THE BUILDING ACT 1984 AND THE BUILDING REGULATIONS

The Building (Amendment) Regulations 2004

- Amendment of Parts A and F in Schedule 1 to the Building Regulations 2000
- New Part C in Schedule 1 to the Building Regulations 2000
- Amendment of Regulations 2, 6 and 20A in the Building Regulations 2000

The Building (Approved Inspectors etc.) (Amendment) Regulations 2004

- Amendment of Regulation 12A in the Building (Approved Inspectors etc.) Regulations 2000

New Approved Document on Part A (Structure)

New Approved Document on Part C (Site preparation and resistance to contaminants and moisture)

Amendment of Approved Document on Part E (Resistance to the passage of sound)
INTRODUCTION

1. I am directed by the First Secretary of State to draw your attention to the Building (Amendment) Regulations 2004 (SI 2004/1465) and to the Building (Approved Inspectors etc.) (Amendment) Regulations 2004 (SI 2004/1466) which were made on 28 May 2004. Some provisions of SI 2004/1465, and the whole of SI 2004/1466, come into force on 1 July 2004. Other provisions of SI 2004/1465, relating to Regulation 6 and Schedule 1 Parts A, C and F of the Building Regulations, come into force on 1 December 2004, in accordance with the transitional provisions referred to in paragraph 20 below.

2. In accordance with section 14(3) of the Building Act 1984, these Amendment Regulations were made after consultation with the Building Regulations Advisory Committee and with other bodies representative of the interests concerned.

3. The purpose of this Circular is to:

- draw attention to these Amendment Regulations and explain the changes they make to the Building Regulations 2000 ('the Building Regulations') and to the Building (Approved Inspectors etc.) Regulations 2000 ('the Approved Inspectors Regulations')

- explain the coming into force and transitional provisions

- announce the approval and publication of new Approved Documents A and C and of 'Amendments 2004 to Approved Document E'.

4. This Circular does not give advice on technical matters. Summaries of the main changes in the 2004 Editions of Approved Documents A and C can be found inside the front covers of those documents. Annex A to this circular sets out in tabular form all the changes to the Building Regulations and the Approved Inspectors Regulations made by SI 2004/1465 and SI 2004/1466.

PART A (STRUCTURE) AND APPROVED DOCUMENT A

5. SI 2004/1465 amends Part A (Structure) in Schedule 1 to the Building Regulations, by deleting the Limit on Application relating to Requirement A3 (Disproportionate collapse). The effect is that Requirement A3 will in future apply to buildings irrespective of the number of storeys, instead of, as before, applying to buildings having five or more storeys. The joint Standing Committee on Structural Safety of the Institutions of Civil and Structural Engineers had expressed particular concern regarding the exclusion of public buildings of less than five storeys in height from the terms of Requirement A3.

6. The technical content of the current Approved Document A is at least ten years old. A complete review and updating of the document has been undertaken resulting in numerous amendments in the guidance. As noted above, a summary of the main changes in the 2004 Edition of Approved Document A can be found inside the front cover of that document. The new Approved Document A is approved with effect from 1 December 2004.
PART C (SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE) AND APPROVED DOCUMENT C

7. SI 2004/1465 introduces a revised Part C (Site preparation and resistance to contaminants and moisture) into Schedule 1 to the Building Regulations and revokes the current Part C. The SI also revokes Requirement F2 (Condensation in roofs), as condensation, including that in roofs, is now addressed within Requirement C2 (Resistance to moisture) in the revised Part C.

8. As noted above, a summary of the main changes in the 2004 Edition of Approved Document C can be found inside the front cover of that document. The new Approved Document C is approved with effect from 1 December 2004.

The Requirements

9. The content of Part C has been extensively amended and the layout of the requirements has been changed as follows:

Activities associated with site preparation are now grouped in new Requirement C1, Preparation of site and resistance to contaminants and moisture. Requirement C1 is sub-divided as follows:

<table>
<thead>
<tr>
<th>C1 (1)</th>
<th>Previously C1</th>
<th>Site preparation</th>
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</thead>
<tbody>
<tr>
<td>C1 (2)</td>
<td>Previously C2</td>
<td>Resistance to contaminants</td>
</tr>
<tr>
<td>C1 (3)</td>
<td>Previously C3</td>
<td>Subsoil drainage</td>
</tr>
</tbody>
</table>

Requirement C1(2) relates to contaminants on or in the ground covered or to be covered by the building, and on or in any land ‘associated with the building’. This would include, for example, garden areas.

Previous Requirement C4 (Resistance to weather and ground moisture) is covered by new Requirement C2 (Resistance to moisture) in the revised Part C. Requirement C2 also replaces and goes beyond current Requirement F2 (Condensation in roofs). It also sets requirements for resistance to interstitial and surface condensation in walls and floors. Requirement C2 is subdivided as follows:

<table>
<thead>
<tr>
<th>C2 (a)</th>
<th>Ground moisture</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2 (b)</td>
<td>Precipitation, including wind-driven spray</td>
</tr>
<tr>
<td>C2 (c)</td>
<td>Interstitial and surface condensation</td>
</tr>
<tr>
<td>C2 (d)</td>
<td>Spillage of water from or associated with sanitary fittings or fixed appliances</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C2 (c)</th>
<th>Encompasses old Requirement F2 (Condensation in roofs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2 (d)</td>
<td>New requirement</td>
</tr>
</tbody>
</table>

Requirements in relation to Material Change of Use (Regulation 6)

10. Subparagraph (a) in Regulation 6(1) in the Building Regulations lists the requirements in Schedule 1 to the Regulations that must be complied with in all cases where there is
a material change of use (as defined in Regulation 5) of the whole of a building. SI 2004/1465 amends subparagraph (a) of Regulation 6(1) to remove reference to Requirement F2, which is being revoked, and to substitute reference to new Requirement C2(c) (Interstitial and surface condensation).

11. SI 2004/1465 adds a new subparagraph (cc) into Regulation 6(1). This provides that where there is a material change of use of the whole of a building to a residential use, Requirement C1(2) in the revised Part C must be complied with. As noted above, Requirement C1(2) relates to contaminants on or in the ground covered by the building and any land associated with the building. The categories of change of use listed in the new subparagraph (cc) in Regulation 6(1) are those referred to in:

- Regulation 5(a) (dwelling)
- Regulation 5(b) (flat)
- Regulation 5(c) (hotel or boarding house)
- Regulation 5(d) (institution)
- Regulation 5(f) (building ceasing to be exempted by Schedule 2 to the Building Regulations: this case is subject to Regulation 6(1)(cc) only if the change of use provides new residential accommodation)
- Regulation 5(g) (change in number of dwellings in building)
- Regulation 5(h) and (i) (relating to rooms for residential purposes).

12. SI 2004/1465 amends Regulation 6(1)(d), which has hitherto required compliance with old Requirement C4 (Resistance to weather and ground moisture) in cases of change of use to a dwelling. SI 2004/1465 substitutes into Regulation 6(1)(d) a reference to the new Requirement C2 (Resistance to moisture).

PART E (RESISTANCE TO THE PASSAGE OF SOUND) AND SOUND INSULATION TESTING

Sound insulation testing and the ‘robust details’ alternative

13. SI 2004/1465 amends Regulation 20A of the Building Regulations and SI 2004/1466 amends Regulation 12A of the Approved Inspectors Regulations. Regulation 20A, introduced into the Building Regulations by the Building (Amendment) (No 2) Regulations 2002 (SI 2002/2871), applies in relevant cases where building control is being carried out by the local authority building control. Regulation 12A, introduced into the Approved Inspectors Regulations by the Building (Approved Inspectors etc.) (Amendment) Regulations 2002 (SI 2002/2872), applies in relevant cases where building control is being carried out by an approved inspector. Regulations 20A and 12A require the person carrying out work subject to Requirement E1 (Protection against sound from other parts of the building and adjoining buildings) to ensure that appropriate sound insulation testing is carried out, to check for compliance with Requirement E1. This is commonly referred to as pre-completion testing (‘PCT’).
14. Regulations 20A and 12A came into force, as regards conversions and as regards ‘rooms for residential purposes’, on 1 July 2003, at the same time as the revised Part E. However, Regulations 20A and 12A apply to new house and buildings containing flats with effect from 1 July 2004. This date was substituted into SI 2002/2871 and SI 2002/2872 by the Building and Building (Approved Inspectors etc.) (Amendment) Regulations 2003, SI 2003/3133. As explained in ODPM Circular 03/2002 (19 December 2002), the requirement for PCT applies to new houses and blocks of flats, the erection of which begins on or after the relevant coming into force date, i.e. (as amended) 1 July 2004.

15. A new paragraph (4) is introduced into each of Regulations 20A and 12A by SI 2004/1465 and SI 2004/1466, respectively. This provides an exemption from PCT for those building new houses or buildings containing flats if they are using design details approved and published by Robust Details Ltd. These amendments of Regulations 20A and 12A come into force on 1 July 2004, to coincide with the coming into force of the requirement for PCT in relation to new houses and buildings containing flats.

16. The exemption from PCT applies to specified separating structures within a continuous structure (semi-detached or terraced houses or buildings containing flats). It is possible, therefore, that some separating structures within a continuous structure will be subject to PCT whilst others are exempt, e.g. separating walls in a block of flats may be exempt, whilst separating floors are not. In order to benefit from the exemption from PCT in relation to a given separating structure, the person carrying out the building work must notify the local authority or the approved inspector before the start of work on the relevant building, that he intends to use one or more stated robust details. The notification must:

- specify the part or parts of the building in respect of which he is using the stated detail or details
- state the unique numbers issued by Robust Details Ltd in respect of the use of that detail or those details. (Robust Details Ltd will issue to the builder a unique number for each relevant dwelling, so that a minimum of two numbers will be issued for any given use of their design details: in a case of a pair of semi-detached houses, or a building containing two flats, there will be a separate number for each of the two dwellings.)

The further condition for the exemption from PCT is that the building work actually carried out in respect of the specified part or parts of the building is in accordance with the design detail or details specified in the notification. **If a building control body considers that the work is not in accordance with the specified detail or details, they would need to inform the builder that he must**

- either correct the work to bring it into line with that detail or those details
- or ensure that PCT is carried out.

17. It should be noted that the compliance of work with a robust detail, in circumstances where the correct procedures have been followed to attract exemption from PCT, is not a 'deemed to satisfy' condition. The underlying requirement remains to achieve compliance with Part E1. The guidance in Approved Document E is that such
compliance will usually be established by the measured performance of the structure. Therefore it would be open to anyone, e.g. a homeowner, who considered that a separating structure does not comply with Part E1 to seek to establish that, by the carrying out of tests. It would not be a defence for the builder to show that he had correctly carried out a design detail approved by Robust Details Ltd, if the structure’s measured performance is shown not to meet the criteria in Approved Document E.

**Definition of ‘room for residential purposes’**

18. SI 2004/1465 also revises the definition of ‘room for residential purposes’ introduced into Regulation 2(1) of the Building Regulations by SI 2002/2871. This is to make it clearer that individual rooms should be treated as rooms for residential purposes, even when they are arranged in groups (or clusters) with shared sanitary and cooking facilities. For example, in typical student accommodation arranged in clusters, each study-bedroom is a room for residential purposes, rather than the whole cluster of study-bedrooms and shared cooking and sanitary facilities forming one room for residential purposes or a flat.

**Amendments 2004 to Approved Document E**

19. Regulations 20A and 12A, and the original definition of ‘room for residential purposes’, are reproduced in the 2003 Edition of Approved Document E. Amendments to that document are therefore required to reflect the changes brought about by SI 2004/1465 and SI 2004/1466. In addition, changes to the Approved Document have been made to explain how robust details can be used as an alternative to PCT, and some corrections and clarifications have been made. Reference to the Registration Scheme of the Association of Noise Consultants is introduced into paragraph 0.4 and Annex B, paragraph B 1.4 of Approved Document E. This follows the announcement in a circular letter from ODPM Buildings Division, dated 18 July 2003, that the ODPM regards members of that scheme as suitably qualified to carry out pre-completion testing. Amendments 2004 to Approved Document E is approved with effect from 1 July 2004.

**COMING INTO FORCE AND TRANSITIONAL PROVISIONS**

20. SI 2004/1465 comes into force on 1 December 2004, as regards the amendments to Regulation 6 of and Schedule 1 to the Building Regulations. The provisions of SI 2004/1465 relating to Regulation 2(1) and Regulation 20A of the Building Regulations 2000, and SI 2004/1466, come into force on 1 July 2004. Annex B to this Circular explains the transitional provisions set out in SI 2004/1465, in relation to the amendments of Parts A, C and F and Regulation 6. There are no new transitional provisions in relation to the amendments of Regulation 20A of the Building Regulations and Regulation 12A of the Approved Inspectors Regulations: the transitional provisions set out in Regulation 4 of SI 2002/2871 and Regulation 4 of SI 2002/2872 continue to apply, subject to the alteration of the 1 January 2004 commencement date to 1 July 2004, noted in paragraph 14 above. The revision of the definition of ‘room for residential purposes’ in Regulation 2(1) of the Building Regulations takes effect on 1 July 2004.
NEW APPROVED DOCUMENTS

21. The First Secretary of State, in exercise of his powers under section 6(1) and 6(4) of the Building Act 1984, has

a) approved a new Approved Document giving practical guidance with respect to the requirements of Part A of Schedule 1 to the Building Regulations. This new document is entitled Approved Document A: Structure (2004 Edition, ISBN 0-11-753909-0, £11.00);

b) approved a new Approved Document giving practical guidance with respect to the requirements of Part C of Schedule 1 to the Building Regulations. This new document is entitled Approved Document C: Site preparation and resistance to contaminants and moisture (2004 Edition, ISBN 0-11-753913-9, £11.00);

c) approved amendments to the Approved Document giving practical guidance with respect to the requirements of Part E of Schedule 1 to the Building Regulations and of Regulation 20A of the Building Regulations and of Regulation 12A of the Approved Inspectors Regulations. These amendments are set out in Amendments 2004 to Approved Document E (Resistance to the Passage of Sound) (ISBN 0-11-753915-5, £6.50).

Formal notice of these approvals is contained in Annex C to this Circular. The approvals referred to in subparagraphs (a) and (b) take effect on 1 December 2004. The approval referred to in paragraph (c) takes effect on 1 July 2004.


23. The First Secretary of State does not, for the time being, propose to withdraw the previous editions of Approved Documents A and C, insofar as they apply to building work which, in accordance with the transitional arrangements contained in SI 2004/1465, will continue to be subject to the current Building Regulations.

24. The new editions of Approved Documents A and C and Amendments 2004 to the Approved Document E are published by The Stationery Office (TSO). Copies are available from TSO (tel: 0870 600 5522; fax: 0870 600 5533) and through booksellers. These three documents can also be viewed on the ODPM web site at www.odpm.gov.uk.

ENQUIRIES

25. Enquiries on Part A of the Building Regulations should be addressed to:

Geoff Harding: Buildings Division, ODPM, Zone 18/A, Portland House, Stag Place, London, SW1E 5LP
Tel: 020 7944 5762
Fax: 020 7944 5739
E-mail: parta.br@odpm.gov.uk
26. Enquiries on Part C of the Building Regulations should be addressed to:

   Mike Johnson: Buildings Division, ODPM, Zone 18/A, Portland House, Stag Place, London, SW1E 5LP
   Tel: 020 7944 5745
   Fax: 020 7944 5739
   E-mail: partsdgh.br@odpm.gov.uk

27. Enquiries on Part E of the Building Regulations should be addressed to:

   Les Fothergill: Buildings Division, ODPM, Zone 18/A, Portland House, Stag Place, London, SW1E 5LP
   Tel: 020 7944 5737
   Fax: 020 7944 5739
   E-mail: partsefkn.br@odpm.gov.uk

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

   Kathleen Morris: Buildings Division, ODPM, Zone 18/B, Portland House, Stag Place, London, SW1E 5LP
   Tel: 020 7944 5755
   Fax: 020 7944 5739
   E-mail: bregsa.br@odpm.gov.uk

PAUL F. EVERALL
Assistant Secretary in the Office of the Deputy Prime Minister

File References:

CI/43/15/12
CI/43/15/14
CI/43/15/08
THE BUILDING (AMENDMENT) REGULATIONS
2004
(SI 2004/1465)


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<thead>
<tr>
<th>SI 2000/2531 Regulation No.</th>
<th>SI 2004/1465 Regulation No.</th>
<th>Action</th>
</tr>
</thead>
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<tr>
<td>2(1)</td>
<td>2(2)</td>
<td>Interpretation: revision of definition of “room for residential purposes”</td>
</tr>
<tr>
<td>6 (1)(a)</td>
<td>2(3)(a) and (b)</td>
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</tr>
<tr>
<td>6(1)(/c)</td>
<td>2(3)(c)</td>
<td>Requirements relating to material change of use: new subparagraph (cc) in Regulation 6(1) to require compliance with Part C(1)(c) in the case of material changes of use into residential uses</td>
</tr>
<tr>
<td>6(1)(d)</td>
<td>2(3)(d)</td>
<td>Requirements relating to material change of use: amendment to make reference to new Part C2, in place of old Part C4</td>
</tr>
<tr>
<td>20A</td>
<td>2(4) and (5)</td>
<td>Sound insulation testing: amendment to provide for use of robust details as an alternative to pre-completion testing</td>
</tr>
<tr>
<td>Part A of Schedule 1</td>
<td>2(6)</td>
<td>Part A Structure: revocation of the Limit on Application relating to requirement A3 (Disproportionate collapse)</td>
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<tr>
<td>Part C of Schedule 1</td>
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<td>Part C: new Part C (Site preparation and resistance to contaminants and moisture) substituted for existing Part C (Site preparation and resistance to moisture)</td>
</tr>
<tr>
<td>Part F of Schedule 1</td>
<td>2(8)</td>
<td>Part F (Ventilation): Requirement F2 (Condensation in roofs) revoked</td>
</tr>
</tbody>
</table>
THE BUILDING (APPROVED INSPECTORS ETC.)
REGULATIONS 2004
(SI 2004/1466)

The following table lists the change made by SI 2004/1466 to the Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532) (as amended by SI 2001/3336 and SI 2002/2872)

<table>
<thead>
<tr>
<th>SI 2000/2532 Regulation No.</th>
<th>SI 2004/1466 Regulation No.</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12A</td>
<td>2</td>
<td>Sound insulation testing: amendment to provide for use of robust details as an alternative to pre-completion testing</td>
</tr>
</tbody>
</table>
TRANSITIONAL PROVISIONS

The Building (Amendment) Regulations 2004

B.1 Regulation 3 of the Building (Amendment) Regulations 2004 contains transitional provisions which relate to the changes to Regulation 6 of, and Parts A, C and F in Schedule 1 to the Building Regulations 2000. Regulation 3 provides that these amended provisions of the Building Regulations 2000 will not apply in relation to building work which has already started before 1 December 2004, provided that the building work began in accordance with:

- a building notice and a commencement notice given to the local authority; or
- full plans deposited with and a commencement notice given to the local authority; or
- an initial notice, an amendment notice or a public body’s notice given to the local authority.

There are supplementary provisions in Regulation 3, relating to cases where an initial notice given before 1 December 2004 is varied by an amendment notice given on or after that date. These are to the effect that, even if work pursuant to an initial notice has begun before 1 December 2004, so that it is not subject to the amended provisions of Regulation 6 of and Schedule 1 to the Building Regulations, work added to the scope of the initial notice by an amendment notice given on or after 1 December 2004 is subject to the amended Regulations.

B.2 Regulation 3(3) and (4) provide that the amended provisions of Regulation 6 of and Schedule 1 to the Building Regulations will not apply in relation to building work begun on or after 1 December 2004 where:

- full plans have been deposited before that date and the local authority has passed the plans, without conditions, before that date; or
- full plans have been deposited before that date and the local authority has stated in writing, before that date, that any conditions subject to which they passed the plans have been fully met; or
- a plans certificate has been given by an approved inspector to a local authority before that date and is accepted (or is deemed to have been accepted) before, on or after that date.

The flow charts at Annexes B1, B2 and B3 illustrate how the transitional provisions work in relation to: the building notice route; the full plans route; and the approved inspector route.
B.3 It is important to note that (in a local authority building control case) there must be no outstanding conditions in relation to any of the provisions of Schedule 1 to the Building Regulations, by the time of the coming into force date of 1 December 2004, if Regulation 3(3) in the transitional provisions is to apply. For example, if there are outstanding conditions relating to compliance of drains with Part H, then the exception provided for in Regulation 3(3) of the Amendment Regulations will not apply. This will mean that (unless Regulation 3(1) applies) the work will be subject to the revised versions of Parts A and C and, where relevant, Regulation 6. Local authorities may wish to:

a) alert all those with outstanding conditions on relevant sets of plans deposited before the date of this circular that they must submit the necessary further details well ahead of 1 December 2004 if there is to be a reasonable opportunity for the conditions to be discharged before that coming into force date;

b) alert anyone they may know is intending to deposit plans for relevant sorts of projects that deposit must be made well ahead of 1 December 2004 if there is to be a reasonable opportunity for the plans to be fully passed before that date;

c) warn those depositing plans for relevant sorts of projects at dates close to 1 December 2004 that it may (or will) not be possible to complete the process of considering the plans in time for them to be fully passed before that date.

Local authorities may also wish to alert those who have given building notices for relevant sorts of projects that, unless the work has commenced before 1 December 2004 in accordance with a commencement notice given under Regulation 15(1) of the Building Regulations, the work will be subject to the revised versions of Parts A and C and, where relevant, Regulation 6.

B.4 Where the work covered by a building notice, deposited plans or an initial notice consists of or includes the erection of a group of two or more new buildings, the effect of the rule described in paragraph B.1 is that, unless the rule described in paragraph B.2 applies, a particular building within the overall project will be subject to the revised versions of Parts A and C if the erection of that building has not started before 1 December 2004. Thus if a project consists of the erection of 10 buildings and work has begun on one building before 1 December 2004, the other nine buildings will be subject to the revised versions of Parts A and C, unless the rule described in paragraph B.2 applies.

B.5 The ODPM considers that the start of the erection of a building 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.

B.6 The ODPM considers that the following sorts of work would not be likely to constitute the start of erection of a building, even though most of these items may be involved in site preparation of kinds subject to Part C:
• removal of vegetation;
• removal of top soil;
• removal or treatment of contaminated soil;
• excavation of trial holes;
• dynamic compaction;
• general site servicing works (e.g. roadways and drainage).

B.7 Local authorities should note that where plans are deposited before 1 December 2004, but:

• have not been passed (or all conditions discharged) before that date; and
• work has not begun before that date in accordance with a commencement notice;

decisions on them taken after 1 December 2004 should be based on the amended versions of Parts A and C, and, where relevant, the associated amendments of Regulation 6.

B.8 Where a building notice has been given before 1 December 2004, but work has not begun before that date in accordance with a commencement notice, local authorities’ decisions on the work should be based on the amended versions of Parts A and C, and, where relevant, the associated amendments of Regulation 6.

B.9 Where an initial notice has been given before 1 December 2004, but work has not begun before that date, and no plans certificate has been given before that date, approved inspectors’ decisions taken after 1 December 2004 on any plans certificate and on the work itself should be based on the amended versions of Parts A and C, and, where relevant, the associated amendments of Regulation 6.
THE BUILDING (AMENDMENT) REGULATIONS 2004: AMENDMENTS TO REGULATION 6 AND PARTS A AND C

TRANSITIONAL PROVISIONS

Local Authority Building Control – Building Notice Route

Before 1 December 2004, has a building notice been given?

No

Building work is subject to the amendments to Regulation 6 and Parts A and C, and to the new Approved Documents A and C.

Yes

Before 1 December 2004, has a commencement notice been given?

No

Yes

Before 1 December 2004, has building work started?

No

Yes

Building work is subject to the provisions and Approved Documents applicable at the time the building notice was given*.

* But individual new buildings started on or after 1 December 2004 are subject to the revised Parts A and C and to the new Approved Documents.
THE BUILDING (AMENDMENT) REGULATIONS 2004: AMENDMENTS TO REGULATION 6 AND PARTS A AND C

TRANSITIONAL PROVISIONS

Local Authority Building Control – Full Plans Route

Before 1 December 2004, have full plans been deposited?

No

Building work is subject to the amendments to Regulation 6 and Parts A and C, and to the new Approved Documents.

Yes

Before 1 December 2004, has the local authority:

• passed the plans without conditions; or
• stated in writing that any conditions have been fully met?

No

Before 1 December 2004, has a commencement notice been given?

Yes

Before 1 December 2004, has building work started?

Yes

Building work is subject to the provisions and Approved Document applicable at the time the full plans were deposited.

No

Before 1 December 2004, has a commencement notice been given?

Yes

Before 1 December 2004, has building work started?

No

Building work is subject to the provisions and Approved Document applicable at the time the building notice was given*.

* But individual new buildings started on or after 1 December 2004 are subject to the revised Parts A and C and to the new Approved Documents.
THE BUILDING (AMENDMENT) REGULATIONS 2004: AMENDMENTS TO REGULATION 6 AND PARTS A AND C

TRANSITIONAL PROVISIONS

Approved Inspector Building Control Route

Before 1 December 2004, has an initial notice been given?

No

Building work is subject to the amendments to Regulation 6 and Parts A and C and to the new Approved Documents A and C.

Yes

Before 1 December 2004, has a plans certificate been given?

No

Before 1 December 2004, has building work started?

No

Building work is subject to the provisions and Approved Document applicable at the time the initial notice was given.

Yes

AND

Before, on or after 1 December 2004, has the plans certificate been accepted

Yes

Building work is subject to the provisions and Approved Documents applicable at the time the initial notice was given.

* But individual new buildings started on or after 1 December 2004 are subject to the revised Parts A and C and to the new Approved Documents.
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 AND THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

The First Secretary of State 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 documents listed below for the purpose of giving practical guidance with respect to the specified requirements of the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000 (in each case, as amended). These approvals take effect on 1 December 2004, as regards the first and second mentioned documents; and on 1 July 2004, as regards the third mentioned document.

<table>
<thead>
<tr>
<th>Document</th>
<th>Requirement of the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000 in respect of which the document is approved</th>
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</thead>
<tbody>
<tr>
<td>Amendments 2004 to Approved Document E: Resistance to the passage of sound</td>
<td>Regulation 20A and Schedule 1, Part E, of the Building Regulations 2000; Regulation 12A of the Building (Approved Inspectors etc.) Regulations 2000</td>
</tr>
</tbody>
</table>

Signed by authority of the First Secretary of State

Paul F Everall
an Assistant Secretary in the Office of the Deputy Prime Minister

28 June 2004