

OFFICE OF THE DEPUTY PRIME MINISTER

ODPM Circular 05/2004
Office of the Deputy Prime Minister
Portland House, Stag Place, London SW1E 5LP

29 July 2004

THE BUILDING ACT 1984 AND THE BUILDING REGULATIONS

The Building (Amendment) (No.2) Regulations 2004:

- **New Part P in Schedule 1 to the Building Regulations 2000**
- **Provisions for self-certification**
- **Related amendments to the Building Regulations 2000**

New Approved Document giving guidance on Part P
(Electrical safety)

INTRODUCTION

1. I am directed by the First Secretary of State to draw your attention to the Building (Amendment) (No. 2) Regulations 2004 (S.I. 2004/1808) which were made on 13 July 2004. The provisions will come into force on 1 January 2005, subject to the transitional provisions referred to in paragraph 14 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”);
 - explain the coming into force and transitional provisions;
 - announce the provisions for self-certification; and
 - announce the approval and publication of a new Approved Document P.
4. This Circular does not give advice on the technical requirements of Part P because these are matters covered by the Approved Document. **Annex A** to this Circular sets out in tabular form all the changes to the Building Regulations made by S.I. 2004/1808.

PART P (ELECTRICAL SAFETY) OF SCHEDULE 1 TO THE BUILDING REGULATIONS

5. S.I. 2004/1808 introduces a new Part P (Electrical safety) into Schedule 1 to the Building Regulations. Paragraph 15 below refers to the formal approval of the Approved Document with effect from 1 January 2005.

Requirements

6. Part P introduces two new requirements for electrical safety in dwellings:

P1: Reasonable provision shall be made in the design, installation, inspection and testing of electrical installations in order to protect persons from fire or injury.

P2: Sufficient information shall be provided so that persons wishing to operate, maintain or alter an electrical installation can do so with reasonable safety.

Limits on application

7. For the purposes of Building Regulations, an electrical installation is defined as fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter.
8. The requirements apply to electrical installations that are intended to operate at low or extra-low voltage in buildings or parts of buildings comprising:

- dwelling houses and flats;
- dwellings and business premises that have a common supply – for example shops and public houses with a flat above;
- common access areas in blocks of flats such as corridors and staircases (but Part P does not apply to power supplies to lifts);
- shared amenities of blocks of flats such as laundries and gymnasiums.

Part P applies also to parts of the above electrical installations:

- in or on land associated with a building – for example Part P applies to fixed lighting and pond pumps in gardens;
- in outbuildings such as sheds, detached garages and greenhouses.

Guidance

9. The Approved Document states that the requirements for design, installation, inspection, testing and certification can be met by following the rules in BS 7671: 2001, “Requirements for electrical installations” (IEE Wiring Regulations Sixteenth Edition). Appendix A of the Approved Document contains diagrams that help to illustrate the scope of Part P.
10. BS 7671 calls for electrical installation work to be inspected and tested while work is in progress and on completion, before the installation is taken into service. The person who ordered the work should be given an electrical installation certificate signed by the person or persons responsible for carrying out the design, installation, inspection and testing. Appendix B contains model BS 7671 electrical installation certificates suitable for works ranging in scope from minor works to large projects such as blocks of flats.
11. Additions or alterations must include any necessary work on the existing electrical installation to ensure it meets Part P requirements. Appendix C offers guidance on some of the types of older installation that might be encountered in alteration work.
12. Appendix D describes the new harmonised European fixed wiring colours, and offers guidance on applying the colours to new installations and when making alterations to existing installations.

Giving of building notice and deposit of full plans

13. All electrical installation work in dwellings, whether carried out professionally or on a DIY basis, must comply with the requirements of Part P. However, persons are exempt from the requirement to give a building notice or deposit full plans if they are:
 - registered under one of the Part P self-certification schemes listed in the amended Schedule 2A to the Building Regulations. In this case, the person carrying out the work is required, not more than 30 days after the completion of the work, to give to the occupier a self-certification certificate and to give to the local authority either notice to that effect or a copy of the certificate as evidence that the

requirements of Regulations 4 and 7 have been met. In practice, the certificate and notice will usually be prepared and delivered by the scheme operator on behalf of the person carrying out the work.

- carrying out “non-notifiable” work of the type listed in the new Schedule 2B to the Building Regulations (and in Table 1 of the Approved Document) that does not include the provision of a new circuit. “Non-notifiable work” includes most work on *existing* circuits, but not *additions* to existing circuits that are (a) located in kitchens or “special locations” such as bathrooms and saunas, or (b) associated with “special installations” such as garden lighting systems and solar photovoltaic power supplies. “Special locations” and “special installations” are defined in the new Schedule 2B and listed in Table 2 of the Approved Document.

TRANSITIONAL PROVISIONS

14. S.I. 2004/1808 comes into force on 1 January 2005. **Annex B** to this Circular explains the transitional provisions in relation to the new requirements and to the operation of self-certification schemes.

NEW APPROVED DOCUMENT P

15. The First Secretary of State, in exercise of his powers under section 6(1) of the Building Act 1984, has approved a new Approved Document giving practical guidance with respect to the requirements of Part P of Schedule 1 to the Building Regulations. Formal notice of this approval, which takes effect on 1 January 2005, is contained in **Annex C** to this Circular.
16. The new Approved Document was notified in draft to the European Commission in accordance with Directive 83/189/EEC (1982 O.J. L109/8) (as amended).
17. Approved Document to support Part P: Electrical safety (2004 Edition, ISBN 0-11-753917-1, £15) is published by The Stationery Office (TSO). Copies are available from TSO (Tel: 0870 600 5522, Fax: 0870 600 5533) and through booksellers. It can also be viewed on the ODPM web-site at www.odpm.gov.uk/approved-documents.

ENQUIRIES

18. Technical enquiries on Part P of the Building Regulations should be addressed to:

Ted King: Building Regulations Division, ODPM, Zone 18/A,
Portland House, Stag Place, London, SW1E 5LP
Tel: 020 7944 5734
Fax: 020 7944 9624
E-mail: energy.br@odpm.gsi.gov.uk

19. Enquiries on Part P self-certification schemes should be addressed to:

Ben Davison: Building Regulations Division, ODPM, Zone 18/B,
Portland House, Stag Place, London, SW1E 5LP
Tel: 020 7944 5723
Fax: 020 7944 9624
E-mail: bregse.br@odpm.gsi.gov.uk

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

Kathleen Morris: Building Regulations Division, ODPM, Zone 18/B,
Portland House, Stag Place, London, SW1E 5LP
Tel: 020 7944 5755
Fax: 020 7944 9624
E-mail: bregsa.br@odpm.gov.uk

PAUL F. EVERALL

Assistant Secretary in the Office of the Deputy Prime Minister

File Reference: CI/44/04/07

THE BUILDING (AMENDMENT) (NO. 2)
REGULATIONS 2004
(S.I. 2004/1808)

The following table lists all of the changes made by S.I. 2004/1808 to the Building Regulations 2000 (S.I. 2000/2531) (as amended by S.I. 2001/3335, S.I. 2002/440, S.I. 2002/2871, S.I. 2003/2692 and S.I. 2004/1464).

S.I. 2000/2531 Regulation No.	S.I. 2004/1808 Regulation No.	Action
2(1)	2(2)(a)	Interpretation: <i>Definition of “controlled service or fitting” is extended to include electrical installations</i>
2(1)	2(2)(b), (c) and (d)	Interpretation: <i>New definitions are inserted for “electrical installation”, “extra-low voltage” and “low voltage”</i>
3(1A)	2(3)	Meaning of building work: <i>Part P is added so that the limitation on the definition of building work in relation to the provision of certain Part L1 controlled services or fittings in existing dwellings does not apply to Part P</i>
6(1)(a)	2(4)	Requirements relating to material change of use: <i>Part P is added so that, when relevant, work in connection with a material change of use must comply with the technical requirements in Part P</i>
8	2(5)	Limitation on requirements: <i>Part P is added so that compliance with Part P does not require anything to be done beyond what is necessary to secure reasonable standards of health and safety</i>
9	2(6)	Exempt buildings and work: <i>A paragraph is added so that Part P applies to electrical installations in greenhouses and any small detached building</i>
12 (5), Schedule 2A, new Schedule 2B	2(7), (10) and Part 2 of the Schedule	Giving of a building notice or deposit of plans: <i>Regulation 12(5) is changed so that a person is not required to give a building notice or deposit full plans if (a) registered with one of the self-certification schemes listed in the extended Schedule 2A and intending to carry out building work applicable to that scheme, or (b) intending to carry out electrical work of the nature described in the new Schedule 2B</i>

S.I. 2000/2531 Regulation No.	S.I. 2004/1808 Regulation No.	Action
16A	2(8)	Provisions applicable to self-certification schemes: <i>Regulation 16A is changed to extend the provisions applicable to self-certification schemes to Part P schemes</i>
Schedule 1	2(9) and Part 1 of the Schedule	Requirements: <i>A new Part P (Electrical safety) is inserted into Schedule 1 to the Regulations</i>
Schedule 2A	2(10)	Exemptions from requirement to give building notice or deposit full plans: <i>Schedule 2A is extended to include five Part P competent person self-certification schemes, so that persons registered with the schemes will be able to self-certify compliance with the Building Regulations when carrying out work on fixed low or extra-low voltage electrical installations in dwellings</i>
New Schedule 2B	2(11)	Descriptions of work where no building notice or deposit of full plans required: <i>Schedule 2B lists the types of electrical work that do not require the giving of a building notice or deposit of full plans. New definitions of “special location” and “special installation” are added.</i>

TRANSITIONAL PROVISIONS

The Building (Amendment) (No.2) Regulations 2004

B.1 Regulation 3 of the Building (Amendment) (No. 2) Regulations 2004 contains transitional provisions. Regulation 3 provides that the amendments to the Building Regulations made by Regulations 2(2) to (6) and (9) **will not apply in relation to building work which has already started before the 1 January 2005**, 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 or an amendment notice given to the local authority.

There are supplementary provisions in Regulation 3 relating to cases where an initial notice given before 1 January 2005 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 January 2005 so that it is not subject to the amended Regulations, work added to the scope of the initial notice by an amendment notice given on or after 1 January 2005 is subject to the amended Regulations.

B.2 Regulation 3(3) and 3(4) provide that the amendments to the Building Regulations made by Regulations 2(2) to (6) and (9) **will not apply in relation to building work begun before or after 1 January 2005** 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 January 2005, if Regulation 3(3) in the transitional provisions is to apply. For example, if there are outstanding conditions relating to compliance of a roof structure with Part A, 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 building will be subject to Part P. 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 January 2005 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 January 2005 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 January 2005 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 January 2005 in accordance with a commencement notice given under Regulation 15(1) of the Building Regulations, the work will be subject to Part P.

- B.4 Where the work covered by a building notice, deposited plans or an initial notice consists of or includes the erection of more than one new building (e.g. an estate of houses), 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 Part P if the erection of *that building* has not started before 1 January 2005. Thus if a project consists of the erection of 10 houses and work has begun on one house before 1 January 2005, the other nine houses *will be subject to Part P*, 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:
- 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 January 2005, 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 January 2005 should be based on Part P.

B.8 Where a building notice has been given before 1 January 2005, but work has not begun before that date in accordance with a commencement notice, local authorities' decisions on the work should be based on Part P.

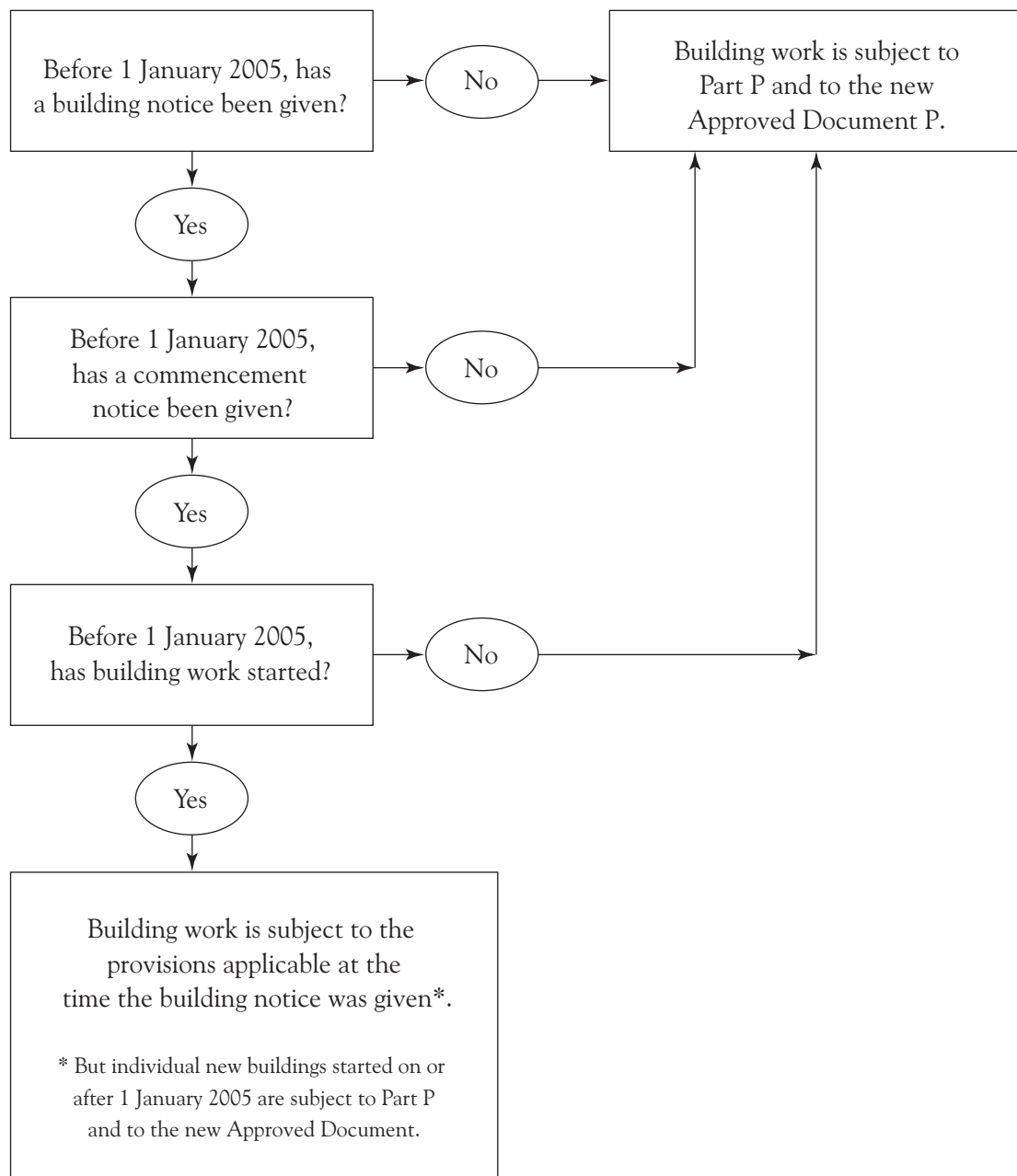
B.9 Where an initial notice has been given before 1 January 2005, but work has not begun before that date, and no plans certificate has been given before that date, approved inspectors' decisions taken after 1 January 2005 on any plans certificate and on the work itself should be based on Part P.

B.10 The amendments made to Regulation 16A of the Building Regulations ("Provisions applicable to self certification schemes") by Regulation 2(8) of the Amendment Regulations will not apply where:

- (a) in relation to building work of a description within the first 3 heads of column 1 of Schedule 2A (installation of a heat-producing gas appliance, of an oil-fired combustion appliance or oil storage tanks and pipes, or of a solid fuel burning combustion appliance), the contract for the provision of building work was entered into before 1st April 2005 and the work was completed before 1st July 2005; and
- (b) in relation to building work of a description added to Schedule 2A by Regulation 2(10) (installation of fixed low or extra-low voltage electrical installations in dwellings), where the contract for the provision of building work was entered into before 1st January 2005 and the work was completed before 1st April 2005.

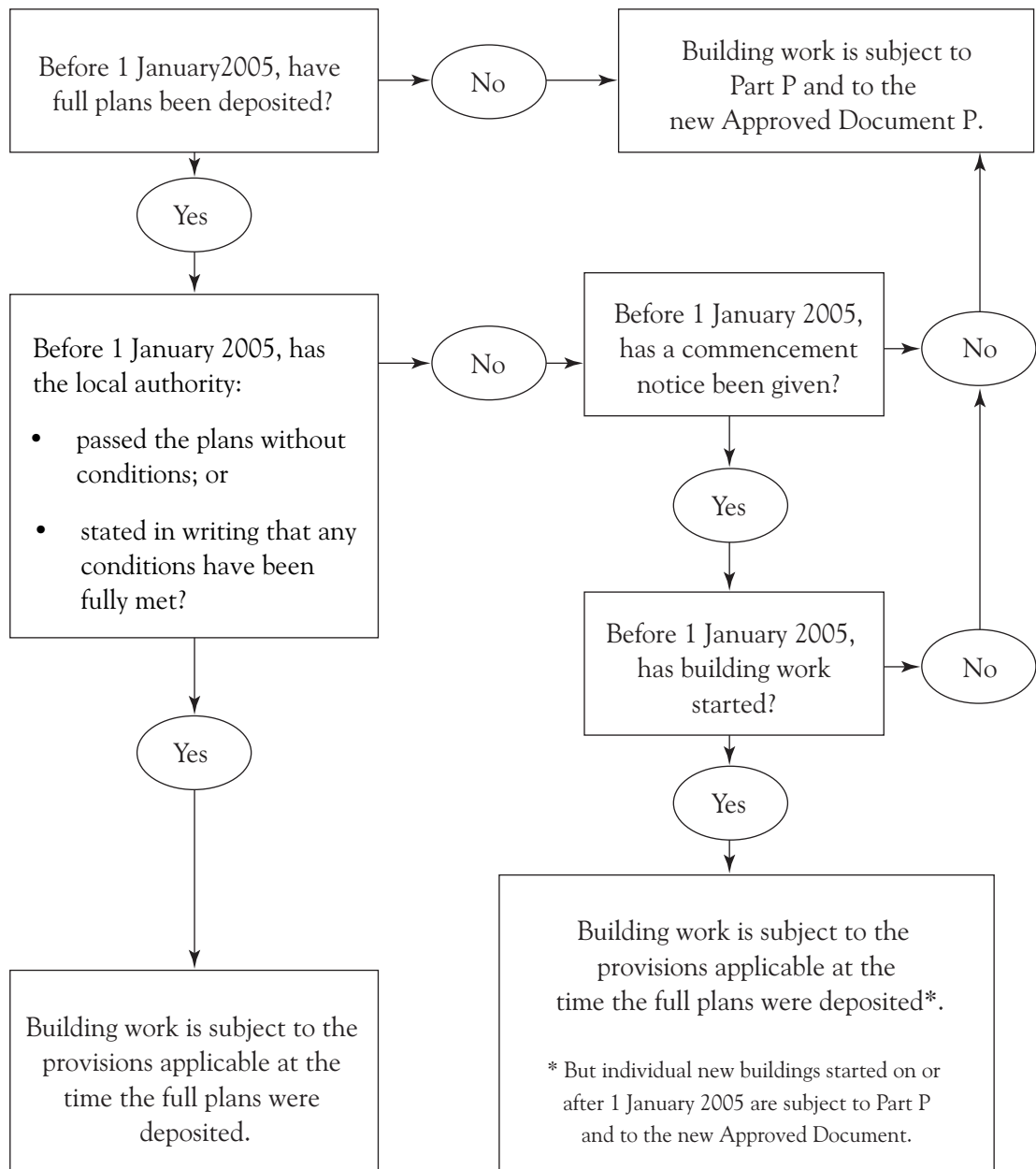
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REGULATIONS 2004:
PART P:
TRANSITIONAL PROVISIONS

Local Authority Building Control – Building Notice Route



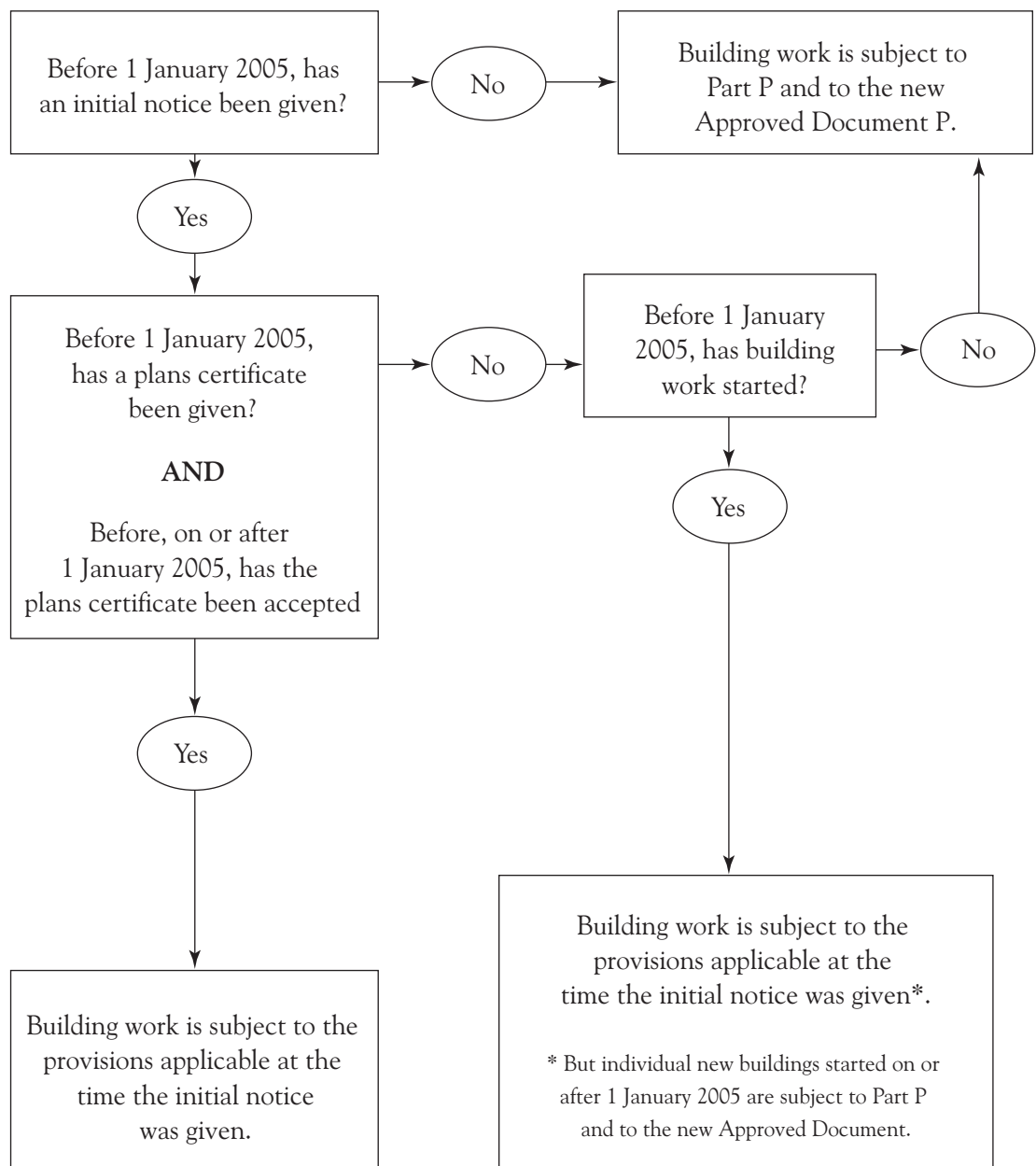
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Local Authority Building Control – Full Plans Route



THE BUILDING (AMENDMENT) (NO. 2)
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Approved Inspector Building Control Route



BUILDING ACT 1984

NOTICE OF APPROVAL OF A DOCUMENT FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING 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 document listed below for the purpose of giving practical guidance with respect to the specified requirements of the Building Regulations 2000 (as amended). This approval takes effect on 1 January 2005.

Document	Requirement of the Building Regulations 2000 in respect of which the document is approved
Approved Document P: Electrical safety	Schedule 1 Part P of the Building Regulations 2000

Signed by authority of the
First Secretary of State

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

29 July 2004

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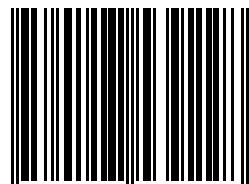
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