

13 May 2009

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2000

THE BUILDING (APPROVED INSPECTORS ETC)  
REGULATIONS 2000

- **NEW PART G IN SCHEDULE 1 TO THE BUILDING REGULATIONS**
- **NEW MINIMUM WATER EFFICIENCY REQUIREMENTS FOR NEW DWELLINGS**

New Approved Document to support

**Part G (Sanitation, hot water safety and water efficiency)**

New Water Efficiency Calculation Methodology

Publication

**Water Efficiency Calculator for New Dwellings**

## INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the Building and Approved Inspectors (Amendment) Regulations 2009 (S.I. 2009/1219) which were made on 12 May 2009 and will come into force on 1 October 2009 subject to the transitional provisions referred to in Annex C 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 amendments and explain the changes they make to the Building Regulations 2000 and the Building (Approved Inspectors etc) Regulations 2000;
  - explain the transitional provisions;
  - announce the approval and publication of a new Approved Document G; and
  - announce the publication of a Departmental publication, *Water Efficiency Calculator for New Dwellings*, which sets out the methodology for calculating the potential consumption per person of wholesome water in new dwellings.
4. This Circular does not give advice on the technical requirements of Part G as this is a matter covered by Approved Document G.
5. Annexes A and B to this Circular set out in tabular form all the changes to the Building Regulations 2000 and the Building (Approved Inspectors etc) Regulations 2000 made by SI 2009/1219.

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

6. The Amendment Regulations introduce revised and extended requirements G1 to G6 (sanitation, hot water safety and water efficiency) into Schedule 1 of the Building Regulations and revoke current requirements G1 to G3.
7. The main changes are:
  - (a) New requirements on cold water supply (G1). There must be a supply of wholesome water for the purposes of drinking water and to washbasins, fixed baths, bidets and showers and any sink provided in an area where food is prepared. There must be a supply of water of a suitable quality to sanitary conveniences fitted with flushing devices.
  - (b) New requirements on water efficient fittings and appliances in new dwellings (G2). Reasonable provision must be made for the installation of fittings and fixed appliances which use water efficiently.

- (c) Amended and extended requirements on hot water supply and safety (G3) to cover all types of hot water systems, vented and unvented. There must be a supply of heated wholesome water to washbasins, fixed baths and showers and to sinks in food preparation areas. Hot water systems must be designed, constructed and installed to resist the effects of temperature and pressure both in normal use and in the event of malfunctions that can reasonably be anticipated, and must be adequately supported. Hot water storage vessels must incorporate precautions to prevent the water stored exceeding 100°C and to ensure that discharge from safety devices is carried away safely.
- (d) New requirement (G3(4)) for new dwellings that the hot water supply to any fixed bath must be designed and installed so as to incorporate measures to ensure that the temperature of the water delivered to the bath does not exceed 48°C.
- (e) New requirement (G5) for the provision of a bathroom for rooms for residential purposes.
- (f) New requirement for the provision of a sink in food preparation areas (G6).
- (g) Where there is a material change of use of a building, or a part of a building, work must be carried out in all cases to the building, or the part of a building concerned, to ensure that it meets the requirements in G1 and G3 to G6. Requirement G2 will apply only in cases of a material change of use where a building (or part of a building) is to be used as a dwelling where previously it was not, or where the building (or part of a building) contains a flat where previously it did not.

#### **AMENDMENTS TO EXEMPTIONS**

- 8. In general, buildings falling within the classes of exemption within Schedule 2 of the Building Regulations will continue to enjoy exemption from compliance with Part G of the Building Regulations.
- 9. However, the Amendment Regulations make two changes to this where exemption will no longer apply:
  - (a) Requirements G1 (cold water supply) and G3(2) and (3) (hot water safety) will apply to any greenhouse sharing a cold or hot water supply with a dwelling; and
  - (b) Requirements G1 and G3(2) and (3) will apply to any small detached building within Class VI of Schedule 2 or any extension of a building within Class VII of Schedule 2 where there is a cold or hot water supply shared with or located inside any building other than a building or extension exempt under Schedule 2.

#### **NEW MINIMUM WATER EFFICIENCY REQUIREMENTS FOR NEW DWELLINGS**

- 10. The Amendment Regulations introduce a new requirement in the Building Regulations, regulation 17K, which requires that for any new dwelling the potential wholesome water consumption by persons occupying it must not exceed 125 litres per

person per day. The potential consumption must be calculated in accordance with the methodology set out in *The Water Efficiency Calculator for New Dwellings*, published by the Department.

11. Regulation 17K will apply where a new dwelling is erected or where a new dwelling is created by a material change of use where a building (or part of a building) is used as a dwelling where previously it was not or where a building (or part of a building) contains a flat where previously it did not.
12. New regulation 20E in the Building Regulations requires that, where regulation 17K applies, a notice must be given to the local authority not later than 5 days after the completion of work specifying the calculated potential consumption of wholesome water per person per day relating to the dwelling as constructed. The Amendment Regulations amend regulation 17 of the Building Regulations with the effect that a local authority cannot give a completion certificate until it has received the notice required by regulation 20E.
13. The Amendment Regulations have introduced a similar regulation (regulation 12E) into the Building (Approved Inspectors etc) Regulations. Where an approved inspector is the building control body a notice must be given to the approved inspector specifying the calculated potential consumption of wholesome water per person per day relating to the dwelling as constructed. The notice must be given not later than 5 days after the completion of work or not later than the date on which the initial notice ceases to be in force under regulation 18 of the Building (Approved Inspectors etc) Regulations, whichever is the earlier.
14. The Amendment Regulations amend both the Building Regulations and the Building (Approved Inspectors etc) Regulations to allow the notices of the calculated potential consumption of wholesome water to be served electronically.

#### **AMENDMENTS TO SCHEDULE 2A: COMPETENT PERSON SELF-CERTIFICATION SCHEMES**

15. The Amendment Regulations make minor changes to the wording of certain types of work in the Schedule to reflect changes of terminology in Part G.

#### **AMENDMENTS TO SCHEDULE 2B: NON-NOTIFIABLE WORK**

16. The Amendment Regulations make a few minor amendments to the wording of existing provisions in Schedule 2B to reflect changes of terminology in Part G. They also add two new categories of work where no building notice or full plans is required:
  - i. in an existing cold water supply, the replacement of any part, or the addition of output or control devices; and.
  - ii. provision of a hot water storage system with a hot water storage vessel of not more than 15 litres, provided that any related electrical installation work also does not require a building notice or full plans.

## **NEW APPROVED DOCUMENT G**

17. Approved Document G has been amended to reflect the changes to Part G in the regulations as mentioned above. It also includes guidance on compliance with minimum water efficiency and notice requirements for new dwellings in new regulations 17K and 20E of the Building Regulations and new regulation 12E in the Building (Approved Inspectors etc) Regulations.

## **NEW PUBLICATION: WATER EFFICIENCY CALCULATOR FOR NEW DWELLINGS**

18. The Department has published detailed guidance in the publication *The Water Efficiency Calculator for New Dwellings* on the calculation methodology to be followed in calculating the potential use of wholesome water in new dwellings. This guidance will need to be followed in order to comply with the requirements of new regulation 17K.

## **TRANSITIONAL PROVISIONS**

19. Annex C to this Circular explains the transitional provisions set out in the Amendment Regulations.

## **ENQUIRIES**

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

Department for 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](mailto:enquiries.br@communities.gsi.gov.uk)

Signed:

Sarah Sturrock  
An Assistant Secretary in the Department for Communities and Local Government

# ANNEX A

## The Building and Approved Inspectors (Amendment) Regulations 2009 (SI 2009/1219)

The following table lists all of the changes made by SI 2009/1219 to the Building Regulations 2000 (SI 2000/2351)

<i>S.I. 2000/2351 Regulation No.</i>	<i>S.I. 2009/1219 Regulation No.</i>	<i>Action</i>
2(1)	2(2)(a)	Interpretation. Omission of word "service" in subparagraph (b) of definition of "fixed building services". Definition of "wholesomeness" in relation to water added.
2(1)	2(2)(b)	Interpretation. Definition of "wholesomeness" in relation to water added
6(1)(a)	2(3)(a)	Requirements relating to a material change of use. Addition of hot water safety and consequential amendments reflecting amendments to Part G.
6(1)(h)	2(3)(b)	Requirements relating to material change of use. New requirement in Parts G2 and G3(4) to apply to material changes of use of use under regulation 5(a) or (b).
6(2)(b)	2(3)(c)	Requirements relating to material change of use of part only. Amendment consequential to amendment 2(3)(b).
8	2(3)(4)	Limitation of requirements. Adds G2 to the exceptions to the limitation of requirements.
9(1)	2(5)(a)	Exempt buildings and work. Inserts paragraph (1A) in the paragraphs that disapply the exemptions in regulation 9.
9(2A)	2(5)(b)	Exempt buildings and work. Sets out new paragraph (1A) disapplying the exemptions for domestic greenhouses, and small detached buildings and extensions in respect of requirements G1, G3(2) and G3(3).
13(4)	2(6)	Particulars and plans where a building notice is given. Revocation of regulation 13(4).
14(3)(a)	2(7)	Full plans. Amendment consequent on revocation of regulation 13(4).
17(3)(b)	2(8)	Completion certificates. Adds regulation 17K to the relevant requirements for completion certificates given on request.
17K	2(9)	Water efficiency of new dwellings. Adds new regulation establishing a minimum standard of water efficiency for new dwellings.

<i>S.I. 2000/2351 Regulation No.</i>	<i>S.I. 2009/1219 Regulation No.</i>	<i>Action</i>
20(1)	2(10)	Supervision of building work otherwise than by local authorities. Adds regulation 20E to list of regulations not applicable in respect of work under initial notices, amendment notices or public body's notices.
20E	2(11)	Wholesome water consumption calculation. Adds a new requirement to give local authorities a notice of the calculated potential consumption of wholesome water in dwellings as constructed not later than five days after the completion of work.
22	2(12)	Contravention of certain regulations not to be an offence. Adds regulation 20E to the list of regulations where contravention is not an offence.
22B	2(13)	Electronic service of documents. Adds the notice required under regulation 20E to the list of documents that can be served electronically.
Schedule 1	2(14)	Requirements. Substitutes the amended Part G in Schedule 1.
Schedule 2A	2(15)(a)	Self-certification schemes and exemptions from requirement to give a building notice or deposit full plans. Omits the word "service" in column 1 of paragraphs 2 to 6.
Schedule 2A	2(15)(b)	Self-certification schemes and exemptions from requirement to give a building notice or deposit full plans. Consequential amendment to column 1 of paragraph 13 reflecting amendments to Part G.
Schedule 2B	2(16)(a)	Descriptions of work where no building notice or deposit of full plans required. Qualifies "sanitary convenience" in paragraph j(i), as one which uses no more water than the one it replaces.
Schedule 2B	2(16)(b)	Descriptions of work where no building notice or deposit of full plans required. In para j(ii), adds replacement of sinks and bidets.
Schedule 2B	2(16)(c)	Descriptions of work where no building notice or full plans required. In para (j)(iv) substitutes "shower" for "fixed shower bath".
Schedule 2B	2(16)(d)	Descriptions of work where no building notice or deposit of full plans required. Adds new sub-paragraphs (k) cold water supply replacements and addition of devices and (l) provision of hot water storage systems under 15 litres.

## ANNEX B

### The Building and Approved Inspectors (Amendment) Regulations 2009 (S.I. 2009/1219)

The following table lists all the changes made by S.I. 2009/1219 to the Building (approved Inspectors etc) Regulations 2000 (S.I. 2000/2532)

<i>S.I. 2000/2532 Regulation No.</i>	<i>S.I. 2009/1219 Regulation No.</i>	<i>Action</i>
11(1)(a) and (b)	3(2)	Functions of approved inspectors. Consequential amendments to include satisfaction of compliance with new regulation 17K in the Building Regulations 2000 and regulation 12E in the Building (Approved Inspectors etc) Regulations
12E	3(3)	Wholesome water consumption calculation. Adds a new requirement to give an approved inspector a notice of the calculated consumption of wholesome water in dwellings as constructed. Such notice must be given not later than five days after the completion of work or, where regulation 18 of the Building (Approved Inspectors etc) Regulations applies, not later than the date on which the initial notice ceases to be in force, whichever is the earlier.
31A	3(4)	Electronic service of documents. Adds the notice required under regulation 12E to the list of documents that can be served electronically.



# ANNEX C

## Transitional Provisions

### **THE BUILDING AND APPROVED INSPECTORS (AMENDMENT) REGULATIONS 2009**

C1. The transitional provisions in regulations 4 to 8 of the Amendment Regulations set out the circumstances where building work within the scope of the Regulations can continue as if the regulations had not been made.

C2. These circumstances are:

a) Where work **has commenced** before 1 October 2009 it will not be subject to the amended regulations if:

- It is in accordance with a building notice and a commencement notice given to the local authority; or
- It is in accordance with full plans deposited with and a commencement notice given to the local authority; or
- It is in accordance with an initial notice, or an amendment notice given to the local authority;
- It is in accordance with a public body's notice; or
- the work falls within Schedule 2A or Schedule 2B of the Building Regulations.

There are supplementary provisions for cases where an initial notice was given before 1 October 2009 and is varied by an amendment notice given on or after that date. In this case, even if the work pursuant to the initial notice is begun before 1 October 2009, and is therefore not subject to the amended regulations, work added to the scope of the initial notice by an amendment notice on or after 1 October 2009 will be subject to the amended regulations.

b) Where the deposit of full plans is **not** required, if a contract for the proposed work had been entered into before 1 October 2009 the work will not be subject to the amended regulations so long as the work is commenced before 6 April 2010.

See Annex C1

c) Where the deposit of full plans is required, the work will not be subject to the amended regulations if before 1 October 2009 full plans were deposited with the local authority and the local authority before 1 October 2009 passed the plans without conditions, or signified to the person depositing the plans that any conditions had been fully met, provided that the work commences before 1 October 2010. This applies whether or not the work departs from those plans.

See Annex C2.

- d) Where the work is the subject of a plans certificate, a plans certificate combined with an initial notice or a plans certificate combined with a public body's notice given to a local authority before 1 October 2009 and accepted by the local authority either before, on or after that date, the work will not be subject to the amended regulations provided the work is commenced before 1 October 2010. This applies whether or not the work departs from those plans.

See Annex C3.

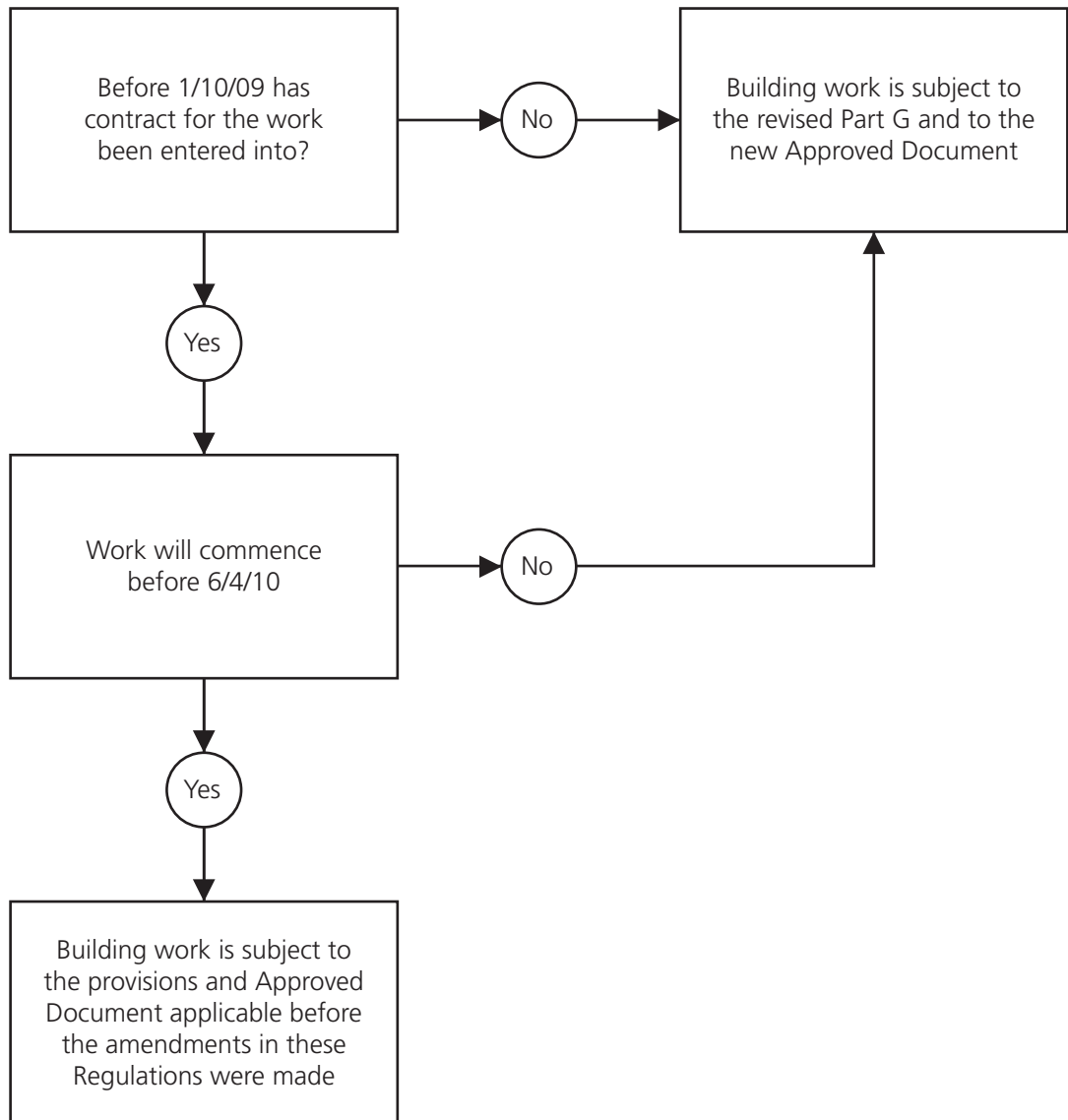
### **APPROVED DOCUMENT G**

- C3. Approved Document G will come into force on 1 October 2009. The same transitional arrangements as set out in (a) to (d) of paragraph C.2 above will apply.

## ANNEX C. 1

The Building and Approved Inspectors (Amendment) Regulations 2009: Revised G:  
Transitional Provisions

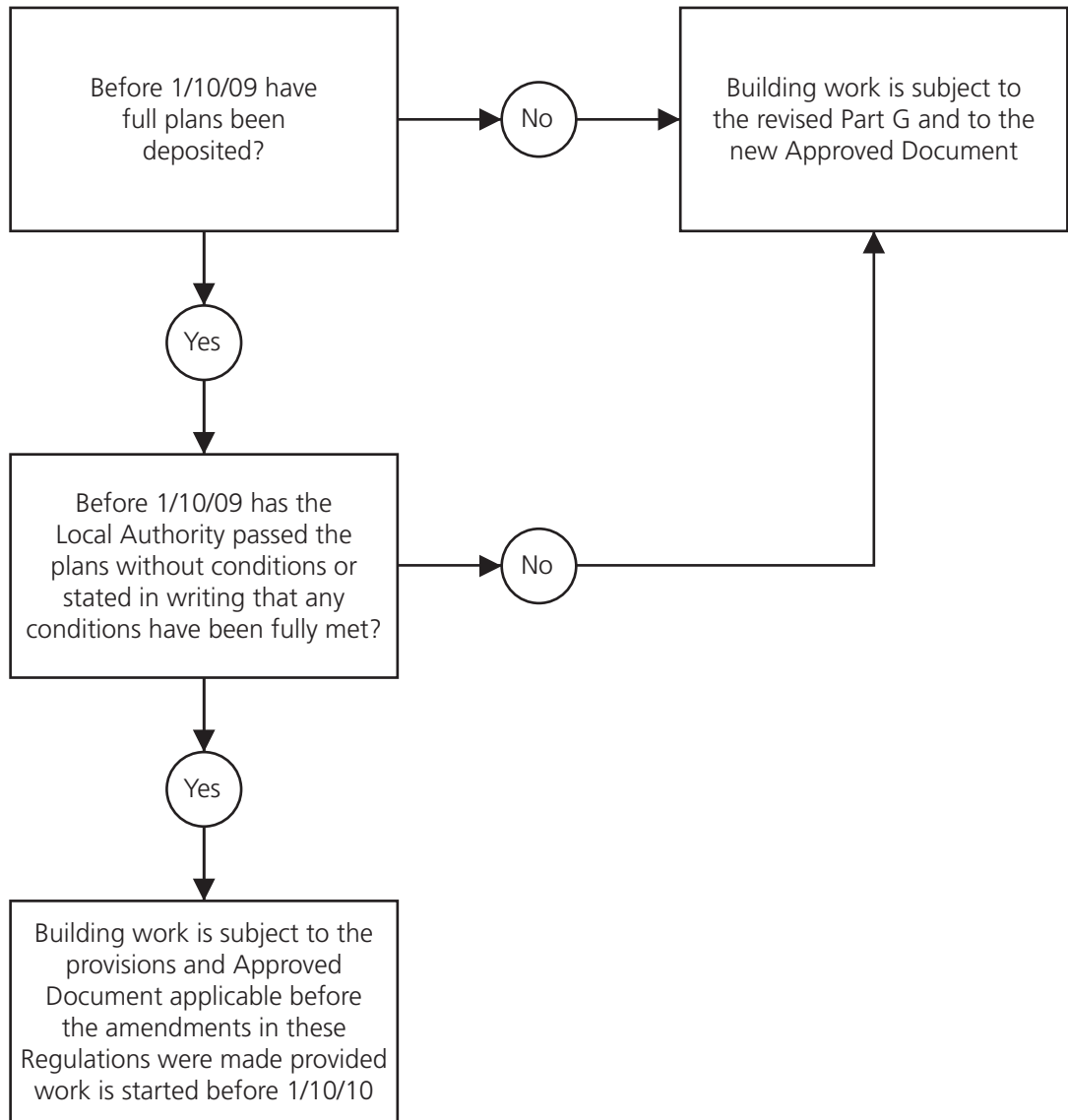
Where Full Plans are not required and work has **not** commenced before 1 October 2009



## ANNEX C. 2

The Building and Approved Inspectors (Amendment) Regulations 2009: Revised G: Transitional Provisions

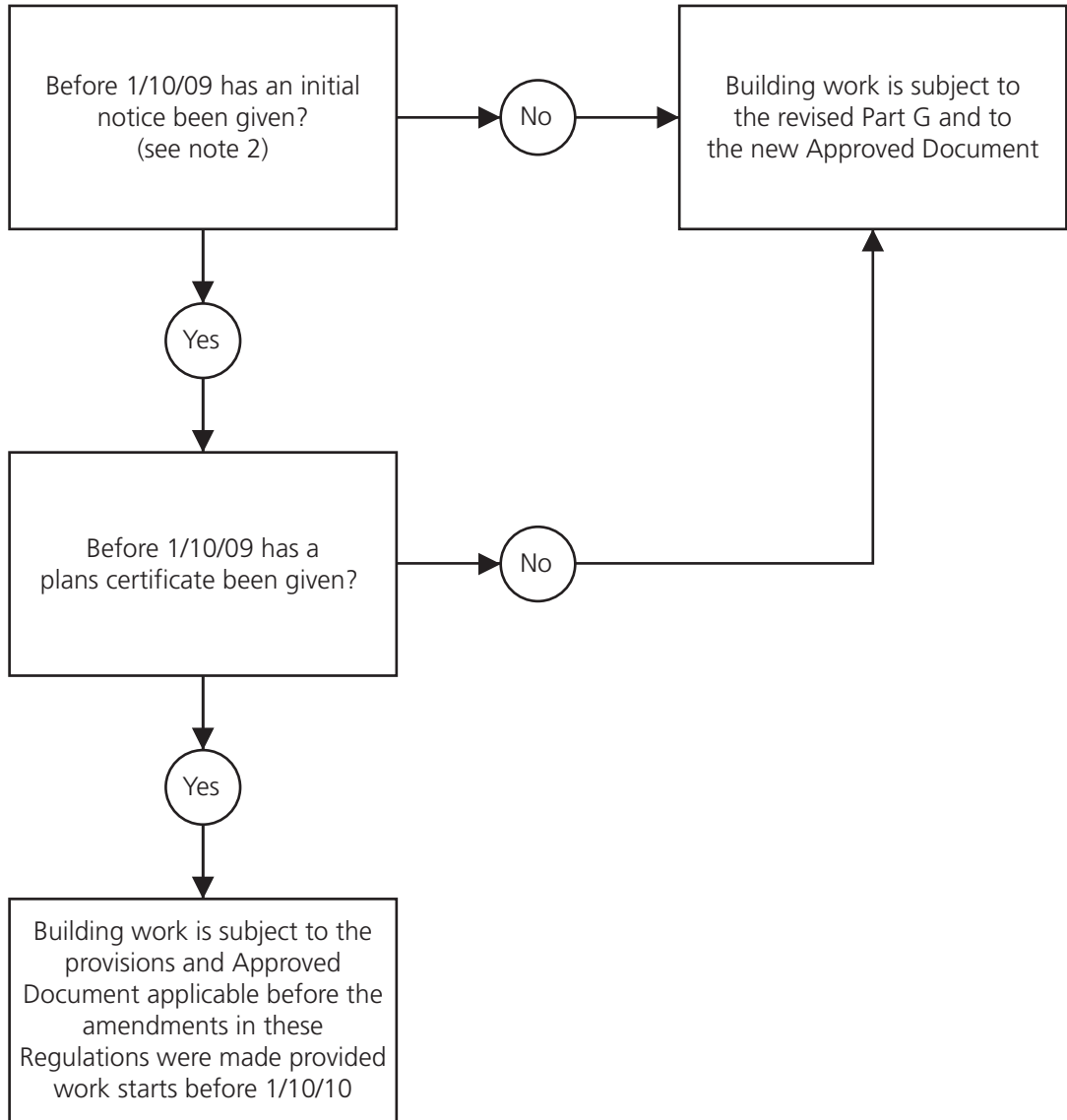
Local Authority Building Control - Full Plans Route and work has **not** commenced before 1 October 2009



### ANNEX C.3

The Building and Approved Inspectors (Amendment) Regulations 2009: Revised Part G: Transitional Provisions

Approved Inspector Building Control Route and work has not commenced before 1 October 2009



**Note:**

- (1) *If the initial notice is varied by an amendment notice given on or after 1 October 2009, the work in the initial notice which is not subject to the amendment notice can proceed subject to the provisions and Approved Document applicable before the amendments in these Regulations were made.*
- (2) *If a contract for the building work has been entered into before 1 October 2009, see Annex C1*

# ANNEX D

## 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 said powers under section 6, she has approved the document 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 1 October 2009.	
<b>Document</b>	<b>Requirement of the Building Regulations in respect of which the document is approved</b>
Approved Document G (Sanitation, hot water safety and water efficiency)	Regulation 17K and Schedule 1, Part G
<i>Signed by authority of the Secretary of State</i>	Sarah Sturrock  An Assistant Secretary in the Department for Communities and Local Government  13 May 2009



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

**Online**

**[www.tsoshop.co.uk](http://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](mailto:customer.services@tso.co.uk)

Textphone 0870 240 3701

**TSO@Blackwell and other Accredited Agents**

**Customers can also order publications from:**

TSO Ireland

16 Arthur Street, Belfast BT1 4GD

Tel: 028 9023 8451

Fax: 028 9023 5401

© Crown copyright 2009

*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  
Office of Public Sector Information, Information Policy Team, Kew, Richmond, Surrey TW9 4DU.*

*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 754007 1

£6

  
information & publishing solutions

[www.tso.co.uk](http://www.tso.co.uk)

ISBN 978-0-11-754007-1



9 780117 540071 >