p>This has been calculated in accordance with building regulations by [or] for [name of company or person carrying out the building work], using the Government's Standard Assessment Procedure for Energy Rating of Dwellings ("the SAP").</p> <p>A SAP energy rating gives a measure of the overall energy efficiency of a home. It is based on energy costs for space and water heating. It is expressed on a scale of 1 to 100 – the higher the number, the more energy efficient the home.</p> <p>For more information on the SAP (and on energy efficiency more generally) contact your local Energy Efficiency Advice Centre on 0800 512012.</p> |
|---|

Regulations 16 and 12: recommended locations for the energy rating display notice

- 3.25. The Department suggests that the notice should be double sided and should be attached by a non-marking adhesive to a window near, or in, the front door, so as to be readable from both the inside and the outside.
- 3.26. In the case of upper storey flats, or ground floor flats where there is no suitable window in or near the front door, the notice could be a single sided one, fixed to a sitting room or kitchen window.

Regulations 16 and 12: giving an energy rating notice to the occupier

- 3.27. In cases where the energy rating notice must be given to the occupier rather than being posted up in the dwelling, the Department suggests that that notice should contain the following information:

To the occupier [or] Name of occupier [if known]
Property address

Dear Sir or Madam [or] name of occupier

ENERGY RATING

The energy rating of this dwelling is: **[figure]** [or]
The energy rating of this dwelling is no worse than: **[figure]**

This has been calculated in accordance with building regulations by [or] for [name of company or person carrying out the building work], using the Government's Standard Assessment Procedure for Energy Rating of Dwellings ("the SAP").

A SAP energy rating gives a measure of the overall energy efficiency of a home. It is based on energy costs for space and water heating. It is expressed on a scale of 1 to 100 – the higher the number, the more energy efficient the home.

For more information on the SAP (and on energy efficiency more generally) contact your local Energy Efficiency Advice Centre on 0800 512012.

Yours faithfully [or] sincerely

[person, or representative of the person, carrying out the building work]

3.28. This notice may be sent by post or hand delivered.

PART L IN SCHEDULE 1

3.29. A SAP rating may be given in support of plans submitted to a building control body to demonstrate compliance with Part L in Schedule 1 to the new Principal Regulations.

3.30. If the applicant has chosen not to submit a SAP rating with the initial plans because he would prefer to submit it at a later date, the building control body may wish to take account of the following:

- (a) there is no need to require a SAP rating to accompany a submission of plans if the more demanding provisions given in the Approved Document for dwellings with SAP ratings below 60 have been incorporated;
- (b) in cases where it is reasonable to assume that the SAP rating will exceed 60, plans showing the less demanding provisions associated with such a SAP rating could be

approved without the need for detailed SAP calculations;

- (c) however, in a small number of cases where the less demanding provisions have been shown there may be reasonable grounds for doubting that the SAP rating will achieve 60. Examples of these would be where an expensive heating fuel has been used, or where the building is a small bungalow with an “uneconomical” shape. In such instances it would be prudent to obtain a SAP rating prior to approving the plans;
- (d) where the applicant elects to use the “energy rating method” in the Approved Document for demonstrating compliance with Part L, then it would be reasonable to require a detailed SAP calculation to be included with the plans submission.

ADVICE SPECIFIC TO LOCAL AUTHORITIES

The power of local authorities to issue energy ratings

- 3.31. Local authorities may, in the light of the Local Authorities (Goods and Services) Act 1970, supply services to other local authorities and other public bodies designated by order under the Act. Therefore, they may undertake the provision of energy ratings for their own purposes or for other local authorities and public bodies, on such terms respecting payment as may be arranged, as the Act permits. However, there are no powers to provide such a service for payment to the public at large.
- 3.32. Where, for example, a local authority were to provide an energy rating, and also undertook the building control for the work, they would be expected to ensure that procedures were in place to ensure that there was a clear separation between the officer doing the original calculation and the one with responsibility for checking it.

Local authority completion certificates

- 3.33. It has been suggested that a completion certificate should not be issued if an energy rating has not been received. There is a clear distinction between provision of an energy rating to demonstrate compliance with Part L of Schedule 1, and notification of an energy rating to satisfy regulation 16. A completion certificate given under regulation 17 relates to compliance with requirements in Schedule 1. If the method used to demonstrate compliance with Part L was wholly dependant upon the provision of an energy rating, and one has not been received, then a completion certificate should not be given. However, the requirement to give an energy rating to satisfy regulation 16 of the new Principal Regulations is legally distinct from any of the requirements of Schedule 1. Therefore a completion certificate cannot be withheld on the ground of non-compliance with regulation 16.

ENQUIRIES

- 3.34. Technical enquiries on the SAP methodology should be addressed to: Energy, Economics and Statistics Group, BRE Ltd., Garston, Watford WD2 7JR (Tel: 01923 664500, Fax: 01923 664097). Requests for SAP related publications should go to: Environment and Energy Helpline (Tel: 0800 585794).
- 3.35. Enquiries on the use of SAP in the Building Regulations should be addressed to: Ted King, Building Regulations Division, DETR, Zone 3/D2, Eland House, Bressenden Place, London, SW1E 5DU (Tel: 020-7944-5734; Fax: 020 7944 5739; E-mail: energy_br@detr.gov.uk).

ANNEX 4

BUILDING ACT 1984

NOTICE OF APPROVAL OF DOCUMENTS FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000

The Secretary of State for the Environment, Transport and the Regions hereby gives notice under section 6 of the Building Act 1984 that, in exercise of his powers under the said section 6, he has approved the amendments set out in the document "Amendments 2000 to the Approved Documents" (TSO, 2000), being amendments to the documents listed below, and he has approved those documents, so amended, for the purpose of giving practical guidance with respect to the specified requirements of the Building Regulations 2000. The approvals take effect on 1st January 2001.

| <i>Document</i> | <i>Requirement of the Building Regulations 2000 in respect of which the document is approved</i> |
|--|--|
| "Approved Document A: Structure. 1992 Edition, 4 th impression (with amendments) 1994", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part A |
| "Approved Document B: Fire safety. 2000 Edition", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part B |
| "Approved Document C: Site preparation and resistance to moisture. 1992 Edition, 2 nd impression (with amendments) 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part C |
| "Approved Document D: Toxic substances. Amended 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part D |
| "Approved Document E: Resistance to the passage of sound. 1992 Edition, 2 nd impression (with amendments) 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part E |
| "Approved Document F: Ventilation. 1995 Edition", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part F |
| "Approved Document G: Hygiene. 1992 Edition, 2 nd impression (with amendments) 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part G |
| "Approved Document H: Drainage and waste disposal. Amended 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part H |
| "Approved Document J: Heat producing appliances. Amended 1992", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part J |
| "Approved Document K: Protection from falling, collision and impact. 1998 Edition", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part K |
| "Approved Document L: Conservation of fuel and power. 1995 Edition", as amended by "Amendments 2000 to the Approved Documents" | Schedule 1 Part L |

| <i>Document</i> | <i>Requirement of the Building Regulations 2000 in respect of which the document is approved</i> |
|--|--|
| “Approved Document M: Access and facilities for disabled people. <i>1999 Edition</i> ”, as amended by “Amendments 2000 to the Approved Documents” | Schedule 1 Part M |
| “Approved Document N: Glazing – safety in relation to impact, opening and cleaning. <i>1998 Edition</i> ”, as amended by “Amendments 2000 to the Approved Documents” | Schedule 1 Part N |
| “Approved Document to support regulation 7. <i>1999 Edition</i> ”, as amended by “Amendments 2000 to the Approved Documents” | Regulation 7 |

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

P. F. Everall
an Assistant Secretary in the
Department of the Environment,
Transport and the Regions

13 October 2000

ANNEX 5

THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

The following table cross-references the Building (Approved Inspectors etc.) Regulations 2000 with the Building (Approved Inspectors etc.) Regulations 1985 (as amended); and highlights all minor changes.

| | 2000 | 1985 |
|--|------|---|
| PART I – General | | |
| Citation, commencement and revocations. | 1 | 1 amended by SI 1985/1936 |
| Interpretation. Definitions added to regulation 2(1) for ‘building work’, ‘controlled service or fitting’, ‘dwelling’, ‘dwelling-house’ and ‘energy rating’. Redundant definitions omitted. Definition of ‘working day’ (old regulation 2(4)) replaced with definition of ‘day’ from the Principal Regulations. Regulation 2(4) clarifies meaning of ‘initial notice’ in cases where an amendment notice has been accepted by a local authority. | 2 | 2 amended by SI 1992/740 |
| PART II – Grant and withdrawal of approval | | |
| Approval of inspectors. No change. | 3 | 3 substituted by SI 1998/2332 |
| Designation of bodies to approve inspectors. No change. | 4 | 4 amended by SI 1998/2332 |
| Manner of approval or designation. No change. | 5 | 5 |
| Termination of approval or designation. To aid clarity, ‘body’ replaced with ‘person’ in regulation 6(4). | 6 | 6 amended by SI 1995/1387 SI 1996/1906 SI 1998/2332 |
| Lists of approvals and designations. To aid clarity, ‘may be’ replaced with ‘practicable’. | 7 | 7 amended by SI 1998/2332 |
| PART III – Supervision of work by approved inspectors | | |
| Initial notice. To aid clarity, footnote added, description of notice types expanded, ‘are required to’ replaced with ‘shall’ and ‘working’ deleted. Form number changed. Text describing plans, documents and declarations omitted because this information is in the forms. | 8 | 8 amended by SI 1995/1387 |
| Amendment notice. To aid clarity, footnote added, ‘are required to’ replaced with ‘shall’ and ‘working’ deleted. Form number changed. Text describing plans, documents and declarations omitted because this information is in the forms. Clarification of ‘initial notice’ in old regulation 8A(5) moved to new regulation 2(4). | 9 | 8A added by SI 1996/1906 |

| | 2000 | 1985 |
|---|------|--|
| Independence of approved inspectors. 'Minor work' now defined at the beginning. To aid clarity, 'involving' replaced with 'consisting of'. Other definitions moved to regulation 2. | 10 | 9 amended by SI 1995/1387 |
| Functions of approved inspectors. Reference to Part L simplified. | 11 | 10 amended by SI 1989/1119 SI 1995/1387 |
| Energy rating. See Annex 3. | 12 | 10A added by SI 1995/1387 |
| Approved inspector's consultation with the fire authority. See Annex 6. | 13 | 11 amended by SI 1995/1387 |
| PART IV – Plans certificates | | |
| Form of plans certificate. To aid clarity, footnote added and text describing forms expanded. Form number changed. | 14 | 12 |
| Grounds and period for rejecting plans certificate. To aid clarity, 'are required to' replaced with 'shall', 'working' deleted and text describing forms changed. | 15 | 13 amended by SI 1995/1387 |
| Effect of plans certificate. No change. | 16 | 14 |
| PART V – Final certificates | | |
| Form, grounds and period for rejecting final certificate. To aid clarity, footnote added, 'are required to' replaced with 'shall' and 'working' deleted. Form number changed. | 17 | 15 |
| PART VI – Cessation of effect of initial notice | | |
| Events causing initial notice to cease to be in force. In line with new regulation 13, 'designated use' replaced by 'relevant use' in paragraph 2(i). | 18 | 16 amended by SI 1995/1387 SI 1998/2332 |
| Cancellation of initial notice. Form numbers changed. To aid clarity, reference to the Act in regulation 19(4) expanded. | 19 | 17 amended by SI 1995/1387 |
| Local authority powers in relation to partly completed work. Cross-reference in paragraph 1(b) updated. | 20 | 18 |
| PART VII – Public bodies | | |
| Approval of public bodies. Language updated to reflect devolution. | 21 | 19 |
| Public body's notice. To aid clarity, footnote added, text describing forms expanded, 'are required to' replaced with 'shall' and 'working' deleted. Form numbers changed. | 22 | 20 |
| Public body's consultation with the fire authority. Text updated to better reflect new regulation 13. | 23 | 21 |
| Public body's plans certificate. To aid clarity, footnote added and text describing forms expanded. Form numbers changed. | 24 | 22 |
| Grounds and period for rejecting public body's plans certificate. To aid clarity, 'are required to' replaced with 'shall' and 'working' deleted. | 25 | 23 |
| Effect of public body's plans certificate. No change. | 26 | 24 |
| Public body's final certificate. To aid clarity, footnote added, 'are required to' replaced with 'shall' and 'working' deleted. Form number changed. | 27 | 25 |
| Events causing public body's notice to cease to be in force. Cross-reference updated. | 28 | 26 |

| | 2000 | 1985 |
|---|------|---|
| PART VIII – Certificates relating to deposited plans | | |
| Certificates given under section 16(9) of the Act. <i>To aid clarity, in regulation 29(1) 'of the Act' added after 'section 16(9); in regulation 29(4), 'case' replaced with 'circumstances', 'is' replaced with 'are' and '(structure)' added after 'Part A'. Cross-reference in regulation 29(5) updated.</i> | 29 | 27 amended by SI 1989/1119 SI 1992/740 |
| PART IX – Registers | | |
| Register of notices and certificates. <i>No change.</i> | 30 | 28 amended by SI 1996/1906 |
| PART X – Effect of contravening building regulations | | |
| Contravention of certain regulations not to be an offence. <i>Cross-references updated.</i> | 31 | 29 amended by SI 1995/1387 |
| PART XI – Miscellaneous provisions | | |
| Transitional provisions. <i>New.</i> | 32 | / |
| SCHEDULES | | |
| Revocation of regulations. <i>New.</i> | 1 | / |
| Forms. | 2 | 2 |
| Initial notice. <i>References to the Regulations updated.</i> | 1 | 1 amended by SI 1998/2332 |
| Amendment notice. <i>References to the Regulations updated. Form number changed.</i> | 2 | 1A added by SI 1996/1906 amended by SI 1998/2332 |
| Plans certificate. <i>References to the Regulations updated. Form number changed.</i> | 3 | 2 |
| Combined initial notice and plans certificate. <i>References to the Regulations updated. Form number changed.</i> | 4 | 3 amended by SI 1998/2332 |
| Final certificate. <i>References to the Regulations updated. Form number changed.</i> | 5 | 4 amended by SI 1995/1387 |
| Notice of cancellation by approved inspector. <i>References to the Regulations updated. Form number changed.</i> | 6 | 5 |
| Notice of cancellation by person carrying out work. <i>References to the Regulations updated. Form number changed.</i> | 7 | 6 |
| Notice of cancellation by local authority. <i>References to the Regulations updated. Form number changed.</i> | 8 | 7 |
| Public body's notice. <i>References to the Regulations updated. Form number changed.</i> | 9 | 8 |
| Public body's plan's certificate. <i>References to the Regulations updated. Form number changed.</i> | 10 | 9 |
| Combined public body's notice and plans certificate. <i>References to the Regulations updated. Form number changed.</i> | 11 | 10 |
| Public body's final certificate. <i>References to the Regulations updated. Form number changed.</i> | 12 | 11 |
| Grounds for rejecting an initial notice, an amendment notice, or a plans certificate combined with an initial notice. <i>Title expanded. Reference to the Regulations updated.</i> | 3 | 3 |

| | 2000 | 1985 |
|---|------|---------------------------|
| Grounds for rejecting a plans certificate, or a plans certificate combined with an initial notice. <i>Title expanded. Reference to the Regulations updated.</i> | 4 | 4 |
| Grounds for rejecting a final certificate. <i>Reference to the Regulations updated.</i> | 5 | 5 amended by SI 1995/1387 |
| Grounds for rejecting a public body's notice, or a combined public body's notice and plans certificate. <i>Title expanded. Reference to the Regulations updated.</i> | 6 | 6 |
| Grounds for rejecting a public body's plans certificate, or a combined public body's notice and plans certificate. <i>Title expanded. Reference to the Regulations updated.</i> | 7 | 7 |
| Grounds for rejecting a public body's final certificate. <i>Reference to the Regulations updated.</i> | 8 | 8 |

ANNEX 6

THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

Revised regulation on consultation with the Fire Authority

- 6.1 Regulation 13 of the Building (Approved Inspectors etc.) Regulations 2000 replaces regulation 11 of the Building (Approved Inspectors etc.) Regulations 1985. The changes in new regulation 13 align the requirements for consultation more closely with those applicable to local authorities under section 16 of the Fire Precautions Act 1971. Accordingly, regulation 13 applies in cases of extensions, material alterations and material changes of use, as well as in cases where a building is being erected.
- 6.2 Paragraphs (1) and (2) of regulation 13 contain definitions and set out the circumstances in which the consultation requirements apply. These paragraphs provide that the regulation applies where an initial notice is to be given or has been given in relation to building work of any of the sorts referred to in paragraph 6.1 above, involving a “relevant building”. The term “relevant building” is defined in regulation 13(1) as a building where it is intended that after the completion of the work, the whole or any part of the building will be put to a “relevant use”. “Relevant use” is defined in regulation 13(1) to mean a use as a workplace of a kind to which Part II of the Fire Precautions (Workplace) Regulations 1997 applies, or a use designated under section 1 of the Fire Precautions Act 1971. The same expression is also used in the new Principal Regulations (see Annex 2, paragraph 2.1.2).
- 6.3 Paragraph (2) of regulation 13 provides that the consultation requirements apply where Part B in Schedule 1 to the Principal Regulations imposes requirements in relation to the building work. This excludes from the consultation requirement cases where building work to a “relevant building” is not of a kind that affects compliance with Part B.
- 6.4 Where regulation 13 applies, the approved inspector must consult the fire authority at the stages set out in paragraph (3). These stages are essentially the same as under the old regulation 11, except that allowance has been made for amendment notices – which did not exist at the time the old AI Regulations were made.
- 6.5 Paragraph (3) of regulation 13 refers to “relevant” amendment notices. These are defined in paragraph (1) as those which add work that concerns a “relevant building” and to which Part B applies.
- 6.6 The opportunity has been taken to stipulate that the approved inspector shall consult before or as soon as practicable after giving the initial notice or amendment notice. In the old regulation 11, the corresponding requirement was simply to consult “as soon as practicable”.

- 6.7 Paragraph (4) of regulation 13 states that, as regards consultation at the initial notice or amendment notice stage, the approved inspector must give the fire authority sufficient plans to show whether the work would comply with the requirements of Part B. This requirement is similarly expressed to that in old regulation 11(1)(i). It is worth noting that, under section 126 of the Building Act 1984, the word “plans” need not mean detailed architectural plans. There may be cases where it may be preferable to consult the fire authority on the basis of simpler plans, rather than delaying consultation whilst awaiting the availability of more detailed plans – if any such plans are to be produced.
- 6.8 Regulation 13 changes the emphasis in old regulation 11 in relation to seeking the fire authority’s view on compliance with Part B. In regulation 13, the applicability of Part B to a building project serves primarily as one of the criteria for determining whether consultation is required. Similarly, the phraseology of paragraph (4)(a) is a means of describing plans that adequately cover those features of the work that are of relevance to fire safety. There is no longer an implication that the fire authority have an authoritative view on the compliance of building work with Part B, although it is of course open to them to offer informal views on that matter. The primary object of the consultation is to provide an opportunity for the approved inspector and the fire authority to reach mutually compatible views on whether plans and building work are satisfactory from the standpoints of the building regulations and of fire precautions legislation.
- 6.9 Paragraph (5) of regulation 13 is in similar terms to paragraph (3) of old regulation 11. Paragraph (6) of regulation 13 reproduces the terms of old regulation 11(4).

ANNEX 7

BUILDING ACT 1984

NOTICE OF APPROVAL OF THE PROCEDURE FOR THE CALCULATION OF ENERGY RATINGS

The Secretary of State for the Environment, Transport and the Regions hereby gives notice that he has approved "The Government's Standard Assessment Procedure for Energy Rating of Dwellings – 1998 Edition" for the purpose of calculating energy ratings in accordance with regulation 16 of the Building Regulations 2000 and regulation 12 of the Building (Approved Inspectors etc.) Regulations 2000.

This approval takes effect on 1st January 2001.

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

P. F. Overall
An Assistant Secretary in the
Department of the Environment,
Transport and the Regions

13 October 2000

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TJ2336 C30 10/00 76368



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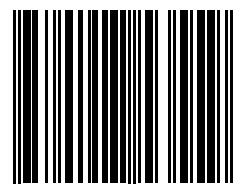
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