

19 December 2012

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING (APPROVED INSPECTORS ETC)
REGULATIONS 2010

THE BUILDING (LOCAL AUTHORITY CHARGES)
REGULATIONS 2010

VARIOUS LOCAL ACTS (See Annex D)

- **AMENDMENTS TO THE ENERGY EFFICIENCY REQUIREMENTS OF THE BUILDING REGULATIONS**
- **AMENDMENTS TO THE PROVISIONS ON LOCAL AUTHORITY AND APPROVED INSPECTOR BUILDING CONTROL SYSTEMS**
- **AUTHORISATION OF NEW AND EXTENDED COMPETENT PERSON SELF-CERTIFICATION SCHEMES**
- **AMENDMENTS TO PARTS K, N AND P OF SCHEDULE 1 TO THE BUILDING REGULATIONS**
- **REPEAL OF PROVISIONS IN VARIOUS LOCAL ACTS**

New Approved Documents to support

- **PART K (PROTECTION FROM FALLING, COLLISION AND IMPACT) AND PART P (ELECTRICAL SAFETY - DWELLINGS)**
- **REGULATION 7 (MATERIALS AND WORKMANSHIP)**

Amendments to other Approved Documents

INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the Building Regulations etc (Amendment) Regulations 2012 (S.I. 2012/3119) (“the Amendment Regulations”), which were made on 17 December 2012 and will come into force on various dates as set out in the Regulations, subject to the transitional provisions referred to below.
2. I am also directed by the Secretary of State to draw your attention to the Building (Repeal of Provisions of Local Acts) Regulations 2012 (S.I. 2012/3124) (“Local Acts Regulations”), which were made on 17 December 2012 and will come into force on 9 January 2013.
3. 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.
4. The purpose of this Circular is to:
 - draw attention to these amendments and explain the changes they make to the Building Regulations 2010, the Building (Approved Inspectors etc) Regulations 2010, the Building (Local Authority Charges) Regulations 2010 and various Local Acts listed in Annex D to this Circular;
 - explain the transitional provisions;
 - announce the approval and publication of new Approved Documents K, P and 7;
 - announce the amendments to other Approved Documents; and
 - announce the authorisation of new and extended competent person schemes.
5. This Circular does not give advice on the technical requirements in the Building Regulations as these are matters covered by Approved Documents.
6. Annexes A, B and C to this Circular set out in tabular form all the changes to the Building Regulations 2010, the Building (Approved Inspectors etc) Regulations 2010 and the Building (Local Authority Charges) Regulations 2010 made by SI 2012/3119.

APPLICATION OF THE REGULATIONS

7. The changes made by the Amendment Regulations apply in England and to excepted energy buildings in Wales. Amendment regulation 1(4) also applies some of the regulations to educational, statutory undertakers’ and Crown buildings etc. in Wales.

AMENDMENTS TO LOCAL AUTHORITY BUILDING CONTROL ARRANGEMENTS

8. Amendment regulation 9 amends regulation 16 of the Building Regulations by removing the statutory requirement to notify a local authority at specific stages of building work. Instead, regulation 16 enables a local authority to set out at what stages it requires those undertaking the building work to notify them. The regulation also requires that these stages be based on the intention to inspect and the assessed risk of non-compliance with building regulations.
9. Amendment regulations 7, 10 and 11 remove the need to request a completion certificate from a local authority and require that where a local authority is satisfied that work meets building regulations, it must give a completion certificate. These regulations introduce a new regulation 17A to separate the provisions on completion certificates at the completion of work from those to be given where a building subject to the Regulatory Reform (Fire Safety) Order 2005 is occupied before completion.

AMENDMENTS TO APPROVED INSPECTOR BUILDING CONTROL ARRANGEMENTS

10. Amendment regulations 35, 36, 40, 41, 42, 43 and 44 remove the requirements for approved inspectors to send copies of their notices of approval and declarations of insurance with each notice or certificate given to the local authority. Instead the Secretary of State or the designated approval body will maintain a central register of notices of approval and declarations of insurance for all approved inspectors which will be available for inspection. Approved inspectors will need to declare on the relevant notices and certificates given to local authorities that they are approved and hold the relevant insurance. If a local authority consults the central register and finds that an approved inspector is not currently approved or does not hold the relevant insurance, the local authority will be able to reject the notice or certificate sent to it.

COMPETENT PERSON SELF-CERTIFICATION SCHEMES

11. Amendment regulation 31 introduces three new types of work for which competent person scheme operators have been authorised. Amendment regulation 24 authorises a new competent person scheme operator for the purposes of pressure testing of new buildings. Amendment regulations 29(2)(b-m) authorise the extension of existing competent person schemes to types of work for which they were not previously authorised.
12. Amendment regulation 13 requires the notices and certificates given in respect of work carried out by installers registered with competent person self-certification schemes to state whether the work to which the notices and certificates relate was paid for through a green deal plan. The amendment regulation also requires local authorities to store the notices and certificates given to them in a retrievable form.
13. Amendment regulations 29(1), 29(2)(a) and 30 make further minor amendments to Schedule 3 of the Building Regulations 2010.

EVIDENTIAL STATUS OF COMPLIANCE CERTIFICATES

14. Amendment regulations 10, 11, 13, 38, 41(6)(b) and 41(7) introduce a requirement that the certificates to which the amendments relate must state their evidential status on them.

PART K OF SCHEDULE 1 TO THE BUILDING REGULATIONS

15. Amendment regulations 27 and Schedule 2 replace Part K of Schedule 1 to the Building Regulations 2010 with a revised Part K and revoke the current Part N of Schedule 1. Amendment regulations 4 and 28 are consequential amendments on this change.

NOTIFICATION OF ELECTRICAL INSTALLATION WORK IN DWELLINGS

16. Amendment regulation 6 sets out what electrical installation work in dwellings needs to be notified in advance to a building control body. Amendment regulation 32(a) is a consequential amendment to Schedule 4 of the Building Regulations.

AMENDMENTS TO THE ENERGY EFFICIENCY REQUIREMENTS OF THE BUILDING REGULATIONS

17. Amendment regulations 15, 17, 18 and 19 transpose requirements in the European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast) in respect of the major renovation of existing buildings, consideration of high-efficiency alternatives systems for new buildings, nearly zero-energy requirements for new buildings, energy performance certificates and recommendation reports.
18. Amendment regulation 22 sets out the position of educational buildings, buildings of statutory undertakers and Crown buildings etc. in respect of requirements under the Directive.
19. Amendment regulations 3, 14, 16, 20, 21 23, 25 and 26(b) are consequential amendments on the transposition of the Directive.

NEW CATEGORY OF NON-NOTIFIABLE WORK

20. Amendment regulation 32(b) adds to Schedule 4 of the Building Regulations a new category of building work which does not need to be notified to a building control body.

ADDITION OF DEFINITION OF “OFFICER” TO THE CHARGES REGULATIONS

21. Amendment regulation 33 amends regulation 2 of the Building (Local Authority Charges) regulations 2010 to insert a definition of “officer” within those regulations.

LOCAL ACTS

22. The Local Acts Regulations repeal a number of provisions in the Local Acts listed at Annex D in respect of requirements related to fire protection.

23. Subject to regulation 4 of this Act, any condition that was imposed before these regulations come into force under a provision repealed in this Act shall cease also to have effect from the date the repeal takes effect and will become unenforceable.
24. A saving has been introduced in regulation 4 to ensure that fire precautions that were initially required under a Local Act, should be maintained where they are necessary for the safety of relevant persons under article 17 of the Regulatory Reform (Fire Safety) Order 2005.

TRANSITIONAL PROVISIONS

25. Amendment regulations 45 to 47 set out the transitional provisions that apply. There are no transitional provisions in respect of most of the amendment regulations and in such cases the provision of the regulations will apply on the date the regulation comes into force.
26. There are, however, transitional provisions in respect of amendment regulations 9, 15 and 17 which generally means that those carrying out building work would not need to comply with the amendments made by the Amendment Regulations provided building work was started within a specified time period.

CHANGES TO APPROVED DOCUMENTS

27. Approved Documents provide statutory guidance on compliance with the Building Regulations. New Approved Documents in respect of Part K, Part P and Regulation 7 are published on 19 December 2012. The previous editions of Approved Documents K, P and to support regulation 7 are withdrawn, as is Approved Document N the guidance in which has now been added to new Approved Document K.
28. An amendment slip, *Amendments to the Approved Documents*, is also being published setting out amendments to Approved Documents A, B1, B2, C, D, E, F, G, H, J, L1A, L1B, L2A, L2B and M.
29. Notices of approval and notices of withdrawal of approval for the Approved Documents are at Annexes E and F to this Circular.

Electronic copies of the new and amended Approved Documents are available from www.planningportal.gov.uk

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ENQUIRIES

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

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

Tel: 0303 444 0000

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

Signed:

Bob Ledsome
An Assistant Secretary in the Department for Communities and Local
Government

Annex A

The Building Regulations etc (Amendment) Regulations 2012 (S.I. 2012/3119)

The following table lists all the changes made by S.I. 2012/3119 to the Building Regulations 2010:

S.I. 2010/2214 Regulation No.	S.I. 2012/3119 Regulation No.	Action
--	2	Amendment of the Building Regulations 2010. Introduces the amendments to the building regulations.
2(1)	3(a)	Interpretation. Clarifies the definition of "energy efficiency requirements".
2(1)	3(b)	Interpretation. Inserts a definition of "energy performance certificate".
2(1)	3(c)	Interpretation. Amends the definition of "fixed building services".
8	4	Limitation on requirements. Deletes Part N.
9(3)(a)	5	Exempt buildings and work. Clarifies which greenhouses the exemption applies to.
12	6(a)	Giving of a building notice or deposit of plans. Specifies where building notices or full plans are required to be given to the local authority in relation to Part P of Schedule 1.
12(9)	6(b)	Giving of a building notice or deposit of plans. Inserts a definition of "special location".
14(5)	7	Full plans. Deletes the need to request a completion certificate when submitting full plans.
15(2)(b)	8	Consultation with sewerage undertaker. Deletes the reference to regulation 14(5) and inserts a reference to regulation 17A.
16	9	Notice of commencement and completion of certain stages of work. Amends the requirement to notify at certain stages of work to allow the local authority to specify at what stage they require notification on a risk based basis where they have an intention to inspect.
17(1)(2)(3)	10(a)	Completion certificates. Requires completion certificates to be issued within a specified time, where the local authority is satisfied that the work complies with building regulations.

S.I. 2010/2214 Regulation No.	S.I. 2012/3119 Regulation No.	Action
17(4)	10(b)	Completion certificates. Inserts requirement for completion certificates to contain the wording on its evidential status.
New Regulation 17A	11	Certificate for building occupied before work is completed. Inserts requirement for completion certificates to be issued in respect of part or all of a building subject to the Regulatory Reform (Fire Safety) Order 2005, where it is to be occupied before completion, where the local authority is satisfied that regulation 38 and Part B of Schedule 1 are complied with.
19(1)	12	Supervision of building work otherwise than by local authorities. Inserts "17A".
20	13(a)	Provisions applicable to self-certification schemes. Inserts new requirement that the local authority will store copies of the notices given to it in a retrievable form.
20	13(a)	Provisions applicable to self-certification schemes. Requires that information relating to the green deal plans must be included in notices or certificates provided to the local authority and defines "green deal plan".
20	13(b)	Provisions applicable to self-certification schemes. Clarifies the evidential status of certificates.
21(5)	14	Application of energy efficiency requirements. Updates the reference for the European Parliament and Council Directive 2010/31/EU of 19 May 2010.
23	15	Requirements relating to thermal elements. Gives new title of "Requirements for the renovation or replacement of thermal elements" to the regulation and clarifies its requirements.
25	16	Minimum energy performance requirements for new buildings. Technical amendment.
New Regulation 25A	17	Consideration of high-efficiency alternative systems for new buildings. Inserts requirements on analysis of high-efficiency alternative systems.
New Regulation 25B	17	Nearly zero-energy requirements for new buildings. Inserts requirement on nearly zero-energy buildings.
29	18(a)	Energy performance certificates. Clarification of wording.
29	18(b)	Energy performance certificates. Inserts additional requirements for the inclusion of a recommendation report in an energy performance certificate and validity of an energy performance certificate.

S.I. 2010/2214 Regulation No.	S.I. 2012/3119 Regulation No.	Action
29	18(c)	Energy performance certificates. Clarification of wording.
29(5)	18(d)	Energy performance certificates. Deletes regulation 29(5).
29	18(e)	Energy performance certificates. Allows a certification to be based on the assessment of another representative building, inserts when an energy performance certificate is valid and what information an energy performance certificate must not contain.
New Regulation 29A	19	Recommendation reports. Specifies meaning and requirements of recommendation reports.
30 (3)(g)	20(a)	Energy Assessors. Clarification of wording.
30(4)	20(b)	Energy assessors. Updates the reference for regulation 27 of the Energy Performance of Buildings (England and Wales) Regulations 2012.
33	21	Right to copy documents. Updates the reference for the Energy Performance of Buildings (England and Wales) Regulations 2012.
34	22	Application of building regulations to educational buildings and buildings of statutory undertakers. Clarifies application to statutory undertakers etc. and the Crown.
35(1)	23	Interpretation of Part 6. Inserts definitions for "building envelope", "Crown authority", "Crown building", "major renovation" and "nearly zero-energy building" and deletes the definition of "recommendation report".
43(4)	24	Pressure testing. Adds another authorised scheme.
47	25	Contravention of certain regulations not to be an offence. Clarifies the application of this regulation.
48(1)	26	Electronic service of documents. Inserts reference to regulation 25A and regulation 17A.
Schedule 1	27(a)	Requirements. Deletes the whole of Part K of schedule 1 in the 2010 regulations.
Schedule 1	27(b)	Requirements. Removes Part N from Schedule 1 of the 2010 regulations.
Schedule 2	28	Exempt buildings and work. Substitutes "Part K4, K5.1, K5.2, K5.3 and K5.4" for "Part N" in Class 7.
Schedule 3 (column 1)	29(1)(a)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Disallows the self certification of the provision of a masonry chimney.

S.I. 2010/2214 Regulation No.	S.I. 2012/3119 Regulation No.	Action
Schedule 3 (column 1)	29(1)(b)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Clarifies the type of building to which the type of work applies.
Schedule 3 (column 1)	29(1)(c)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Clarifies the type of building to which the type of work applies.
Schedule 3 (column 1)	29(1)(d)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Clarifies the type of building to which the type of work applies.
Schedule 3 (column 2)	29(2)(a)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Substitutes "Certsure LLP (in respect of work carried out in England and excepted energy buildings in Wales)" for "Ascrtiva Group Limited" or "ECA Certification Limited" in column 2 with any paragraph only containing one reference to "Certsure LLP".
Schedule 3 (column 2)	29(2)(b) to (m)	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Authorises extensions to self certification schemes.
Schedule 3	30	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Deletes paragraph 20.
Schedule 3	31	Self-certification schemes and exemptions from requirement to give building notice or deposit full plans. Inserts 3 new paragraphs detailing new types of work and those authorised to operate self-certification schemes for those types of work into Schedule 3.
Schedule 4	32(a)	Descriptions of work where no building notice or deposit of full plans required. Deletes a number of types of work and related definitions.
Schedule 4	32(b)	Descriptions of work where no building notice or deposit of full plans required. Inserts the installation of thermal insulation into suspended timber floors.
--	45 to 47	Transitional provisions
--	Schedule 1	Provides the coming into force dates for the provisions.
Schedule 1	Schedule 2	Part K Protection from falling, collision and impact. Inserts new Part K into Schedule 1 of the building regulations.

Annex B

The Building Regulations etc (Amendment) Regulations 2012 (S.I. 2012/3119)

The following table lists all the changes made by S.I. 2012/3119 to the Building (Local Authority Charges) Regulations 2010:

S.I. 2010/404 Regulation No.	S.I. 2012/3119 Regulations No.	Action
2	33	Interpretation. Clarifies the definition of “officer”
--	Schedule 1	Provides the coming into force dates for the provisions.

Annex C

The Building Regulations etc (Amendment) Regulations 2012 (S.I. 2012/3119)

The following table lists all the changes made by S.I. 2012/3119 to the Building (Approved Inspectors etc.) Regulations 2010:

S.I. 2010/2215 Regulation No.	S.I. 2012/3119 Regulations No.	Action
--	34	Amendment of the Building (Approved Inspectors etc.) Regulations 2010. Introduces the amendments to the regulations.
New Regulation 5A	35	Approved inspector's insurance. Inserts requirement for approved inspectors who give a notice or certificate to a local authority to ensure the approval body has a relevant declaration of insurance.
7	36	Lists of approvals and designations. Inserts requirement for the approval body to keep a copy of the approval certificate and declaration of insurance for each approved inspector.
8(1)	37	Functions of approved inspectors. Inserts new regulation 25A into the list of building work that approved inspectors are required to ensure comply with the Building Regulations 2010.
16	38	Form, grounds and period for rejecting final certificate. Clarifies the evidential status of final certificates.
20(1)	39	Application of regulations 20, 27, 29, 37, 41, 42, 43, and 44 of the Building Regulations 2010. Inserts new regulation 25A into the title and into regulation 20 as a consequence of a change to the Building Regulations 2010.
30(2)(c)	40	Register of notices and certificates. Deletes the requirement for insurers' names and addresses to be held on the register.
--	41(1)	Schedule 1 to the Approved Inspectors Regulations 2010. Introduces the amendments to Schedule 1.

S.I. 2010/2215 Regulation No.	S.I. 2012/3119 Regulations No.	Action
Schedule 1	41(2) to (5)	Schedule 1 of the Approved Inspectors Regulations 2010 (prescribed forms of notice and certificate – Forms 1 to 4). Deletes the requirement for approved inspectors to send a copy of their approval as inspectors and a copy of their insurance declaration with each notice or certificate. Inserts requirement for approved inspectors to declare their status as approved inspectors and declare that they have appropriate insurance.
Schedule 1	41 (6)	Schedule 1 of the Approved Inspectors Regulations 2010 (Form 5). Deletes the requirement for approved inspectors to send a copy of their insurance declaration with each notice. Inserts requirement for approved inspectors to declare that they have appropriate insurance. Clarifies the evidential status of the certificate.
Schedule 1	41(7)	Schedule 1 of the Approved Inspectors Regulations 2010 (Form 12). Clarifies the evidential status of a public body's final certificate.
Schedule 2	42	Schedule 2 of the Approved Inspectors Regulations 2010 (grounds for rejecting initial or amendment notice). Removes the ground of rejection for failing to send notice of approval, and amends the ground of rejection in respect of insurance.
Schedule 3	43	Schedule 3 of the Approved Inspectors Regulations 2010 (grounds for rejecting certificates). Amends the ground of rejection in respect of insurance.
Schedule 4	44	Schedule 4 of the Approved Inspectors Regulations 2010 (grounds for rejecting final notice). Amends the ground of rejection in respect of insurance.
--	45 to 47	Transitional provisions
--	Schedule 1	Provides the coming into force dates for the provisions.

Annex D

The Building (Repeal of Provisions of Local Acts) Regulations 2012 (S.I. 2012/3124)

The following table lists all the Local Acts where provisions are being repealed by S.I. 2012/3124:

London Building Acts (Amendment) Act 1939
County of Merseyside Act 1980
West Midlands County Council Act 1980
Cheshire County Council Act 1980
Isle of Wight Act 1980
South Yorkshire Act 1980
Greater Manchester Act 1981
County of Kent Act 1981
Derbyshire Act 1981
Humberside Act 1982
County of Avon Act 1982
Cumbria Act 1982
Hampshire Act 1983
Staffordshire Act 1983
County of Lancashire Act 1984
Surrey Act 1985
Bournemouth Borough Council Act 1985
Leicestershire Act 1985
Hereford City Council Act 1985
Worcester City Council Act 1985
Poole Borough Council Act 1986
Berkshire Act 1986
County of Cleveland Act 1987

Annex E

Building Act 1984

NOTICE OF APPROVAL OF A DOCUMENT FOR THE PURPOSE OF 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 exercise of the said powers under section 6, he has approved the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010 (as amended). This approval takes effect as listed in the table below except in respect of work commenced before the coming into force dates or to work which has not commenced but was notified to a building control body before the coming into force date.</p>		
Document	Requirement of the Building Regulations in respect of which the document is approved	Coming into Force Date
Approved Document K (Protection from falling, collision and impact)(2013)	Part K of Schedule 1	6 April 2013
Approved Document P (Electrical safety – Dwellings)(2013)	Part P of Schedule 1	6 April 2013
Approved Document 7 (Materials and workmanship)(2013)	Regulation 7	1 July 2013
Amendments to Approved Documents L1A, L1B, L2A and L2B	Parts L1(a) and L1(b) of Schedule 1	9 January 2013
Amendments to Approved Documents A, B1, B2, C, D, E, F, G, H, J, and M	Parts A, B1, B2, C, D, E, F, G, H, J, and M of Schedule 1	6 April 2013
<i>Signed by authority of the Secretary of State</i>	Bob Ledsome An Assistant Secretary in the Department for Communities and Local Government 19 December 2012	

Annex F

Building Act 1984

NOTICE OF WITHDRAWAL OF APPROVAL OF A DOCUMENT FOR THE PURPOSE OF 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 exercise of the said powers under section 6, 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 (as amended). This withdrawal takes effect as listed below except in respect of work commenced before that date or to work which has not commenced but has been notified to a building control body before the date of withdrawal.</p>	
Document	Withdrawal Date
Approved Document K (Protection from falling, collision and impact) (1998 incorporating 2000 & 2010 amendments)	6 April 2013
Approved Document P (Electrical safety – Dwellings) (2006)	6 April 2013
Approved Document to support regulation 7 (Materials and workmanship) (1999 edition incorporating 2000 amendments)	1 July 2013
Approved Document N (Glazing –Safety in relation to impact, opening and cleaning) (1998 incorporating 2000 & 2010 amendments)	6 April 2013
<i>Signed by authority of the Secretary of State</i>	Bob Ledsome An Assistant Secretary in the Department for Communities and Local Government 19 December 2012

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