

# DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

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*Communities and Local Government Circular 04/2016*  
*Department for Communities and Local Government*  
*3NW Fry Building, 2 Marsham Street, London SW1P 4DF*

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13 April 2016

## THE BUILDING ACT 1984

## THE BUILDING REGULATIONS 2010

- **NEW REQUIREMENT R1 IN SCHEDULE 1 TO THE BUILDING REGULATIONS 2010 (PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS)**
- **NEW APPROVED DOCUMENT R (PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS) TO SUPPORT REQUIREMENT R1**

## **INTRODUCTION**

1. I am directed by the Secretary of State to draw your attention to the publication of Building (Amendment) Regulations 2016 (S.I. 2016/490) (“the Amendment Regulations”), which were made on 11 April 2016 and will come into force on 9 May 2016 and the publication of a new approved document.
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 amendment regulations transpose Article 8 of Directive 2014/61/EU of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks, which requires that all new buildings, and buildings undergoing major renovation works, have the necessary in-building physical infrastructure to enable connections to superfast broadband.
4. 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
  - draw attention to the publication of a new Approved Document R.
5. Annex A to this Circular sets out in tabular form all the changes to the Building Regulations 2010 made by S.I. 2016/490.
6. 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**

7. The amendment regulations apply to England and Wales but do not apply to any building in Wales other than an “excepted energy building” within the meaning of the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019).

## **NEW REQUIREMENT R1 (PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS) IN SCHEDULE 1 TO THE BUILDING REGULATIONS 2010**

8. The amendment regulations introduce a new Part R (in-building physical infrastructure for high-speed electronic communications networks) in Schedule 1. Part R sets out the requirements, and a new Part 9A (physical infrastructure for high-speed electronic communications networks) in the main regulations provides for application of Part R to buildings outside the scope of the Building Act 1984 (c.55), for interpretation, and for exemptions.

## **NEW APPROVED DOCUMENT R**

9. The Secretary of State has approved new statutory guidance to support compliance with Part R as *Approved Document R: Physical Infrastructure for high-speed electronic communications networks*. The formal notice of approval is at Annex B to this Circular.
10. The Approved Document is available at <https://www.gov.uk/government/publications/high-speed-electronic-communications-networks-approved-document-r> or paper copies may be ordered from RIBA Bookshops ([www.ribabookshops.com](http://www.ribabookshops.com))

## **TRANSITIONAL PROVISION**

11. Amendment regulation 3 states that requirement R1 will not apply to building work where a building notice, initial notice or plans certificate has been given to, or full plans deposited with, a local authority before 1 January 2017.

## **ENQUIRIES**

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

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

Tel: 0303 444 0000  
E-mail: [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk)

Date: 13 April 2016

Signed:

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

# ANNEX A

## The Building (Amendment) Regulations 2016 (S.I. 2016/490)

The following table lists all the changes made by S.I. 2016/490 to the Building Regulations 2010 (S.I. 2010/2214):

<b>S.I. 2010/2214 Regulation No.</b>	<b>S.I. 2016/490 Regulations No.</b>	<b>Action</b>
9 (1)	2 (2) (b)	Exempt buildings and work. Applies the requirements of paragraph R1 of Schedule 1 to buildings falling within paragraphs 1 and 2 of Class 1 (buildings controlled under other legislation) in Schedule 2.
11(3)	2 (3)	Power to dispense with or relax requirements. Disallows the dispensation with or relaxation of requirement R1 of Schedule 1.
44A	2 (4)	Application of paragraph R1 of Schedule 1 to educational buildings, buildings of statutory undertakers and Crown buildings. Applies Part R of Schedule 1 to certain buildings outside the scope of the Building Regulations 2010.
44B	2(4)	Exemptions from paragraph R1 of Schedule 1. Sets out buildings exempt from compliance with Part R of Schedule 1.
44C	2(4)	Interpretation of Part R of Schedule 1. Defines terms used in Part R of Schedule 1.
55	2(5)	Review of Part 9A and Part R of Schedule 1. Introduces a requirement to review Part 9A of and Part R of Schedule 1 to the Building Regulations 2010.
Schedule 1	2(6)	Requirements. Introduces the requirement R1 (In-building physical infrastructure) into Schedule 1.
–	3	Transitional provision. Sets out when Part R will apply to building work.

# ANNEX B

## Building Act 1984

<b>NOTICE OF APPROVAL OF AMENDED DOCUMENTS FOR THE PURPOSE OF GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010</b>		
The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in exercise of the said powers under section 6, 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 of work which has not commenced but was notified to a building control body before the coming into force date.		
<b>Document</b>	<b>Requirement of the Building Regulations in respect of which the document is approved</b>	<b>Coming into Force Date</b>
Approved Document R (Physical infrastructure for high-speed electronic communications networks) 2016 edition	Part R of Schedule 1	1 January 2017
<i>Signed by authority of the Secretary of State</i>	R J Ledsome An Assistant Secretary in the Department for Communities and Local Government 13 April 2016	





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