

MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Housing Communities and Local Government Circular 02/2018
Ministry of Housing, Communities and Local Government
Fry Building, London SW1P 4DF

29 November 2018

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

APPROVED DOCUMENT B, VOLUME 2

APPROVED DOCUMENT 7

- **INTRODUCES NEW REQUIREMENTS FOR COMPLIANCE WITH REGULATION 7 OF THE BUILDING REGULATIONS 2010**
- **INTRODUCES ADDITIONAL CATEGORY OF MATERIAL CHANGE OF USE IN REGULATION 5 OF THE BUILDING REGULATIONS 2010 AND REQUIREMENTS IN RESPECT OF THIS CATEGORY IN REGULATION 6**
- **AMENDS APPROVED DOCUMENT B, VOLUME 2 AND APPROVED DOCUMENT 7**

INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the Building (Amendment) Regulations 2018 (S.I. 2018/1230) (“the Amendment Regulations”) which were made on 28 November 2018 and will come into force on 21 December 2018, subject to the transitional provisions referred to 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 for England and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
 - announce the introduction of further requirements in regulation 7 (Materials and workmanship) of the Building Regulations 2010 in respect of certain buildings;
 - announce the introduction of an additional category of material change of use in regulation 5 (Meaning of material change of use) of the Building Regulations 2010 and requirements in respect of such a material change of use in regulation 6 (Requirements relating to material change of use) of the 2010 Regulations;
 - announce the introduction of new definitions of “external wall” and “specified attachment” in Regulation 2 (interpretation) of the Building Regulations 2010;
 - draw attention to the amendments made to Approved Document B (Fire Safety), volume 2 – Buildings other than dwelling houses and to Approved Document 7 – Materials and workmanship; and
 - draw attention to the transitional provisions for the above changes.
4. This Circular does not give advice on the technical requirements in the Building Regulations 2010 as these are matters covered by Approved Documents.
5. Annex A to this Circular sets out in tabular form the changes to the Building Regulations 2010 made by SI 2018/1230.

APPLICATION OF THE REGULATIONS

6. All the changes made to the Building Regulations and the Approved Documents apply only to buildings and building work in England.

AMENDMENTS TO REGULATION 7 OF THE BUILDING REGULATIONS 2010 – MATERIALS AND WORKMANSHIP

7. Regulation 7 requires that materials used in building work are appropriate for the circumstances in which they are used. Amended regulation 7(2) sets requirements in respect of external walls and specified attachments.

8. Amended regulation 7(2) applies to any building with a storey at least 18m above ground level and which contains one or more dwellings; an institution; or a room for residential purposes (excluding any room in a hostel, hotel or a boarding house). This includes student accommodation, care homes, sheltered housing, hospitals and dormitories in boarding schools.
9. The requirement in amended regulation 7(2) is limited to materials achieving European Class A2-s1, d0 or Class A1 when classified in accordance with BS EN 13501-1:2007+A1:2009. Materials achieving limited combustibility cannot be deemed to meet the requirement using an alternative classification method.
10. Amended regulation 7(3) provides an exemption for certain components found in external walls and specified attachments.

AMENDMENTS TO REGULATIONS 5 AND 6 OF THE BUILDING REGULATIONS 2010 – MATERIAL CHANGE OF USE

11. Amended regulations 5 and 6 provide that, where the use of a building is changed such that the building becomes a building described in regulation 7(4), the construction of the external wall, and specified attachments, must be investigated and, where necessary, work must be carried out to ensure they only contain materials achieving European Class A2-s1, d0 or Class A1.

NEW DEFINITIONS IN REGULATION 2 OF THE BUILDING REGULATIONS 2010

12. Definitions of external walls and specified attachments have been added to the definitions in regulation 2 and these definitions include any parts of the external wall as well as certain attachments to the external wall (balconies, solar panels and sun shading).

TRANSITIONAL ARRANGEMENTS

13. The amendments do not apply in any case where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before the day these Regulations come into force and either the building work to which it relates—
 - (a) has started before that day; or
 - (b) is started within the period of two months beginning on that day.

APPROVED DOCUMENTS

14. Approved Document B (Fire safety) volume 2: Buildings other than dwellinghouses (2006 edition incorporating 2010 and 2013 amendments) and Approved Document 7 have been amended to give statutory guidance on the changes made to the Building Regulations 2010 by the Amendment Regulations.
15. Annexes B and C to this Circular give the Notice of Approval for the amended Approved Documents and the Notice of Withdrawal of Approval of previous editions of the amended Approved Documents, subject to the transitional provisions.

16. Copies of the amended Approved Documents are available from:

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

RIBA

<https://www.ribabookshops.com/>

ENQUIRIES

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

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 0000

E-mail: enquiries.br@communities.gov.uk

Signed:

R J Ledsome

An Assistant Secretary in the Department for Communities and Local Government

ANNEX A

The Building (Amendment) Regulations 2018 (S.I. 2018/1230)

The following table lists all the changes made by S.I. 2018/1230 to the Building Regulations 2010:

S.I. 2010/2214 Regulation No.	S.I. 2018/1230 Regulation No.	Action
2(6)	2(2)	Interpretation. New definitions of "external wall" and "specified attachment".
4(2)	2(3)	Requirements relating to building work. Clarifies that the work must also comply with regulation 7.
5	2(4)	Meaning of material change of use. Adds new category of material change of use.
6	2(5)	Requirements relating to material change of use. Adds requirements where a material change of use happens under regulation 5(k).
7	2(6)	Materials and workmanship. Renumbers regulation 7 as 7(1).
7	2(7)	Materials and workmanship. Adds requirements relating to the materials which become part of an external wall or specified attachment.
7	2(7)	Materials and workmanship. Exempts certain materials from requirement 7(2).
7	2(7)	Materials and workmanship. Specifies the buildings to which requirement 7(2) applies.

ANNEX B

Building Act 1984

NOTICE OF APPROVAL OF REVISION OF DOCUMENTS GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010	
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of said powers under section 6, he has approved revisions to the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.</p> <p>The approval takes effect on 21 December 2018 except in respect of work already commenced before that date or in respect of work for which a building notice or initial notice has been given or full plans deposited before that date and provided work commences within two months of that date.</p>	
Document	Requirements of the Building Regulations 2010 in respect of which the document is approved
Approved Document B (Fire safety) volume 2: Buildings other than dwellinghouses (2006 edition incorporating 2010, 2013 and 2018 amendments)	Part B, Schedule 1; and Regulations 5, 6 and 7
Approved Document 7 (2013 edition incorporating 2018 amendments)	Regulation 7
Signed by authority of the Secretary of State	R J Ledsoe An Assistant Secretary in the Ministry of Housing, Communities and Local Government 27 December 2018

ANNEX C

Building Act 1984

NOTICE OF WITHDRAWAL OF APPROVAL OF DOCUMENTS GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010	
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of the powers under section 6(5), he has withdrawn approval of the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.</p> <p>The withdrawal of approval takes effect on 21 December 2018 except in respect of work already commenced before that date or in respect of work for which a building notice or initial notice has been given or full plans deposited before that date and provided work commences within two months of that date.</p>	
Document	
<p>Approved Document B (Fire safety) volume 2: Buildings other than dwellinghouses (2006 edition incorporating 2010 and 2013 amendments)</p> <p>Approved Document 7 (2013 edition)</p>	
Signed by authority of the Secretary of State	<p>R J Ledsome</p> <p>An Assistant Secretary in the Ministry of Housing, Communities and Local Government</p> <p>27 December 2018</p>

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