

5 December 2007

THE BUILDING ACT 1984

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

- **Amended Part L in Schedule 1 to the Building Regulations 2000**
- **Amended provisions on commissioning**
- **Further and amended provisions for self certification**
- **Amended provisions on work where notification to a building control body is not needed**

INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the Building and Approved Inspectors (Amendment) Regulations 2007 (S.I. 2007/3384) which were made on 28 December 2007. The provisions will come into force in part on 2 January and in part on 6 April 2008, subject to the transitional provisions referred to in Annex C.
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 amendments and explain the changes they make to the Building Regulations 2000 (S.I. 2000/2531) (“the Building Regulations”) and to the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532) (“the AI Regulations”);
 - explain the transitional provisions.
4. This Circular does not give advice on the technical requirements of the Building Regulations as these are matters which are covered in the Approved Documents.
5. Annexes A and B to this circular set out in tabular form all the changes made to the Building Regulations and AI Regulations by SI 2007/3384.

AMENDMENTS RELATING TO PART L OF SCHEDULE 1 TO AND REGULATION 20C OF THE BUILDING REGULATIONS 2000

6. Part L1(b) of Schedule 1 has been amended to clearly identify the three separate components of new and altered fixed building services required for the conservation of fuel and power in buildings, and to clarify the requirement on their commissioning.
7. The amendment to regulation 20C restricts the requirement to notify the local authority that new or altered fixed building services have been tested and adjusted in accordance with an approved procedure to circumstances where such commissioning is possible and would affect the energy efficiency of the fixed building service.

AMENDMENTS RELATING TO SCHEDULE 2A TO THE BUILDING REGULATIONS 2000

8. The Amendment Regulations amend the registration category for oil-fired combustion appliance installers in paragraph 3, column 2 of Schedule 2A (self-certification schemes), for purposes of consistency, from “individual” to “person”. They also add two new schemes to that registration category.
9. The Amendment Regulations also increase the maximum heat output (from 50 kilowatts to 100 kilowatts) of a solid fuel burning combustion appliance in column 1 of paragraph 4 of Schedule 2A which can be installed under a self-certification scheme.

AMENDMENTS RELATING TO SCHEDULE 2B TO THE BUILDING REGULATIONS 2000

10. In Schedule 2B, paragraphs 1(f) and (g) have been replaced to clarify and extend the categories of work where notification to a local authority is not necessary. However, the amendment makes it clear that work will remain notifiable where commissioning of the listed services is possible and would effect their energy efficiency.

11. The Amendment Regulations also add a new paragraph 1(j) to Schedule 2B setting out further categories of plumbing work where notification to a local authority is not necessary, with the proviso that the work will remain notifiable if it involves work on underground drainage, or work on hot or cold water systems or above ground drainage where such work could prejudice health and safety.
12. A new definition of “self-contained” in respect of fixed building services is added to paragraph 4 of Schedule 2B.

AMENDMENT OF THE BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

13. The current regulations amend regulation 12C(1) so that the requirement is the same as in regulation 20C in the Building Regulations.
14. Regulation 12C(3) is amended to specify the latest dates on which notices of commissioning can be given to an approved inspector.

APPROVED DOCUMENTS

15. The amendments made by S.I. 2007/3384 will require amendments to Approved Documents G, H, J , L1A, L1B, L2A and L2B. The amendments to Approved Documents L1A, L1B, L2A and L2B will be subject to consultation with interested stakeholders for a minimum 12 week period. A separate circular will announce the approval by the Secretary of State of the amended documents and their issue.

TRANSITIONAL PROVISIONS

Annex C to this circular explains the transitional provisions set out in SI 2007/3384.

ENQUIRIES

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

Communities and Local Government
Sustainable Buildings Division
Eland House,
Bressenden Place,
London,
SW1E 5DU.
Tel: 020 7944 4400
Fax: 020 7944 5719
E-mail: enquiries.br@communities.gsi.gov.uk

Shona Dunn

Assistant Secretary in the Department for Communities and Local Government
File Reference: CI/43/1/21

ANNEX A

The Building and Approved Inspectors (Amendment) Regulations 2007 (S.I.2007/3384)

The following table lists all of the changes made by SI 2007/3384 to the Building Regulations 2000 (SI 2000/2531)

S.I. 2000/2531 Regulation No.	S.I.2007/3384 Regulation No.	Action
20C	2(2)	Amends paragraph (1) to restrict the need to give a local authority a notice that commissioning of a fixed building service has been carried out to circumstances where commissioning is possible and would affect the energy efficiency of the fixed building service.
Schedule 1	2(3)	Substitutes an amended Part L1(b) in Schedule 1.
Schedule 2A	2(4)(a)	Amends the registration category in paragraph 3, column 2 and adds two new self-certification registration schemes to the list in that paragraph.
Schedule 2A	2(4)(b)	Increases the maximum rated heat output of a solid fuel burning combustion appliance where installation self-certification is allowed to 100 kilowatts in paragraph 4, column 1.
Schedule 2B	2(5)(a)	Substitutes amended paragraphs 1(f) and 1(g) and adds a new paragraph 1(j).
Schedule 2B	2(5)(b)	Adds a new definition of "self-contained" in relation to fixed building services to paragraph 4.
-	4	Transitional provisions

ANNEX B

The Building and Approved Inspectors (Amendment) Regulations 2007 (SI 2007/3384)

The following table lists all of the changes made by SI 2007/3384 to the Building (Approved Inspectors etc.) Regulations 2000 (SI 2000/2532)

S.I. 2000/2532 Regulation No.	S.I.2007/3384 Regulation No.	Action
12C	3(2)(a)	Amends paragraph (1) to restrict the need to give an approved inspector a notice that commissioning of a fixed building service has been carried out to circumstances where commissioning is possible and would affect the energy efficiency of the fixed building service.
12C	3(2)(b)	Replaces paragraph (3) with new paragraphs (3), (4) and (5), which has the effect of amending the time limit within which a notice of commissioning must be given to an approved inspector.
-	4	Transitional provisions

ANNEX C

Transitional Provisions

THE BUILDING AND APPROVED INSPECTORS (AMENDMENT) REGULATIONS 2007

The transitional provisions of the Amendment Regulations set out the circumstances in which building work within the scope of the amendments can continue as if the amendments had not been made.

The circumstances in respect of work subject to the amendments made by regulations 2(2), 2(5) and 3(2) are:

- Where a building notice, an initial notice, an amendment notice or a public body's notice is given to, or full plans are deposited with, a local authority before 6 April 2008, and work is subsequently carried out in accordance with the notice or plans, whether the work has commenced by 6 April 2008 or not, the amendments made by regulations 2(2), 2(5) and 3(2) will **not** apply.
- There is a supplementary provision to the above in that if an initial notice given before 6 April 2008 is varied by an amendment notice given on or after that date any work added to the scope of the initial notice by the amendment notice **will** be subject to the amendments.
- In the case of work which did not need to be notified to the local authority before the amendments made by regulations 2(2), 2(5) and 3(2) came into force on 6 April 2008, but which needs to be notified as a result of those amendments, the following applies. If the work is commenced before 6 April 2008, or a contract for the provision of the work has been entered into before that date and the work is commenced before 1 October 2008, the work can continue as if the amendments had not been made, i.e. there is no need to notify the work.

The circumstances in respect of the amendments made by regulation 2(4)(b) are that if before 2 January 2008:

- work is commenced in accordance with a building notice, an initial notice, an amendment notice or a public body's notice given to, or full plans deposited with, a local authority; or
- the work falls within the exemption from the requirement to give a building notice or deposit full plans in regulation 12(5), i.e. the work is carried out by a person registered by a self-certification scheme for that type of work in Schedule 2A, or work described in Schedule 2B,

the amendments made by regulation 2(4)(b) do **not** apply to that work.

There is a supplementary provision to the above in that if an initial notice given before 2 January 2008 is varied by an amendment notice given on or after that date, any work added to the scope of the initial notice by the amendment notice **will** be subject to the amendments.

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone 0870 240 3701

TSO Shops

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

TSO@Blackwell and other Accredited Agents

© Crown copyright 2007

Copyright in the typographical arrangements rests with the Crown.

Published for the Department for Communities and Local Government, under licence from the Controller of Her Majesty's Stationery Office.

Extracts of up to 10 per cent of this publication may be photocopied for non-commercial in-house use, subject to the source being acknowledged.

*Application for reproduction should be made in writing to
The Copyright Unit, Office of Public Sector Information,
St Clements House, 2-16 Colegate, Norwich NR3 1BQ.*

Printed by The Stationery Office Ltd under the authority and superintendence of the Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 978 0 11 753986 0

£6


information & publishing solutions

www.tso.co.uk

ISBN 978-0-11-753986-0

