

2012 consultation on changes to the Building Regulations in England

Section three

Part P (Electrical safety – dwellings)



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Summary form

Scope of the consultation

Topic and scope of this consultation:	<p>The Building Regulations and the associated statutory guidance set out in Approved Documents seek to ensure buildings meet certain minimum standards for health, safety, welfare, convenience and sustainability.</p> <p>This document is one of four sections of a consultation that covers a number of proposed changes to the Building Regulations regime and the building control system.</p> <p>This section covers proposals relating to electrical safety in dwellings.</p>
Geographic scope:	<p>This consultation relates to Building Regulations for England only. The previous application of Building Regulations to England and Wales ceased on 31 December 2011 when powers for making Building Regulations in relation to Wales were transferred to the Welsh Ministers.</p>
Impact Assessment:	<p>An Impact Assessment has been produced to accompany the proposals contained in Chapter 2.</p>
IA Number:	<p>Part P Impact Assessment – DCLG/0084</p>

Basic consultation information

To:	<p>This section of the consultation is aimed primarily at the firms, individuals and their representative bodies within construction and construction-related industries who are involved with electrical installation work in dwellings, and the building control bodies that enable the building control system to operate. Specific elements may be of interest to members of the public.</p> <p>The Department has published an easier to read summary of the proposals which provides a useful introduction to the consultation package and highlights those aspects of the consultation which may be of interest to consumers. This is available at:</p> <p>www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationschanges/</p>
Body/bodies responsible for the consultation:	<p>The Building Regulations and Standards Division within the Department for Communities and Local Government.</p>

Opening date:	31 January 2012
Closing date:	27 April 2012
Enquiries about the subject being consulted on or the policy being considered:	<p>Email to: building.regulations@communities.gsi.gov.uk</p> <p>or write to: Building Regulations Consultation Building Regulations and Standards Division Department for Communities and Local Government Zone 5/G9 Eland House Bressenden Place London SW1E 5DU</p>
How to respond to this consultation:	<p>A response form for Section three is provided at Annex A of this document. It has also been published separately as part of the consultation package on the Department's website at: www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3</p> <p>Consultees are invited to email responses to: building.regulations@communities.gsi.gov.uk</p> <p>Those who prefer to submit a paper copy of their response should send it to: Building Regulations Consultation Building Regulations and Standards Division Department for Communities and Local Government Zone 5/G9 Eland House Bressenden Place London SW1E 5DU</p>
Additional ways to become involved:	<p>The Department will continue to engage with external partners throughout the consultation period and beyond on the range of consultation proposals. In particular, we will seek out opportunities presented by our partners to engage with relevant sectors on specific issues at relevant industry events around the country. The views of the public are also welcomed.</p> <p>If you require this publication in an alternative format please email: alternativeformats@communities.gsi.gov.uk</p>

After the consultation:	<p>The Department will consider the responses to the consultation and finalise regulatory proposals. We will also publish a summary of responses on the Department's website, in line with the consultation protocols.</p> <p>The general aim is for deregulatory changes to come into force in April 2013 with provisions which have a regulatory impact coming into force in October 2013.</p>
Compliance with the Code of Practice on Consultation:	<p>This consultation complies with the Government's Code of Practice on Consultation, which can be downloaded from: www.bis.gov.uk/policies/bre/consultation-guidance</p>
How to complain or make a comment about the process of this consultation and/or whether it adhered to the Code of Practice on Consultation:	<p>Should you want to raise any issues in this respect, you should write to:</p> <p>Consultation Co-ordinator Department for Communities and Local Government Zone 4/H3 Eland House Bressenden Place London SW1E 5DU</p> <p>or email: ConsultationCoordinator@communities.gsi.gov.uk</p>

Background

Getting to this stage:	<p>In July 2010 we invited external partners to submit ideas and evidence on ways to improve the Building Regulations, on reducing the regulatory burdens and on ways to deliver even better levels of compliance. We received several hundred responses which we used, along with contributions gathered at seminars and workshops, in developing a programme of work to examine a number of areas of the Regulations. In December 2010 the Building Regulations Minister, Andrew Stunell, announced a programme of work to develop proposals for consultation in advance of changes in 2013.</p> <p>This document is one of four sections of a consultation on proposed changes to the building control system and to the technical aspects of the Building Regulations which are the result of that work. The consultation package is largely deregulatory in nature.</p>
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Previous engagement:	Through 2011 we have continued to work with a variety of external partners, including the Building Regulations Advisory Committee, Working Parties and Advisory Groups to develop detailed proposals for consultation.
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Code of Practice on Consultation, freedom of information and data protection

Code of Practice on Consultation

The Code of Practice on Consultation is issued by the Better Regulation Executive (BRE) in the Department for Business, Innovation and Skills (BIS). The Code sets out seven consultation criteria, to which formal public consultation must adhere:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Officials running consultations should seek guidance on how to run an effective consultation exercise and share what they have learned from the experience.

Where this consultation paper does not adhere to the Code, it will be explained in the Consultation Profile.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If this is a formal, written, public consultation, are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please write to:

DCLG Consultation Co-ordinator
Zone 4/H3
Eland House
Bressenden Place
London SW1E 5 DU

or email:

ConsultationCoordinator@communities.gsi.gov.uk

Freedom of information and data protection applicable to consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these being primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Chapter 1

Introduction to the consultation package

Background

1. Building Regulations control certain types of building work, principally the erection and extension of buildings and provision or extension of certain services or fittings, chiefly to ensure that buildings meet certain standards of health, safety, welfare, convenience and sustainability.
2. Compliance with the Building Regulations is the responsibility of the person carrying out the work and the building control system helps to ensure that the required level of performance has been met. The role of a building control body, either the Local Authority or a private sector Approved Inspector, is to act as an independent third-party check to help achieve compliance. As an alternative to third-party checking by building control, some types of work may be self-certified as being compliant by installers who are registered as a member of a competent person self-certification scheme and have been assessed as competent to do so.
3. Building Regulations greatly influence how our buildings are constructed and used. As such, they help to deliver significant benefits to society. Regulation can also impose costs on both businesses and individuals. The “functional” nature of the Building Regulations, by having regulation setting out the broad requirement rather than prescribing how it must be achieved, seeks to minimise this cost and also ensure innovation is not hindered. Guidance in the Approved Documents that accompany the regulations then sets out some of the ways that these requirements can be met, although it does not have to be followed provided the required level of performance can be shown to be achieved in a different way. This approach provides clarity for building control bodies and industry alike.
4. To avoid the risk of unnecessarily onerous and costly standards being imposed on industry it is important that a proper cost/benefit assessment and consultation with industry has been undertaken by Government to assess what reasonable minimum standards are appropriate.
5. It is also important to ensure that the Building Regulations regime remains current and fit-for-purpose. That is why the Department for Communities and Local Government (DCLG) undertook an exercise in the latter half of 2010 to determine what changes were necessary to the Building Regulations. The exercise emphasised

a desire to identify measures that would reduce the cost of regulation to business. It also asked for evidence and ideas about what other “must do” regulatory changes there were, as well as seeking ideas as to how we might deliver even better levels of compliance in the future. There were 248 individual responses from external partners to this exercise (as well as several hundred responses as part of a campaign for inclusion in the regulations of provision of Changing Places toilets). In addition, we drew upon ideas and suggestions submitted to the Cabinet Office’s *Your Freedom*¹ and DCLG’s own *Cut Red Tape*² websites, plus other reviews and sources of evidence.

6. Few responses questioned the principle of regulations setting national standards that ensure buildings are built to baseline standards. Many specifically recognised the positive role Building Regulations played and welcomed the fact that there was a nationally applied set of minimum requirements. However, the exercise did suggest that there were areas where aspects of the regime might be streamlined to reduce the burden on business and others, where compliance might be improved yet further or where there was a strong case for considering further regulation. In the light of the ideas submitted, Building Regulations Minister, Andrew Stunell, set out in December 2010 the areas of work that would be taken forward in advance of consultation on detailed proposals.

The consultation package

7. This document is one of four sections of a consultation package that now set out those detailed proposals. On 31 December 2011 responsibility for the Building Regulations for Wales transferred to Welsh Ministers. Proposals in this consultation package, therefore, relate to England only.
8. The four sections are:
 - Section one – Parts A, B (including Local Acts), C, K, M and N, Access Statements, security, Changing Places toilets and Regulation 7
 - Section two – Part L (Conservation of fuel and power)
 - **Section three (this document) – Part P (Electrical safety – dwellings)**
 - Section four – the building control system

These can be found at:

www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationschanges/

¹ <http://webarchive.nationalarchives.gov.uk/20100824180635/http://yourfreedom.hmg.gov.uk>

² www.communities.gov.uk/localgovernment/about/helpcutredtape

9. Alongside this section of the consultation we have published an Impact Assessment to cover the proposals set out in Chapter 2, which is available at:

www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3

10. Similarly, Impact Assessments have been produced to support the proposals set out in the other three sections of the consultation package. As stated above, we were particularly keen to explore the opportunity to deliver deregulatory savings as part of this review and Annex A of Section one provides an overview of the costs and benefits associated with the proposals in all four of the sections.
11. Many consultees will be interested in only certain technical elements of the four sections. However, their attention is also drawn to the proposals contained in Chapter 8 of Section one on changes to the Approved Document supporting Regulation 7, which provides guidance in relation to materials and workmanship, and thus will also be of interest to many consultees.
12. Respondents are asked to reply to this consultation using the response form at Annex A. This is available electronically at:

www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3

13. Responses should reach the Department by 27 April 2012 and should preferably be submitted by email to:

building.regulations@communities.gsi.gov.uk

Development of these proposals

14. DCLG relies heavily on the input of industry and other external partners in developing policy on changes to the Building Regulations. In spring 2011, DCLG established a Building Regulations Advisory Committee (BRAC) Part P Technical Working Party to offer views and advice on the Part P consultation options. The Working Party met three times between May and October.
15. The Electrical Safety Council itself organised a Part P round table event in March 2011 which was attended by a wide range of interested parties. It subsequently established an industry Working Group to feed views into the Part P Technical Working Party. The Working Group met twice between April and July.

Chapter 2

Amendments to Part P (Electrical safety – dwellings)

Background

16. Part P of the Building Regulations came into force on 1 January 2005 and covers the safety of electrical installations in dwellings. Approved Document P³, which was updated in 2006, contains the statutory guidance demonstrating means of compliance with the Part P requirement.
17. Part P was introduced to try and reduce the number of injuries and fatalities caused by electric shocks and electrical fires in the home resulting from poor quality electrical installation work. To achieve the requirements of Part P, Approved Document P recommends that electrical installation work should follow the national standard BS 7671, “Requirements for electrical installations” (also known as the “IET wiring regulations”), or an equivalent standard. The Building Regulations also require higher-risk types of work to be notified to, and approved as compliant by, a building control body unless carried out by an installer registered with a DCLG-authorized Competent Person Self-Certification Scheme⁴.
18. Since Part P was introduced there has been some criticism of the cost and bureaucracy it imposes on installers, building control bodies and consumers – highlighted by comments on the Cabinet Office’s Your Freedom website and in response to the Department’s own call for ideas on how the Building Regulations could be streamlined. Concern has focused on the costs associated with the regime’s operation – in particular charges imposed by building control bodies on unregistered installers, even if highly qualified – rather than on the cost of the work required to comply with the minimum electrical installation technical standards set out in Approved Document P.
19. In was in the light of these concerns that Andrew Stunell announced in December 2010 that DCLG would be including Part P in its 2013 review of the Building Regulations. The review would examine the costs associated with the existing regulatory regime and whether there was a continuing case for regulation and, if there was, whether the regime could be made more cost-effective.

³ www.planningportal.gov.uk/uploads/br/BR_PDF_ADP_2006.pdf

⁴ www.communities.gov.uk/planningandbuilding/buildingregulations/competentpersonsschemes

Impact of Part P

20. The 2004 Part P Regulatory Impact Assessment⁵ estimated that annually in dwellings in England and Wales:
 - electrical accidents caused around 43 fatalities, 2,900 serious injuries requiring hospital treatment, and damage to 6,700 properties
 - the introduction of Part P would prevent 8 of the fatalities, 550 of the injuries and damage to 1,540 properties, with a monetised benefit of £48m
 - by making less risky jobs non-notifiable, and allowing installers registered with Competent Person Schemes to self-certify compliance with Part P when doing notifiable jobs, the costs would amount to £38m – giving a net benefit of £10m.
21. Before Part P came into effect, around 13,000 electrical firms belonged to trade schemes that assessed and monitored their competence. The introduction of Part P provided a strong incentive for domestic electrical installation businesses to register with Part P Competent Person Schemes, as registration meant that they would be allowed to self-certify compliance with the Building Regulations and in this way avoid paying building control charges when doing notifiable work.
22. To qualify for registration, many installers must first attend training courses, gain extra qualifications and purchase electrical test equipment. Nevertheless, there are now around 39,000 installers registered with Part P Competent Person Schemes who are having their competence assessed and samples of their work checked regularly. In addition, many DIYers, builders and contractors (such as heating and plumbing firms) who used to do some electrical work themselves now employ more competent, registered electricians instead, with the result that in total around 1.25 million jobs are now self-certified by registered installers annually.
23. The number of registered installers has been increasing by around 1,000 each year since October 2006 and continues to rise. To help promote the benefits of registration, it is intended that scheme operators will be required under new conditions of authorisation to invest more in marketing Part P to the industry and wider public. A significant benefit of registration is that it is easier for householders to identify competent electrical installers.
24. The 2004 Part P Impact Assessment stated that the aims of Part P were to:
 - (a) improve the quality of domestic electrical installation work
 - (b) raise the competence of domestic installers, and

⁵ www.communities.gov.uk/documents/planningandbuilding/pdf/157248.pdf

- (c) reduce deaths and injuries in dwellings and damage to property arising from electric shock accidents and electrical fires.

Question 1

Do you believe that the three aims behind introducing Part P in 2005 have been achieved? Please comment on the extent to which they have been achieved and what evidence you have to support your view

Options for amending Part P in 2013

25. The overall aim of the Part P 2013 review is to establish what is the most cost-effective way to control electrical installation work in the home, taking account of health and safety concerns. We have examined three options for amending Part P in 2013, and in the consultation stage Impact Assessment⁶ the costs and benefits associated with each one:
- (a) Leave Part P unchanged
 - (b) Revoke Part P
 - (c) Amend Part P to reduce the costs and burdens it imposes on installers, building control bodies and consumers.
26. The “do nothing” approach of option (a) is not preferred because it does not minimise costs to business. Revoking Part P, option (b), is not preferred because, despite delivering significant cost savings to industry, there are significant health and safety costs to individuals which, when considered alongside the associated costs of fire damage to homes and consequent attendance by the fire and rescue service, means that there is a net cost associated with revocation of the regime.
27. Amending Part P, option (c), is the Government’s preferred option because it would significantly reduce the cost to business of Part P in a way that continues to deliver the health and safety benefits sought. Savings would be achieved by:
- (a) making a greater proportion of electrical installation jobs non-notifiable (see paragraph 31); and
 - (b) allowing DIYers and other unregistered installers (firms not registered with a Part P Competent Person Self-Certification Scheme) to employ a third party qualified electrician to inspect and test their work as an alternative to using a building control body (see paragraph 36).

⁶ The Part P Impact Assessment that accompanies this consultation document is available at www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3

28. We would implement option (c) by publishing a new edition of Approved Document P containing revised guidance, and amending the Building Regulations 2010 as appropriate.
29. We could also amend the Building (Local Authority Charges) Regulations 2010 to ensure that building control charges would be lower where qualified third party electricians took over responsibility for inspection and testing from the building control body and were able to issue a BS 7671 inspection and testing form. The lower charges would recognise the savings in building control time, and reflect the fact that the amendments to the Charges Regulations would require local authorities to take into account third party certification in setting their charges.
30. These lower building control charges would apply equally to qualified electricians capable of inspecting and testing their own notifiable electrical installation work (and of issuing a BS 7671 Electrical Installation Certificate), and who under the existing arrangements choose, for whatever reason, not to join a registration scheme.

Question 2

Which option for amending Part P in 2013 do you support? Please give your reasons.

Extending the range of non-notifiable work

31. To comply with Part P, all electrical installation work in dwellings should follow the technical rules in BS 7671 (or an equivalent standard), but only those jobs considered to have the greatest risks for electrical safety have been made “notifiable”. These are the jobs that must be either (a) notified in advance to a building control body (the local authority or a private Approved Inspector) so that the work can be inspected and approved; or alternatively (b) carried out by a qualified installer registered with a Part P Competent Person Self-Certification Scheme. Registered installers are allowed to self-certify compliance with the Building Regulations without involving a building control body (other than to notify the local authority through their scheme operator that they have carried out the work), and no building control charges are payable.
32. Part P notifiable jobs currently include major ones such as house rewires, replacing a consumer unit, and fitting a complete new circuit (for example, for an electric shower or cooker). Alterations to existing installations, like-for-like replacements and repairs are **not** notifiable, **except for alterations in what we originally deemed the more hazardous locations of kitchens, bathrooms and outdoors.**
33. To reduce the burden on installers, building control bodies and consumers, while at the same time simplifying the guidance and improving compliance with Part P requirements, we propose to reduce the amount of smaller-scale work that is

notifiable. Jobs that we believe **could** be made non-notifiable without seriously affecting electrical safety are:

- (a) Alteration work in kitchens
 - (b) Alteration work outdoors
 - (c) Alteration work outside zones 0, 1 and 2 in bathrooms – in other words, the parts of the bathroom that are considered to be out of reach when standing in the bath or shower (at least 600mm away from the edge of the bath or shower basin)
 - (d) Alteration work associated with electric floor and ceiling heating systems
 - (e) All work on low voltage and extra-low voltage **control** wiring for fire, security and heating systems that does not include the installation of a new circuit and is also outside bathroom zones 0, 1 and 2.
34. While not a driver for pursuing this proposal, making smaller-scale, lower-risk alteration work non-notifiable would make it easier for registered and other responsible installers to compete for work against those who choose to avoid the costs associated with compliance. Anecdotal evidence suggests that minor alteration work is less likely to be notified to the building control body in the first place – because much of it is low cost work within the capabilities of DIYers, many householders do not expect such work to be subject to the Building Regulations, and it is difficult for building control bodies to detect it is being carried out. The effect of making more work non-notifiable would be to improve compliance with Part P, which will be helped also by the requirement for scheme operators to invest in Part P dissemination and marketing.
35. By making these changes, we could simplify the guidance in Approved Document P on pages 8 and 9, and in Tables 1 and 2, as follows:
- (a) Delete all references to “special installations”.
 - (b) In Table 2, add “Outdoors” to the list of Special Locations and delete the list headed Special Installations.
 - (c) Replace Additional Note d. with: “In bathrooms, the location containing a bath or shower is defined by zones 0, 1 and 2.”
 - (d) Delete Additional Notes g. and n.

Question 3

- (i) Do you agree that we should increase the amount of minor electrical installation work that is non-notifiable?
- (ii) Which if any of the types of electrical work identified in paragraph 33 would you support becoming non-notifiable?
- (iii) Are there any other currently notifiable jobs that you believe should become non-notifiable?
- (iv) Are there any currently non-notifiable jobs that you believe should become notifiable? (For example, it has been suggested that the like-for-like replacement of an electrically-heated shower should be notifiable work.)
- (v) Should we make the existence of 30mA residual current device (RCD) protection on affected circuits a condition for alteration work being non-notifiable?
- (vi) Do you agree with the proposed changes to the guidance on pages 8 and 9 of the Approved Document, as outlined in paragraph 35? If you do not, please explain why.

Third party inspection and testing

- 36. The current Part P requirement is that notifiable electrical work carried out by unregistered installers should be approved by a building control body – although the building control body may contract out the inspection and testing to a qualified electrician. The charges imposed by building control bodies for providing this service can vary considerably, but overall there is some concern that they are too high: in the Part P Impact Assessment, we have estimated the average charge to be £231⁷.
- 37. As noted in paragraph 30, Approved Document P already allows qualified professional or DIY electricians doing their own work to submit a BS 7671 Electrical Installation Certificate to a building control body. The building control body can take account of the certificate in determining the amount of inspection and testing it needs to carry out, which may result in a lower building control charge.
- 38. For 2013, we have looked at whether it would be possible to offer lower-cost ways of having work approved as complying with the Building Regulations for those people carrying out notifiable work who are not members of Part P Competent Person Schemes and who do not have the skills or test equipment to do their own inspection and testing.

⁷ See Research Report by EC Harris at: www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationschanges

39. The solution we are proposing is to allow unregistered installers to employ competent third party electricians to inspect and test their work. Not only do we expect that this would reduce costs for many unregistered professional installers and DIYers, but it would also reduce the burden that Part P imposes on building control bodies.
40. We have considered two broad approaches to third party inspection and testing which could run in parallel with the existing service provided by building control bodies. The costs and benefits are presented in the Part P Impact Assessment.
41. The two approaches are:
- (a) **Notify work in advance to a building control body (usually the local authority), and have the work inspected and tested by a person (a qualified electrician)** competent to determine whether electrical installation work is in a satisfactory or unsatisfactory condition in terms of safety, who would complete and issue an Electrical Installation Condition Report in accordance with BS 7671. Where the work was deemed to be in a satisfactory condition, the building control body could accept the condition report as evidence of compliance with the Building Regulations and issue a Building Regulations Completion Certificate to the householder. As the building control body would not be inspecting the work, its building control charge could be lower. This option would be appropriate where the person carrying out the inspection and testing was competent to do so but was not registered with an appropriate scheme as in option (b).
 - (b) **Have the work inspected and tested by a person registered under an appropriate scheme** as competent to determine whether electrical installation work is in a satisfactory or unsatisfactory condition in terms of safety, who would complete and issue an Electrical Installation Condition Report in accordance with BS 7671. In this case no advance notification to the building control body would be necessary and no building control charge payable. Where the work was considered to comply, the registered inspector/tester would issue a notice of compliance to the building control body via the existing electronic notification system operated by the registration bodies and LABC. The building control body would be authorised to accept the notice as evidence of compliance. The inspector/tester's registration body would at the same time issue a Building Regulations Compliance Certificate to the householder.

Note: Where appropriate the electrical inspection and testing could include an inspection of the work at "first-fix" stage, when electrical cables are still visible. In the Part P Impact Assessment, for the purposes of analysis we have assumed that approach (b) above would include a first-fix inspection.

42. Both options above would in varying ways and degrees reduce costs for installers and consumers, and reduce the burden on building control bodies. Option (b) takes advantage of the existing system to notify work on completion to local authorities electronically. Both options envisage that inspection and testing by the third party would normally be of the finished work only – that is, that third party inspectors/testers would issue to the householder or building control body a BS 7671 Condition Report rather than a full BS 7671 Electrical Installation Certificate when doing other than minor electrical installation work (for which a BS 7671 Minor Works certificate would be appropriate).

43. Such a system of third party inspection and testing of notifiable work would mean replacing paragraphs 1.28 and 1.29 on page 12 of the Approved Document with details of the revised procedure. For example:

1.28 Unregistered installers may as an alternative to using a building control body have their work inspected and tested by a qualified third party, who should inspect the work on completion and then issue to the householder a BS 7671 Electrical Installation Condition Report with details of the inspections and electrical tests carried out.

1.29 If the work is to be inspected and tested by a registered person, a building control body does not need to be involved. On completion the inspector/tester's registration body should notify the local authority of the work and issue to the householder a Building Regulations Compliance Certificate.

1.30 If the work is to be inspected by a qualified person who is not registered, the building control body should be notified before work starts. On completion, the building control body will accept the provision of a satisfactory BS 7671 Electrical Installation Condition Report as evidence of compliance with the Building Regulations, and will issue to the householder a Building Regulations Completion Certificate.

44. Please note that the Department is consulting more generally on third party certification in Chapter 5 of the consultation on the building control system⁸ in Section four of this package, which you may find it helpful also to consider.

⁸ www.communities.gov.uk/publications/planningandbuilding/brconsultationsection4/

Question 4

- (i) Do you agree that we should allow third party qualified persons to inspect and test electrical installation work carried out by unregistered installers who are not competent to do their own inspection and testing?
- (ii) Do you support the options in paragraph 41 for third party inspection and testing of work done by others?
- (iii) Should third parties carrying out inspection and testing of another person's work be required to have a specific inspection and testing qualification? Please comment on any other qualifications you believe they should hold.
- (iv) Do you believe that third party inspection and testing should include an inspection at first-fix stage?

Impact Assessment assumptions and data

45. The Part P Impact Assessment⁹ makes a number of assumptions about the impact of Part P on accident rates, the size of the electrical installation market, certification costs for registered and unregistered installers, etc, and monetises the costs and benefits.
46. Some of the key assumptions on which we would welcome your views are:
- (a) If Part P were revoked, accident rates would not rise to pre-Part P levels owing to improved installer competence and the more widespread use now of RCDs. We have assumed that, as a percentage of the reduction in the number of accidents since Part P came into effect, electric shock fatalities would increase by 20% and all other casualties would increase by 80%.
 - (b) If Part P were revoked, the number of registered installers would return to pre-Part P levels over a period of around two years.
 - (c) A third party electrician would charge **on average** £80 to produce an Electrical Installation Condition Report; the extra cost of a first-fix inspection would be £70; and a building control body would charge £60 to issue a Building Regulations Completion Certificate on receipt of a satisfactory report from a competent electrician.

⁹ www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3/

Question 5

- (i) Do you agree with the three cost-benefit assumptions set out in paragraph 46? If you do not, please provide details.
- (ii) Do you disagree with any of the other cost-benefit assumptions and calculations in the Impact Assessment? If so, please provide details.
- (iii) Can you provide any further robust evidence or data (whether directly or indirectly relevant) to help improve the accuracy of the calculations in the Impact Assessment (See paragraph 73 of the Part P Impact Assessment.) If so, please provide details.

BS 7671:2008

- 47. Approved Document P currently refers for technical guidance to BS 7671:2001, which has been withdrawn. We propose to change the reference in Approved Document P to the current edition, namely “BS 7671:2008 incorporating Amendment No 1: 2011”. We also propose to update all the references to related IET guides and guidance notes on page 46.
- 48. Our assumption is that this will not increase costs for domestic installers since in practice all competent electricians work to the current edition of BS 7671.

Question 6

- (i) Do you support the proposal to refer for technical guidance in the Approved Document to “BS 7671:2008 incorporating Amendment No 1: 2011” and to update all the references to IET guides and guidance notes? If you do not, please explain why.
- (ii) Do you agree that referring to BS 7671:2008 will not increase costs for installers? If you do not agree, please give your reasons.

Materials and workmanship

- 49. Section one of this consultation package contains a proposed new Approved Document to support Regulation 7 (Materials and workmanship), which would mean replacing all the text on page 3 of Approved Document P under the heading “Materials and workmanship” with the following:

Any building work which is subject to the requirements imposed by Schedule 1 to the Building Regulations should be carried out in accordance with Regulation 7. Guidance on meeting these requirements on materials and workmanship is contained in the Approved Document to Regulation 7.

Building Regulations are made for specific purposes, primarily the health and safety, welfare and convenience of people and for energy conservation. Standards and other technical specifications may provide relevant guidance to the extent that they relate to these considerations. However, they may also address other aspects of performance such as serviceability, or aspects which although they relate to health and safety are not covered by the Regulations.

When an Approved Document makes reference to a named standard, the relevant version of the standard to which it refers is the one listed at the end of the publication. However, if this version has been revised or updated by the issuing standards body, the new version may be used as a source of guidance provided it continues to address the relevant requirements of the Regulations.

50. If you would like to comment on this proposed change, please see Appendix A of Section one¹⁰.

Part P limits on application

51. The Part P requirement in Schedule 1 to the Building Regulations includes limits on its application, namely that the requirement applies only to electrical installations:
- (a) *in or attached to a dwelling;*
 - (b) *in the common parts of a building serving one or more dwellings, but excluding power supplies to lifts;*
 - (c) *in a building that receives its electricity from a source located within or shared with a dwelling; and*
 - (d) *in a garden or in or on land associated with a building where the electricity is from a source located within or shared with a dwelling.*
52. There has been some confusion over how Part P applies to electrical installations in the non-domestic parts of mixed-use buildings, and also to electrical installations in non-domestic buildings connected to dwellings such as farmhouses where the source of the electricity supply is shared with the dwelling.
53. We therefore propose to amend Approved Document P to explain more clearly that Part P does not apply to the non-domestic parts of electrical installations that do not share a source with the dwelling parts; that Part P does not apply to non-domestic buildings that are exempt buildings (for example agricultural buildings) under the Building Regulations even where the source is shared; and that by source we mean the supply on the consumer side of the electricity meter.

¹⁰ www.communities.gov.uk/publications/planningandbuilding/brconsultationsection1

54. There is one further issue. At present the Building Regulations say that Part P applies to any greenhouse that shares the source with a dwelling. This is much wider than the Department wished as the intention was only to apply Part P to domestic greenhouses and not commercial ones. We therefore propose to amend the Regulations to make this clear.

Question 7

Do you agree that it is necessary to clarify the scope of Part P as in paragraphs 53 to 54?

Accessibility

55. Paragraph 1.6 of Approved Document P states that wall-mounted socket-outlets, switches and consumer units should be located so that they are easily reachable where this is necessary to comply with Part M of the Building Regulations (Access to and use of buildings). The guidance in Approved Document M is that **(in new dwellings only)** switches and socket-outlets for lighting and other equipment should be placed at heights between 450mm and 1200mm from finished floor level. However, there is currently no specific guidance for locating consumer units.
56. Consumer units need to be accessible so that circuit breakers can be operated in an emergency and for the routine testing and resetting of RCDs. They should be no less accessible than any other part of the electrical installation that a householder may need to operate or adjust for purposes other than maintenance or repair, but should not be installed in locations where young children might interfere with them.
57. The recommendation in BSI Draft for Development DD 266:2007, “Design for accessible housing – Lifetime homes – Code of practice”, is that meters and consumer units should be positioned to be accessible, and mounted 1200mm to 1400mm from the floor so that the readings and switches can be viewed by a person standing or sitting. The NHBC recommends that consumer units should be mounted at a height of 1400mm with a view to putting them out of reach of children up to five years of age. We therefore propose to replace paragraph 1.6 with the following new paragraph:

Wall-mounted socket-outlets, switches and consumer units should be located so that they are easily reachable where this is necessary to comply with Part M of the Building Regulations (Access to and use of buildings). The guidance in the 2004 edition of Approved Document M is that (in new dwellings only) switches and socket-outlets for lighting and other equipment should be placed at heights between 450mm and 1200mm from finished floor level. Approved Document M does not give a recommended height for consumer units, but the industry consensus is that in new dwellings they should be mounted so that their switches are 1350mm to 1450mm above floor level, where they will be accessible to a person standing or sitting but out of reach of young children.

Question 8

Do you agree that we should revise the guidance in Approved Document P on the accessibility of consumer units, as in paragraph 57?

Changes to the Appendices of Approved Document P

58. We propose to make the following changes to the Appendices of Approved Document P:
- (a) Update the diagrams in Appendix A to reflect fully BS 7671:2008 rules – for example regarding the use of RCDs.
 - (b) Replace the copies of BS 7671 model forms in Appendix B with links to the forms on the IET website, including the new Electrical Installation Condition Report and the hybrid certification/condition report form developed for use by agents of local authorities.
 - (c) Update the guidance in Appendix C on older practice that can be encountered in alteration work to reflect changes in BS 7671:2008, and move the guidance currently in Appendix D on harmonised cable identification colours to Appendix C.
 - (d) Delete Appendix E with the list of Part P Competent Person Schemes, as they are already specified in Schedule 3 to the Building Regulations 2010.

Question 9

Do you agree with the outline proposals for changing the Appendices of Approved Document P?

Annex A

Response Form

Section three: Part P (Electrical safety – dwellings)

We are seeking your views on the following questions on the Government's proposed changes to Part P of the Building Regulations.

If possible, please respond by email to:

building.regulations@communities.gsi.gov.uk

Alternatively, responses may be sent by post to:

Building Regulations Consultation
Building Regulations and Standards Division
Department for Communities and Local Government
Zone 5/G9
Eland House
Bressenden Place
London SW1E 5DU

About you:

(i) Your details

Name:	
Position:	
Name of organisation (if applicable):	
Address:	
Email:	
Telephone number:	

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes No

Name of group:

(iv) Please tick the *one* box which best describes you or your organisation:

<p>Builders/Developers:</p> <p>Builder – Main contractor <input type="checkbox"/></p> <p>Builder – Small builder (extensions/repairs/maintenance, etc) <input type="checkbox"/></p> <p>Installer/specialist sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p>Property Management:</p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input type="checkbox"/></p>
<p>Building Occupier:</p> <p>Homeowner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Designers/Engineers/Surveyors:</p> <p>Architect <input type="checkbox"/></p> <p>Civil/Structural engineer <input type="checkbox"/></p> <p>Building services engineer <input type="checkbox"/></p> <p>Surveyor <input type="checkbox"/></p>	<p>Specific Interest:</p> <p>Competent person scheme operator <input type="checkbox"/></p> <p>National representative or trade body <input type="checkbox"/></p> <p>Professional body or institution <input type="checkbox"/></p> <p>Research/academic organisation <input type="checkbox"/></p>
<p>Manufacturer/Supply Chain <input type="checkbox"/></p>	<p>Energy Sector <input type="checkbox"/></p> <p>Fire and Rescue Authority <input type="checkbox"/></p>
	<p>Other (please specify) <input type="checkbox"/></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>

(v) **Please tick the *one* box which best describes the size of your or your organisation's business?**

Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders)

Small – typically 10 to 49 full-time or equivalent employees

Medium – typically 50 to 249 full-time or equivalent employees

Large – typically 250+ full-time or equivalent employees

None of the above (please specify)

(vi) **Are you or your organisation a member of a competent person scheme?**

Yes No

Name of scheme:

(vii) **Would you be happy for us to contact you again in relation to this consultation?**

Yes No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that, as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and email address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

Questions:

1. Impact of Part P

Do you believe that the three aims behind introducing Part P in 2005 have been achieved? Please comment on the extent to which they have been achieved and what evidence you have to support your view. (See paragraph 24 of Chapter 2.)

(a) Quality of electrical installation work improved

Yes No Don't know

Comments:

(b) Competence of installers improved

Yes No Don't know

Comments:

(c) Electric shock and electrical fire accidents reduced

Yes No Don't know

Comments:

2. Options for amending Part P in 2013

Which option for amending Part P in 2013 do you support? (See paragraph 25 of Chapter 2.)

Leave Part P unchanged

Revoke Part P

Amend Part P to reduce costs and burdens

Please give your reasons:

3. Extending the range of non-notifiable work

(i) Do you agree that we should increase the amount of minor electrical installation work that is non-notifiable?

Yes No Don't know

Please give your reasons:

(ii) Which if any of the types of electrical work identified in paragraph 33 of Chapter 2 would you support becoming non-notifiable?

(a) Alteration work in kitchens

Yes No Don't know

Comments:

(b) Alteration work outdoors

Yes No Don't know

Comments:

(c) Alteration work in bathrooms outside the zones

Yes No Don't know

Comments:

(d) Alterations to floor and ceiling heating systems

Yes No Don't know

Comments:

(e) All work on control circuits

Yes No Don't know

Comments:

- (iii) Are there any other currently notifiable jobs that you believe should become non-notifiable?

Yes No Don't know

Please provide details:

- (iv) Are there any currently non-notifiable jobs that you believe should become notifiable?

Yes No Don't know

Please provide details:

- (v) Should we make the existence of 30mA RCD protection on affected circuits a condition for alteration work being non-notifiable?

Yes No Don't know

Please give your reasons:

- (vi) Do you agree with the proposed changes to the guidance on pages 8 and 9 of Approved Document P, as outlined in paragraph 35 of Chapter 2? If you do not, please explain why.

Yes No Don't know

Comments:

4. Third party inspection and testing

(i) Do you agree that we should allow third party qualified persons to inspect and test electrical installation work carried out by unregistered installers who are not competent to do their own inspection and testing?

Yes No Don't know

Please give your reasons:

(ii) Do you support the options in paragraph 41 of Chapter 2 for third party inspection and testing of work done by others?

(a) Qualified person issues Condition Report and building control body issues Building Regulations Completion Certificate

Yes No Don't know

(b) Registered person issues Condition Report and, via registration body, Building Regulations Compliance Certificate

Yes No Don't know

Please give your reasons:

(iii) Should third parties carrying out inspection and testing of another person's work be required to hold a specific inspection and testing qualification?

Yes No Don't know

Please give your reasons and comment on any other qualifications you believe they should hold:

- (iv) Do you believe that third party inspection and testing should include an inspection at first-fix stage?

Yes No Don't know

Please give your reasons:

5. Part P Impact Assessment

Please refer to the Part P Impact Assessment at:
www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3

- (i) Do you agree with the three cost-benefit assumptions set out in paragraph 46 of Chapter 2?

(a) Increase in accident rates if Part P revoked

Yes No Don't know

Comments:

(b) Reduction in registrations if Part P revoked

Yes No Don't know

Comments:

(c) Cost of third party inspection and testing

Yes No Don't know

Comments:

(ii) Do you disagree with any of the other cost-benefit assumptions and calculations in the Impact Assessment? If so, please provide details:

(iii) Can you provide any further robust evidence or data (whether directly or indirectly relevant) to help improve the accuracy of the calculations in the Impact Assessment? (See paragraph 73 of the Part P Impact Assessment.) If so, please provide details:

6. **BS 7671:2008**

(i) Do you support the proposal to refer for technical guidance in Approved Document P to “BS 7671:2008 incorporating Amendment No 1: 2011” and to update all the references to IET guides and guidance notes?

Yes No Don't know

Comments:

- (ii) Do you agree that referring to BS 7671:2008 will not increase costs for installers?

Yes No Don't know

If you do not agree, please give your reasons:

7. Limits on application

Do you agree that it is necessary to clarify the scope of Part P, as in paragraphs 53 to 54 of Chapter 2?

Yes No Don't know

Comments:

8. Accessibility

Do you agree that we should revise the guidance in Approved Document P on the accessibility of consumer units, as in paragraph 57 of Chapter 2?

Yes No Don't know

Comments:

9. Approved Document P Appendices

Do you agree with the outline proposals for changing the Appendices of Approved Document P? (See paragraph 58 of Chapter 2.)

Yes No Don't know

Comments:

Other comments

If you have any other comments or suggestions on possible changes to Part P of the Building Regulations, please make them here:

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