

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING (APPROVED INSPECTORS ETC.)
REGULATIONS 2010

- **NEW PART Q (SECURITY) IN THE BUILDING REGULATIONS**
- **INTRODUCTION OF OPTIONAL REQUIREMENTS ON ACCESS AND WATER EFFICIENCY IN THE BUILDING REGULATIONS**
- **NEW AND EXTENDED COMPETENT PERSON SELF-CERTIFICATION SCHEMES**

New Approved Documents to support the following requirements of Schedule 1 to the Building Regulations 2010:

- **PART G (SANITATION, HOT WATER SAFETY AND WATER EFFICIENCY)**
- **PART H (DRAINAGE AND WASTE DISPOSAL)**
- **PART M (ACCESS TO AND USE OF BUILDINGS)**
- **PART Q (SECURITY)**

Amended Approved Document to support the following requirement of Schedule 1 to the Building Regulations 2010:

- **PART E (RESISTANCE TO THE PASSAGE OF SOUND)**

New Statutory approval of a methodology in relation to the following requirement of the Building Regulations:

- **CALCULATION OF WATER EFFICIENCY OF NEW DWELLINGS**

INTRODUCTION

1. I am directed by the Secretary of State to draw your attention to the Building Regulations &c. (Amendment) Regulations 2015 (S.I. 2015/767) (“the Amendment Regulations”), which were made on 26 March 2015 and will come into force as set out in amendment regulation 1(4).
2. In accordance with section 14(3) of the Building Act 1984, the Regulations were made after consultation with the Building Regulations Advisory Committee for England and with other bodies representative of the interests concerned.
3. The purpose of this Circular is to:
 - draw attention to the fact that the amendments apply in England and to excepted energy buildings in Wales;
 - draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010;
 - announce the authorisation of a number of new and extended competent person self-certification schemes and the revocation of authorisation of three schemes for particular types of work;
 - explain the application of the transitional provisions;
 - announce the approval and publication of four new approved documents and the amendment of an approved document; and
 - announce the approval of a methodology for the calculation of water efficiency in new dwellings.
4. Annexes A and B to this Circular set out in tabular form all the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by S.I. 2015/767.
5. Annex C sets out in tabular form the changes made to regulation 43(4) of and Schedule 3 to the Building Regulations 2010 in respect of the authorisation and revocation of authorisation of competent person self-certification schemes.
6. Annexes D and E are notices of approval and notices of withdrawal of approval respectively of documents or the amendment of documents for the purpose of giving practical guidance with respect to the requirements of the Building Regulations 2010.
7. Annex F is the notice of approval for the methodology for the calculation of the water efficiency of new dwellings.
8. This Circular does not give advice on the technical requirements in the Building Regulations 2010 as these are matters covered by the Approved Documents.

APPLICATION OF THE REGULATIONS

9. The Amendment Regulations apply to England and also to excepted energy buildings in Wales. “Excepted energy buildings” is defined in the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I.2009/3019).

INTRODUCTION OF NEW SECURITY REQUIREMENT FOR DWELLINGS

10. Amendment regulation 2(11)(c) introduces a new Part Q (Security) into Schedule 1 to the Building Regulations 2010. Part Q will apply to all new dwellings. Amendment regulation 2(4)(b) and (c) amends regulation 6 of the 2010 Regulations to specify how Part Q applies to new dwellings created by a material change of use.

INTRODUCTION OF OPTIONAL REQUIREMENTS FOR WATER EFFICIENCY AND ACCESS

11. Amendment regulations 2(8) and (9) and 2(11)(b) introduce optional requirements dealing with water efficiency and access into the 2010 Regulations by amending regulations 36 and 37 of and Part M of Schedule 1 to the 2010 Regulations. Amendment regulation 2(11)(a) amends requirement H3(2) to reflect the changes made to Part M. The limit on application of Part M4(1) is amended to remove the disapplication of this requirement in the case of a material alteration of a dwelling.

CHANGES TO THE BUILDING CONTROL SYSTEM

12. Amendment regulations 2(5) and (6) and 3(3) require those carrying out building work to notify the building control body whether or not the building work concerns new dwellings and, if it does, whether an optional requirement has been imposed. Amendment regulation 3(3) does this by replacing all the forms in Schedule 1 to the Building (Approved Inspectors etc.) Regulations 2010 used by approved inspectors to require this information to be given.
13. Amendment regulations 3(4) to (9) amend Schedules 2 to 5 to the Building (Approved Inspectors etc.) Regulations 2010 to add to the grounds for rejection of approved inspectors’ notices and certificates the failure to supply information about optional requirements.
14. Amendment regulation 2(3) amends regulation 4 of the Building Regulations 2010 to say that where an optional requirement has been imposed the applicable requirements that must be complied with include any optional requirement imposed.

CHANGES RELATING TO COMPETENT PERSON SELF-CERTIFICATION SCHEMES

15. Amendment regulations 2(10) and 2(12) amend regulations 43(4) of and Schedule 3 to the Building Regulations 2010 to authorise new and extended competent person self-certification schemes and also to revoke the authorisations of schemes for types of work where they are no longer operating a scheme. Annex C to this Circular gives full details of the changes.

TRANSITIONAL PROVISIONS

16. Amendment regulations 4 and 5 specify to which of the changes made by these Regulations the transitional provisions apply.

CHANGES TO APPROVED DOCUMENTS

17. The Department is publishing new Approved Documents G (sanitation, hot water safety and water efficiency), H (drainage and waste disposal), M (access to and use of buildings) and Q (security) to give guidance to support the changes made by the Amendment Regulations. The notices of approval for these approved documents are at Annex D to this Circular. Also included is the notice of approval for an amendment to Approved Document E (resistance to the passage of sound). Annex E gives notice of the withdrawal of approval for Approved Documents no longer to be used, subject to the transitional provisions in the Amendment Regulations. The new approved documents and the amendment are published at www.planningportal.gov.uk.

APPROVAL OF WATER EFFICIENCY CALCULATION METHODOLOGY

18. The amendment to regulation 36 of the Building Regulations 2010 made by amendment regulation 2(8) allows the Secretary of State to approve a methodology for the calculation of the water efficiency of a new dwelling. A notice of approval for the methodology is at Annex F. The approved methodology is published as an appendix to new Approved Document G.

ENQUIRIES

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

Department for Communities and Local Government
Building Regulations and Standards Division
3NW Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 0000
E-mail: enquiries.br@communities.gsi.gov.uk

Date: 27 March 2015

Signed:

R J Ledsoe
An Assistant Secretary in the Department for Communities and Local
Government

Annex A

The Building Regulations &c. (Amendment) Regulations 2015 (S.I. 2015/767)

The following table lists all the changes made by S.I. 2015/767 to the Building Regulations 2010 (S.I. 2010/2214):

S.I. 2010/2214 Regulation No.	S.I. 2015/767 Regulation No.	Action
2(1)	2(2)(a) and (b)	Interpretation. Inserts definitions of “new dwelling”, “optional requirement” and “planning permission” into the Building Regulations
4	2(3) (a) and (b)	Requirements relating to building work. Makes clear that an optional requirement imposed must be complied with to the same extent as mandatory requirements.
6(1)(i)	2(4) (a)	Requirements relating to material change of use. Amends reference to requirement M1
6(1)(j)	2(4)(b)	Requirements relating to material change of use. Inserts new subparagraph (j) to apply requirement Q1 to certain material changes of use
6(2)(e)	2(4)(c)	Requirements relating to a material change of use. Inserts new subparagraph (e) to apply requirement Q1 to certain material changes of use of part of a building.
13	2(5)(a)	Particulars and plans where a building notice is given. New requirement to inform local authority whether an optional requirement applies or that this is not yet known.
13	2(5)(b)	Particulars and plans where a building notice is given. Requirement to give local authority a statement concerning optional requirements if not possible to do so at the time of giving a building notice.
14(3)(a)	2(6)	Full plans. Applies the requirements of amendment regulations 2(5)(a) and (b) also to the deposit of full plans with a local authority.
35	2(7) (a) and (b)	Interpretation of Part 6. Clarifies that a new dwelling for the purposes of Part 6 of the Regulations does not include a dwelling created by a material change of use.
36	2(8)	Water efficiency of new dwellings. Amends regulation 36 to introduce an optional requirement on the potential consumption of wholesome water and provides for the Secretary of State to approve a methodology to measure the potential consumption.

S.I. 2010/2214 Regulation No.	S.I. 2015/767 Regulation No.	Action
37	2(9)	Wholesome water consumption calculation. Amends regulation 37 to require the notice to the local authority to specify which requirement of potential consumption applies.
43(4)	2(10)	Pressure testing. Authorises a new scheme operator for pressure testing of new dwellings and revokes the authorisation of another scheme operator.
Schedule 1, Part H3(2)	2(11)(a)	Drainage and waste disposal. Amendment consequential on the changes to Part M of Schedule 1.
Schedule 1, Part M	2(11)(b)	Access to and use of buildings. Amends Part M to separate the requirements on dwellings and buildings other than dwellings and introduces two optional requirements for dwellings.
Schedule 1, Part Q	2(11)(c)	Security. Introduces a new requirement on security.
Schedule 3	2(12) and Schedule 1	Self-certification schemes and exemptions from requirement to give a building notice or deposit full plans. Substitutes a consolidated Schedule 3 which contains some further authorised new and extended schemes and some revocations of authorisation [see Annex C].

Annex B

The Building Regulations &c. (Amendment) Regulations 2015 (S.I. 2015/767)

The following table lists all the changes made by S.I. 2015/767 to the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215):

S.I. 2010/2214 Regulation No.	S.I. 2015/767 Regulation No.	Action
2(1)	3(2)	Interpretation. Introduces new definitions of “new dwelling” and “optional requirement”
Schedule 1	3(3)	Forms. Substitutes consolidated forms 1 to 12 including provision for information on optional requirements on the notices and certificates given by approved inspectors.
Schedules 2 to 7	3(4) to (9)	Grounds for rejection. Adds in each case that failure to supply information on optional requirements on a notice or certificate is a valid ground for rejection of the notice or certificate.

Annex C

The Building Regulations &c. (Amendment) Regulations 2015 (S.I. 2015/767)

The following tables list all the changes made by S.I. 2015/767 to Regulation 43(4) of and Schedule 3 to the Building Regulations 2010 (S.I. 2010/2214):

AUTHORISATIONS, ALL OF WHICH COME INTO EFFECT ON 18 APRIL 2015

Statutory reference in Building Regulations 2010	Type of work	Name of Scheme
Regulation 43(4)	Pressure testing	Independent Air Tightness Testing Scheme
Schedule 3, paragraph 2	Installation of – (a) an oil-fired combustion appliance; or (b) oil storage tanks and the pipes connecting them to combustion appliances	Blue Flame Certification Limited
Schedule 3, paragraph 3	Installation of a solid fuel-burning appliance other than a biomass appliance	Oil Firing Technical Association Limited and Stroma Certification Limited
Schedule 3, paragraph 4	Installation of a heating or hot water system, or its associated controls	Blue Flame Certification Limited
Schedule 3, paragraph 5	Installation of a mechanical ventilation or air conditioning system or associated controls, in a building other than a dwelling, that does not involve work on a system shared with parts of the building occupied separately	Blue Flame Certification Limited
Schedule 3, paragraph 6	Installation of an air conditioning or mechanical ventilation system in a dwelling, that does not involve work on a system shared with other dwellings	Blue Flame Certification Limited
Schedule 3, paragraph 7	Installation of an energy efficient lighting system or electric heating system, or associated controls, in buildings other than dwellings	Blue Flame Certification Limited
Schedule 3, paragraph 8	Installation of fixed low or extra-low voltage electrical installations in dwellings	Blue Flame Certification Limited
Schedule 3, paragraph 9	Installation of fixed low or extra-low electrical installations in dwellings, as a necessary adjunct to or arising out of other work being carried out by the registered person	Blue Flame Certification Limited
Schedule 3, paragraph 10	Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling	Blue Flame Certification Limited

Statutory reference in Building Regulations 2010	Type of work	Name of Scheme
Schedule 3, paragraph 11	Installation, as a replacement, of a window, rooflight, roof window or door in an existing building other than a dwelling.	Blue Flame Certification Limited, NAPIT Registration Limited and Network VEKA
Schedule 3, paragraph 13	Installation of a wholesome cold water supply or a softened wholesome cold water supply	Stroma Certification Limited
Schedule 3, paragraph 17	Insertion of insulating material into the cavity walls of an existing building	Blue Flame Certification Limited and CERTASS Limited
Schedule 3, paragraph 18	Installation of insulating material to the internal walls of a building, not including the installation of flexible thermal linings	Blue Flame Certification Limited
Schedule 3, paragraph 19	Installation of insulating material to the external walls of a building, not including the insulation of demountable-clad buildings	Blue Flame Certification Limited
Schedule 3, paragraph 20	Installation of insulating material to the external and internal walls of a building ("hybrid insulation"), not including the insulation of demountable-clad buildings, and not including the installation of flexible thermal linings	Blue Flame Certification Limited, CERTASS Limited and Stroma Certification Limited

REVOCATION OF AUTHORISATION

Statutory reference in Building Regulations 2010	Type of work	Name of Scheme	Date revocation comes into effect
Regulation 43(4)	Pressure testing	British Institute of Non-Destructive Testing	31 December 2015
Schedule 3, paragraph 2	Installation of – (a) an oil-fired combustion appliance; or (b) oil storage tanks and the pipes connecting them to combustion appliances	Benchmark Certification Limited	18 April 2015
Schedule 3, paragraph 15	Installation in a building of a system to produce electricity, heat or cooling – (a) by microgeneration; or (b) from renewable sources (as defined in Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources)	BRE Global Limited	18 April 2015

Annex D

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 G (sanitation, hot water safety and water efficiency) 2015 edition	Part G of Schedule 1	1 October 2015
Approved Document H (drainage and Waste disposal) 2015 edition	Part H of Schedule 1	1 October 2015
Approved Document M (access to and use of buildings) volumes 1 and 2, 2015 edition	Part M of Schedule 1	1 October 2015
Approved Document Q (security) 2015 edition	Part Q of Schedule 1	1 October 2015
Amendment to Approved Document E (resistance to the passage of sound)	Part E of Schedule 1	6 April 2015
<i>Signed by authority of the Secretary of State</i>	R J Ledsome An Assistant Secretary in the Department for Communities and Local Government 27 March 2015	

Annex E

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	
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.	
Document	Withdrawal Date
Approved Document G (sanitation, hot water safety and water efficiency), 2010 edition	1 October 2015
Approved Document H (drainage and waste disposal), 2002 edition, incorporating 2010 amendments	1 October 2015
Approved Document M (access to and use of buildings), 2004 edition incorporating 2010 and 2013 amendments	1 October 2015
<i>Signed by authority of the Secretary of State</i>	R J Ledsoe An Assistant Secretary in the Department for Communities and Local Government 27 March 2015

Annex F

The Building Regulations 2010

NOTICE OF APPROVAL BY THE SECRETARY OF STATE OF A METHODOLOGY FOR THE MEASUREMENT OF THE POTENTIAL CONSUMPTION OF WHOLESOME WATER IN NEW DWELLINGS PURSUANT TO REGULATION 36 OF THE BUILDING REGULATIONS 2010	
Requirement	Approved Methodology
Measurement of the potential consumption of wholesome water	As set out in Approved Document G, 2015 edition
<i>Signed by authority of the Secretary of State</i>	R J Ledsome An Assistant Secretary in the Department for Communities and Local Government 27 March 2015

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