

*Circular 05/2006*

*Department for Communities and Local Government  
Eland House, Bressenden Place, London SW1E 5DU*

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18 December 2006

## THE BUILDING ACT 1984

## THE BUILDING REGULATIONS AND THE BUILDING (APPROVED INSPECTORS ETC) REGULATIONS 2000

- **AMENDMENTS TO PART B IN SCHEDULE 1 TO THE BUILDING REGULATIONS**
- **NEW REQUIREMENT FOR THE PROVISION OF FIRE SAFETY INFORMATION**
- **FURTHER PROVISIONS FOR SELF-CERTIFICATION**

### New Approved Documents to support

- **PART B (FIRE SAFETY)**

## **INTRODUCTION**

1. I am directed by the Secretary of State to draw your attention to the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006 (S.I. 2006/3318) which were made on 13 December 2006. Some provisions will come into force on 15 January 2007 and others on 6 April 2007 as set out in the first regulation, subject to the transitional provisions referred to in Annex E.
2. In accordance with section 14(3) of the Building Act 1984, these 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 amendments and explain the changes they make to the Building Regulations 2000 (the “Building Regulations”) and the Building (Approved Inspectors etc.) Regulations 2000 (the “AI Regulations”);
  - explain the transitional provisions;
  - announce the approval and publication of two new Approved Documents; and
  - announce further provisions for self-certification.
4. This Circular does not give technical advice on the technical requirements of Part B because these matters are covered in Approved Documents B – *Volume 1: Dwellinghouses* and *Volume 2: Buildings other than Dwellinghouses*.
5. Annexes A and B to this Circular set out in tabular form all the changes made to the Building Regulations and AI Regulations made by S.I. 2006/3318.

## **AMENDMENTS RELATING TO PART B OF SCHEDULE 1 TO THE BUILDING REGULATIONS 2000**

6. The Amendment Regulations introduce a revised requirement B3(3) (Internal fire spread (structure)) into Schedule 1 of the Building Regulations and revoke the current requirement B3(3). Annex C to this circular refers to the changes in revised Part B and to the two new Approved Documents in support of Part B. The Amendment Regulations also introduce a new requirement for the provision of fire safety information (regulation 16B) and amend regulation 17(3) to make this a “relevant requirement”, so that local authorities must consider whether it has been complied with when deciding whether to give a completion certificate.

## **AMENDMENTS RELATING TO SCHEDULE 2A TO THE BUILDING REGULATIONS 2000**

7. The Amendment Regulations list further circumstances where it is not necessary to give a building notice or full plans. They also amend the restrictions on self-certification schemes in relation to types of work concerning the installation of heating and hot water service systems in buildings. Annex D to this Circular refers to the changes in Schedule 2A.

## **AMENDMENTS OF THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000**

8. The Amendment Regulations make an amendment to the AI Regulations consequent to the introduction of regulation 16B into the Building Regulations, and correct a drafting error in the list of regulations to which section 35 of the Building Act 1984 as amended does not apply. Section 35 provides that a person who contravenes any provision of the building regulations is liable to pay a fine if convicted of the offence, unless regulations specify that section 35 does not apply to the provision concerned.
9. The Amendment Regulations also rectify an unintended consequence of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) which brought the common parts of blocks of flats within the definition of “relevant use” and thereby reduced the time limit between occupation of blocks of flats and the expiry of an initial notice from 8 weeks to 4 weeks. This amendment restores the 8 week time limit for buildings which comprise solely blocks of flats and their common parts.

### **TRANSITIONAL PROVISIONS**

10. Annex E to this Circular explains the transitional provisions set out in S.I. 2006/3318).

### **NEW APPROVED DOCUMENTS**

11. The Secretary of State, in exercise of her powers under section 6(1) of the Building Act 1984, has approved two new Approved Documents containing practical guidance with respect to the requirements of Part B of Schedule 1 to, and regulation 16B of, the Building Regulations 2000. Formal notice of these approvals, which take effect on 6 April 2007, is contained in Annex F to this Circular.
12. The new Approved Documents were notified in draft to the European Commission in accordance with Directive 98/34/EC (United Kingdom Notification) as amended by Directive 98/48/EC.
13. The Secretary of State does not, for the time being, propose to withdraw the previous edition of Approved Document B in so far as it applies to building work which, in accordance with the transitional provisions contained in the Amendment Regulations, will continue to be subject to the current Building Regulations.
14. The new Approved Documents are:
  - Approved Document B (Fire safety) – Volume 1: Dwellinghouses (2006 Edition, ISBN: 978 1 85946 261 4, £12.50)
  - Approved Document B (Fire safety) – Volume 2: Buildings other than dwellinghouses (2006 Edition, ISBN: 978 1 85946 262 1, £17.50)

15. Copies of the new Approved Documents B are available from:

RIBA Bookshops, 15 Bonhill Street, London EC2P 2EA  
Tel: 020 7256 7222  
Fax: 020 7374 2737  
E-mail: [sales@ribabookshops.com](mailto:sales@ribabookshops.com)  
Online: [www.ribabookshops.com](http://www.ribabookshops.com)

16. The Approved Documents can also be downloaded via the Department's website at:  
[www.communities.gov.uk/buildingregs](http://www.communities.gov.uk/buildingregs)

## **ENQUIRIES**

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

Communities and Local Government  
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Signed

**Mark Coulshed**

Assistant Secretary in Communities and Local Government

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# ANNEX A

## The Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006 (S.I. 2006/3318)

The following table lists all the changes made by S.I. 2006/3318 to the building Regulations 2000 (S.I. 2000/2531)

<i>S.I. 2000/2531 Regulation No</i>	<i>S.I. 2006/3318 Regulation No.</i>	<i>Action</i>
16B	2(2)	New requirement for the provision of fire safety information and the circumstances in which it must be given.
17	2(3)	Completion certificates. Adds compliance with regulations 16B (provision of fire safety information) and 17C (maximum CO2 emission rates for new buildings) to those requirements which a local authority must consider before issuing a completion certificate.
Schedule 1	2(4)	Requirements: an amended paragraph B3(3) in Schedule 1.
Schedule 2A	2(5)	Descriptions of work where no building notice or full plans required. Adds to the list of prescribed bodies which can register persons who may self-certify work without the need to notify a building control body in advance; changes the name of one prescribed body; and amends the extent of the type of work in paragraphs 5 and 6 of Schedule 2A.
	4	Transitional provisions

## ANNEX B

### The Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006 (SI 2006/3318)

The following table lists all the changes made by S.I. 2006/3318 to the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532)

<i>S.I. 2000/2532 Regulation No.</i>	<i>S.I. 2006/3318 Regulation No.</i>	<i>Action</i>
11(1)	3(2)	Functions of approved inspectors. Adds Regulation 16B to the list of regulations in the Building Regulations, compliance with which an approved inspector must be satisfied.
18 (2)	3(3)	Events causing initial notice to cease to be in force. Amends the time limits in certain circumstances in relation to when an initial notice ceases to be in force
31	3(4)	Contravention of certain regulations not to be an offence. Corrects a drafting mistake and adds to the current list of regulations where contravention will not be an offence.

# ANNEX C

## Part B: Fire Safety and Fire Safety Information

C.1 Part B of Schedule 1 to the Building Regulations has been amended to introduce a revised requirement B3(3) (Internal fire spread (structure)) in place of the current requirement B3(3). The Amendment Regulations also introduce a new procedural requirement for the provision of fire safety information (regulation 16B) and amend regulation 17(3) to make this a “relevant requirement” for the purposes of issuing a completion certificate.

### **CHANGES TO THE REQUIREMENTS**

C.2 Requirement B3(3) has been amended so as to give explicit recognition to the use of suitable automatic fire suppression systems. The intention behind this is that where reasonably necessary to inhibit the spread of fire within the building, taking into account the size and intended use of the building, a building may be:

- either sub-divided with fire-resisting construction; or
- fitted with a suitable automatic fire suppression system (e.g. a sprinkler system fitted in accordance with BS 9251); or
- both sub-divided with fire-resisting construction and fitted with a suitable automatic fire suppression system; or
- neither sub-divided with fire-resisting construction nor fitted with a suitable automatic fire suppression system.

### **NEW REGULATION RELATING TO THE PROVISION OF FIRE SAFETY INFORMATION**

C.3 A new regulation 16B is introduced requiring the provision of fire safety information in prescribed circumstances, and regulation 17(3) is amended so as to make this requirement a “relevant requirement” for the purposes of the giving of a completion certificate.

C.4 Regulation 16B applies to the erection or extension of a “relevant building” which is defined as one to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work. This includes therefore both non-domestic buildings and the common parts of blocks of flats. It also applies to a relevant change of use of a building. In all cases, the term “building” covers both to the whole or part of a building, in accordance with the definition of “building” in regulation 2(1) of the Building Regulations.

C.5 The information provided should be that relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension, which will assist the responsible person to

operate and maintain the building or extension with reasonable safety. Guidance on what information may be appropriate is set out in Approved Document B Volume 2. Further information on procedures will be incorporated into a revised version of the Procedural Guide.

## **THE NEW APPROVED DOCUMENTS**

- C.6 Two new Approved Documents are introduced to support Part B in response to stakeholder requests for sector specific Approved Documents. Approved Document B has therefore been split into *Approved Document B – Volume 1: Dwellinghouses* and *Approved Document B – Volume 2: Buildings other than Dwellinghouses*. “Dwelling-houses” are defined in regulation 2(1) of the Building Regulations as dwellings which do not include a flat or a building containing a flat.
- C.7 Separating out the guidance in respect of dwellinghouses is intended to make it easier for small builders who primarily deal with domestic work (e.g. extensions and loft conversions). Flats are often contained in complex buildings, which make increasing use of fire engineering and are frequently combined with a non-domestic usage within a single building. Therefore it seems appropriate for the guidance on flats to be incorporated with the guidance on non-domestic buildings. It also brings together all the buildings which are covered by the Regulatory Reform (Fire Safety) Order within one document.
- C.8 A summary of the main changes to the guidance contained in both of the Approved Documents can be found inside their front covers.

## **NEW APPROVED DOCUMENT B VOLUME 1: DWELLINGHOUSES**

- C.9 Key changes include new guidance on third party certification and accreditation schemes; recognition of the use of residential sprinkler systems in accordance with BS 9251:2005; and reference to the code of practice for fire safety in adult placements. The guidance on smoke alarms has been amended such that alarms should be installed in accordance with BS 5839-6:2004; and the guidance on roof coverings incorporates the new European system of classification set out in BS EN 13501-5:2005.
- C.10 The guidance on means of escape has been restructured to make it easier to use, with new guidance on the provision of galleries and inner inner rooms, removal of the alternative approach for loft conversions to two storey houses and guidance on the use of air circulation systems in houses with protected stairways.
- C.11 A number of clarifications of existing guidance have also been made including in relation to the use of locks and child resistant safety stays on escape windows; the provision of smoke alarms in extensions; the application of requirement B1 to replacement windows; and the use of window and door frames as cavity barriers. Guidance on the junction between compartment walls and roofs has been clarified and expanded. It has also been made clear that there should be access for a fire appliance to within 45m of all points within a dwellinghouse (i.e. all points on the plan area or footprint).

- C.12 A number of design flexibilities have also been incorporated, such as the option of providing sprinkler protection instead of alternative escape routes for dwellinghouses with a floor more than 7.5m above ground level; and the provision of a sloping floor as an alternative to the 100mm step between dwellinghouses and integral garages.
- C.13 A further change is the amendment of guidance on the provision of self-closing devices within individual dwellinghouses such that, with the exception of doors between a dwellinghouse and an integral garage, fire doors need not be provided with self-closing devices. This does not apply to doors within a house designated as a “House in Multiple Occupation” where such devices may still need to be provided between the private areas (i.e. bedrooms) and the common parts (i.e. living room, kitchen etc.).

## **NEW APPROVED DOCUMENT B VOLUME 2: BUILDINGS OTHER THAN DWELLINGHOUSES**

- C.14 Key changes include new guidance on third party certification and accreditation schemes; recognition of the use of residential sprinkler systems in accordance with BS 9251:2005; and reference to the code of practice for fire safety in adult placements. The guidance on smoke alarms has been amended such that alarms should be installed in accordance with BS 5839-6:2004; guidance on the specification and installation of fire dampers has been provided; and the guidance on roof coverings incorporates the new European system of classification set out in BS EN 13501-5:2005. HTM 05 “Firecode” should be used for the design of hospitals and similar health care premises and BB100 should be used for the design of schools (see also Annex E, para E.5). Guidance applicable to small premises, previously referenced in BS 5588-11, has been incorporated into the text.
- C.15 There is new guidance on the need to ensure that management regimes, which are relevant to the building design, are realistic; together with a new appendix to give guidance on the type of information that will need to be provided to the relevant person in order to comply with the requirements of new regulation 16B to assist them in meeting their statutory duties under the Regulatory Reform (Fire Safety) Order.
- C.16 New guidance has also been provided on the provision of galleries and inner inner rooms in flats; and on the means of escape for disabled people; and the means of escape in buildings with open spatial planning. A method has been provided for calculating acceptable final exit widths for merging escape routes at ground floor level and a maximum compartment size has been introduced for unsprinklered single-storey warehouse buildings. New guidance has been given on the provision of sprinkler systems in blocks of flats exceeding 30m in height; the provision of private hydrants and the need to accommodate in the design of compartment walls the predicted deflection of a floor in the event of a fire. In tall buildings with phased evacuation, consideration should be given to the interaction of firefighters with people attempting to evacuate the building, for example by discounting a stair.
- C.17 An important change is the amendment of guidance on the provision of self-closing devices within individual flats such that, with the exception of doors between a flat and the common parts, fire doors need not be provided with self-closing devices. This does not apply to fire doors within a flat designated as being in “Multiple Occupation” where

such devices may still need to be provided between the private areas (i.e. bedrooms) and the common parts (i.e. living room, kitchen etc.). Nor does this apply to fire doors in the common parts of blocks of flats or to fire doors in non-domestic premises.

- C.18 The provisions for smoke control in the common areas of flats have been changed, together with more detailed guidance on the protection of ventilation systems. The provision for a firefighting shaft in buildings over 7.5m but less than 18m has been removed from Purpose Group 7a (Storage) and introduced into Purpose Group 5 (Assembly and Recreation). The guidance has also been amended such that for unsprinklered buildings over 18m no point should be more than 60m from a fire main in a firefighting shaft or 45m from a fire main in a protected stair, subject to a minimum of two firefighting shafts being provided in buildings with a floor area of 900m<sup>2</sup> or more. There have also been changes to the guidance on the fire resistance levels required for different types of car park and on the method of measuring occupant capacity and door width.
- C.19 A number of clarifications of existing guidance have also been made including in relation to the use of locks and child resistant safety stays on escape windows; the application of requirement B1 to replacement windows; the use of window and door frames as cavity barriers; and the need to sub-divide extensive cavities in floor voids. Guidance on the provision of cavity barriers associated with subdivided corridors has been moved to section 3 and clarified with former Table 13 being converted to text; and guidance on the junction between compartment walls and roofs has been clarified and expanded. It has also been made clear that space separation should be considered where more than one building is on the same site but operated by different 'organisations'; and that there should be access for a fire appliance to within 45m of all points within a dwellinghouse (i.e. all points on the plan area or footprint), or else a suitable fire main should be provided.
- C.20 A number of design flexibilities have also been incorporated such as additional options of providing sprinkler protection and/or a protected stairway instead of alternative escape routes for multi-storey flats; and new guidance on the design of residential care homes has been given including the use of sprinklers and/or free swing door closing devices.

## ANNEX D

### Schedule 2A – Competent Person Self-Certification Schemes

- D.1. Schedule 2A to the Building Regulations sets out types of work where there is no requirement to submit a building notice or full plans to a local authority in respect of the type of work where the person carrying out the work is specified in column 2 of the Schedule. The person carrying out the work must then self-certify it as satisfying regulations 4 and 7 of the Building Regulations.
- D.2. Changes have been made as follows:
- (a) A number of new schemes have been prescribed in column 2, principally in the plumbing, heating, ventilation and air-conditioning sectors;
  - (b) Paragraphs 5 and 6 of the Schedule are amended to make clear that these types of work do not include the installation of combustion appliances or their associated controls (there are other schemes under which this type of work can be self-certified);
  - (c) Throughout the Schedule the name “NAPIT Certification Limited” is changed to “NAPIT Registration Limited” following a change of the registered company name.

# ANNEX E

## Transitional Provisions

### **THE BUILDING AND APPROVED INSPECTORS (AMENDMENT) (NO.2) REGULATIONS 2006**

E.1 The transitional provisions in regulation 4 set out the circumstances where building work within the scope of the Amendment Regulations can continue as if these Regulations had not been made.

E.2 Work will not be subject to any of the amendments made to the Building Regulations and AI Regulations in respect of new regulation 16B, new paragraph B3(3) in Part B of Schedule 1, and regulation 17C if, before 6 April 2007:

- a building notice has been given to the local authority; or
- full plans have been deposited with the local authority (whether or not those plans have been approved); or
- an initial notice, a public body's notice or an amendment notice has been given to the local authority: and

in each case, building work is carried out before or after that date in accordance with any such notice or plans, whether with or without departure from those plans.

E.3 Where an initial notice given before 6 April 2007 is subject to a variation by way of an amendment notice on or after 6 April 2007:

- The amended Building and AI Regulations in respect of new Regulation 16B, new paragraph B3(3) in Part B of Schedule 1, and regulation 17C **will not** apply to the work that could have been carried out under the initial notice had the amendment notice not been made;

but

- The amended Building and AI Regulations in respect of new Regulation 16B, new paragraph B3(3) in Part B of Schedule 1, and regulation 17C **will** apply to the work added to the scope of the initial notice by the amendment notice.

E.4 Work will not be subject to the amendments made to Schedule 2A to the Building Regulations in respect of the restrictions on self-certification schemes relating to the installation of heating and hot water service systems in buildings, if before 15 January 2007 building work has commenced:

- in accordance with a building notice given to the local authority; or
- in accordance with full plans deposited with the local authority; or

- in accordance with an initial notice, a public body's notice or an amendment notice given to the local authority; or
- which does not require a building notice or full plans to be given to the local authority because it is work that falls within the provisions of Schedule 2A (self-certification schemes and exemptions) or Schedule 2B (work where no building notice or deposit of full plans is required) to the Building Regulations.

## **APPROVED DOCUMENT B**

- E.5 Approved Documents B *Volume 1: Dwellinghouses* and *Volume 2: Buildings other than dwellinghouses* will also come into force on 6 April 2007. The same transitional arrangements as set out in E.2 and E.3 above will apply.
- E.6 However, Approved Document B Volume 2 refers to Building Bulletin 100 (BB 100) with respect to guidance in schools. DfES are currently in the process of revising the draft of BB 100 and intend to publish the final version in early 2007. If BB 100 is not published by 6 April 2007, the relevant provisions of the 2000 edition of Approved Document B (incorporating the 2002 European amendments) will continue to have effect with respect to schools until such time as BB 100 is available. These include B1.xxiii, 4.5, 5.5, Table 3 and Table 5.

# ANNEX F

## Building Act 1984

<b>NOTICE OF APPROVAL OF A DOCUMENT FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000</b>	
The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in exercise of the powers under the said section 6, she has approved the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2000 (as amended). This approval takes effect on 6 April 2007.	
<b>Document</b>	<b>Requirement of the Building Regulations 2000 in respect of which the document is approved</b>
Approved Document B (Fire safety) – Volume 1: Dwellinghouses	Schedule 1 Part B
Approved Document B (Fire safety) – Volume 2: Buildings other than dwellinghouses	Schedule 1 Part B
Signed by authority of the Secretary of State	<b>Mark Coulshed</b> an Assistant Secretary in the Department for Communities and Local Government 18 December 2006



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