



Department for Communities and Local Government

To:

The Chief Executive

Unitary, Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

The Town Clerk, City of London

The Clerk, Council of the Isles of Scilly

The Sub-Treasurer, Inner Temple

The Under Treasurer, Middle Temple

The Head of Building Control

Unitary Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales
City of London
Council of the Isles of Scilly

Approved Inspectors

cc: The Chief Executive:

County Councils in England
National Park Authorities in England & Wales

The Chief Fire Officer: Fire and Rescue Authorities in England & Wales

5 February 2013

Dear Sir or Madam

**Energy Performance of Buildings (England and Wales) etc (Amendment)
Regulations 2013 (S.I. 2013 No. 10)**

**The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181) (the
“2013 Regulations”) and CORRECTION SLIP**

**The Building Regulations etc (Amendment) Regulations 2012 (S.I. 2012/3119) (the
“2012 Regulations”) and CORRECTION SLIP**

The Building Regulations 2010 (S.I.2010/2214)

The Building (Approved Inspectors etc) Regulations 2010 (S.I. 2010/2215)

I am writing to inform you of two developments which affect the Building Regulations 2010 and the Building (Approved Inspectors etc) Regulations 2010.

Corrections

First, there were a number of small defects in the Building Regulations &c (Amendment) Regulations 2012. These defects are being corrected in two ways. Small typographical errors have been corrected by the publication of a correction slip which is available at www.legislation.gov.uk alongside the entry for the 2012 Regulations.

More significant defects have been corrected by further amendment regulations, the Building Regulations &c (Amendment) Regulations 2013 which came into effect on 6 February 2013 and concern:

- i. An inadvertent omission to mention section 2(2) of the European Communities Act 1972 as one of the powers used to make the 2012 Regulations. This affected only the amendment to regulation 34 of the Building Regulations 2010. The effect of the omission is that the amendment of regulation 34 in the 2012 Regulations was of nil effect so it is enacted afresh in the 2013 Regulations. The amended regulation 34 applies to England and Wales;
- ii. The omission of a coming into force date for regulation 37 of the 2012 Regulations. It will now come into force on 11 February 2013, we have also made a minor change to the wording at regulation 17 (for the purpose of new regulation 25B); and
- iii. A mistake in the amendments to the wording in Forms 1 and 4 of Schedule 1 to the Approved Inspectors Regulations 2012. These forms are now reproduced at the Annex to this Circular Letter and should be used for initial notices submitted to local authorities on or after 6 April 2013.

The 2013 Regulations are available at www.legislation.gov.uk.

Green Deal Energy Performance Certificates

The Department of Energy and Climate Change has made significant amendments to the Building Regulations 2010 in the Energy Performance of Buildings (England and Wales) etc (Amendment) Regulations 2013 (2013/10). The amendments concern the giving of an energy performance certificate in the circumstances set out in regulation 29(1)(b) of the Building Regulations where the work has been subject to a Green Deal plan. The duty in the amendments rests with energy assessors and persons carrying out the building work. There are no duties on building control bodies from these amendments.

These amendments apply in England and Wales.

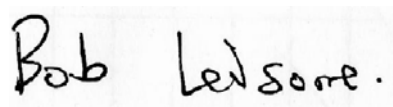
These Regulations are available at www.legislation.gov.uk.

Enquiries

Telephone enquiries on this Circular Letter should be addressed to Ian Drummond on 0303 444 1791.

All e-mail enquiries to enquiries.br@communities.gsi.gov.uk.

Yours faithfully

A handwritten signature in black ink that reads "Bob Ledsome." The signature is written in a cursive, slightly informal style.

R J Ledsome

Deputy Director

Building Regulations and Standards Division

Annex A

SCHEDULE 1

Forms

Form 1

**Section 47 of the Building Act 1984 (“The Act”)
The Building (Approved Inspectors etc.) Regulations 2010 (“the 2010
Regulations”)**

INITIAL NOTICE

To: **(1)**

- 1.** This notice relates to the following works: **(2)**
- 2.** The approved inspector in relation to the work is: **(3)**
- 3.** The person intending to carry out the work is: **(3)**
- 4.** With this notice are the following documents, which are those relevant to the work described in this notice— **(4)**
 - [(c)** in the case of the erection or extension of a building, a plan to scale of not less than 1:1250 showing the boundaries and location of the site and (where the work includes the construction of a new drain or private sewer) a statement—
 - (i)** as to the approximate location of any proposed connection to be made to a sewer, or
 - (ii)** if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or any wastewater treatment system or any cesspool;]
 - [(d)** a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it.]
- 5.** The work [is]/[is not] **(5)** minor work. **(6)**
- [6.** I **(7)** declare that I do not, and will not while this notice is in force, have any financial or professional interest **(8)** in the works described.] **(9)**
- 7.** The approved inspector [will]/[will not] **(10)** be obliged to consult the fire and rescue authority by regulation 12 of the 2010 Regulations.
- [8.** I **(7)** undertake to consult the fire and rescue authority before giving a plans certificate in accordance with section 50 of the Act or a final certificate in accordance with section 51 of the Act in respect of any of the work described above.] **(9)**
- 9.** The approved inspector [will]/[will not] **(11)** be obliged to consult the sewerage undertaker by regulation 13 of the 2010 Regulations.

[10. I (7) undertake to consult the sewerage undertaker before giving a plans certificate in accordance with section 50 of the Act or a final certificate in accordance with section 51 of the Act in respect of any of the work described above.] (9)

11. I (7) am aware of the obligations laid upon me by Part 2 of the Act and by regulation 8 of the 2010 Regulations.

12. I (7) am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

13. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.

Signed

Signed

Approved Inspector

Person intending to carry out the work

Date

Date

NOTES

(1) Name and address of local authority.

(2) Location and description of the work, including the use of any building to which the work relates.

(3) Name and address.

(4) The local authority may reject this notice only on grounds prescribed by the Secretary of State. These are set out in Schedule 2 to the 2010 Regulations. They include failure to provide relevant documents. The documents listed in paragraph 4 of the notice relevant to the work described above should therefore be sent with this notice. Any sub-paragraph which does not apply should be deleted.

(5) Delete whichever does not apply.

(6) "Minor work" has the meaning given in regulation 9(5) of the 2010 Regulations. If the work is not minor work, the declaration in paragraph 6 must be made.

(7) Name of the approved inspector.

(8) "Professional or financial interest" has the meaning given in regulation 9 of the 2010 Regulations.

(9) Delete this statement if it does not apply.

(10) Delete whichever does not apply. If the inspector is obliged to consult the fire and rescue authority, the declaration in paragraph 8 must be made.

(11) Delete whichever does not apply. If the inspector is obliged to consult the sewerage undertaker, the declaration in paragraph 10 must be made.

Form 4

**Sections 47 and 50 of the Building Act 1984 (“the Act”)
The Building (Approved Inspectors etc.) Regulations 2010 (“the 2010
Regulations”)**

COMBINED INITIAL NOTICE AND PLANS CERTIFICATE

To: **(1)**

- 1.** This notice relates to the following work: **(2)**
- 2.** The approved inspector in relation to the work is: **(3)**
- 3.** The person intending to carry out the work is: **(3)**
- 4.** With this notice are the following documents, which are those relevant to the work described in this notice— **(4)**

[(c) in the case of the erection or extension of a building, a plan to a scale of not less than 1:1250 showing the boundaries and location of the site and (where the work includes the construction of a new drain or private sewer) a statement—

- (i) as to the approximate location of any proposed connection to be made to a sewer, or
- (ii) if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer, including the location of any septic tank and associated secondary treatment system, or any wastewater treatment system or any cesspool;]

[(d) a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it.]

- 5.** The work [is]/[is not] **(5)** minor work. **(6)**

[6. I **(7)** declare that I do not, and will not while this notice is in force, have any financial or professional interest **(8)** in the work described.] **(9)**

7. I **(7)** am satisfied that plans relating to the work described above have been submitted to me, and that they neither are defective nor show work which, if carried out in accordance with them, would contravene any provision of building regulations.

8. The approved inspector [is]/[is not] **(10)** obliged to consult the fire and rescue authority by regulation 12 of the 2010 Regulations.

[9. I **(7)** have consulted the fire and rescue authority in accordance with regulation 12.] **(9)**

[10. I **(7)** undertake to consult the fire and rescue authority before giving a final certificate in accordance with section 51 of the Act in respect of any of the work described above.] **(9)**

11. The approved inspector [is]/[is not] **(11)** obliged to consult the sewerage undertaker by regulation 13 of the 2010 Regulations.

[12. I **(7)** have consulted the sewerage undertaker in accordance with regulation 13.] **(9)**

[13. I **(7)** undertake to consult the sewerage undertaker before giving a final certificate in accordance with section 51 of the Act in respect of any of the work described above.] **(9)**

14. The plans to which this certificate relates bear the following date and reference number. **(12)**

15. I **(7)** am aware of the obligations laid upon me by Part 2 of the Act and by regulation 8 of the 2010 Regulations.

16. I **(7)** am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

17. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.

Signed

Signed

Approved Inspector

Person intending to carry out the work

Date

Date

NOTES

(1) Name and address of local authority.

(2) Location and description of the work, including the use of any building to which the work relates.

(3) Name and address.

(4) The local authority may reject this notice only on grounds prescribed by the Secretary of State. These are set out in Schedules 2 and 3 to the 2010 Regulations. They include failure to provide relevant documents. The documents listed in paragraph 4 of the notice relevant to the work described above should therefore be sent with this notice. Any subsequent paragraph which does not apply should be deleted.

(5) Delete whichever does not apply.

(6) “Minor work” has the meaning given in regulation 9(5) of the 2010 Regulations. If the work is not minor work, the declaration in paragraph 6 must be made.

(7) Name of the approved inspector.

(8) “Professional or financial interest” has the meaning given in regulation 9 of the 2010 Regulations.

(9) Delete this statement if it does not apply.

(10) Delete whichever does not apply. If the inspector is obliged to consult the fire and rescue authority, the declarations in paragraph 9 and 10 must be made.

(11) Delete whichever does not apply. If the inspector is obliged to consult the sewerage undertaker, the declarations in paragraphs 12 and 13 must be made.

(12) Insert the date and reference number.