



Department for Levelling Up,
Housing & Communities

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

Chair: National Fire Chiefs Council

30 September 2022

Dear Sir or Madam

New Edition of Approved Document J

I am writing to inform you of the publication of a new edition of Approved Document J (Combustion Appliances and Fuel Storage Systems).

The new edition of Approved Document J has been published as part of the response to a consultation “Domestic smoke and carbon monoxide alarms: proposals to extend regulations.” <https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms/domestic-smoke-and-carbon-monoxide-alarms-proposals-to-extend-regulations>

Scope of this Circular Letter

The guidance in this Circular Letter applies to buildings and building work in England.

Publications

The Government response to the consultation on this policy is available at:

<https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms/outcome/domestic-smoke-and-carbon-monoxide-alarms-proposals-to-extend-regulations-government-response>

DLUHC Circular 03/2022, which announces the publication of the new edition of Approved Document J and its formal approval is available at:

<https://www.gov.uk/government/collections/building-regulations-circulars>

The new edition of Approved Document J which gives practical guidance is available at:

<https://www.gov.uk/government/publications/combustion-appliances-and-fuel-storage-systems-approved-document-j>

Coming into force date

The new edition of Approved Document J comes into force on 1 October 2022, subject to the transitional provisions.

Summary of the changes

Approved Document J has been amended to extend the provisions and update the guidance for carbon monoxide alarms in support of requirement J3 (Warning of release of carbon monoxide).

The new edition of Approved Document J sets out that a carbon monoxide alarm should be fitted upon the installation of fixed combustion appliances that burn solid fuels, gas fuels (excluding gas appliances used solely for cooking) and oil fuels.

A carbon monoxide alarm should be fitted upon the installation of fixed combustion appliances in new homes and when new or replacement fixed combustion appliances are installed in existing homes.

Updated guidance on the type of carbon monoxide alarms to be fitted is provided in the new edition of Approved Document J. Carbon monoxide alarms should comply with British Standard BS EN 50291. Alarms should be powered by a battery designed to operate for the working life of the alarm. Alarms should also have a warning device to alert users when the working life of the alarm is due to pass. Alternatively, a mains-powered alarm with fixed wiring (not plug-in) should be fitted provided the alarm has a sensor failure warning device.

Updated guidance on the placement of carbon monoxide alarms is provided in the new edition of Approved Document J. A carbon monoxide alarm should be located in the same room as the combustion appliance and on the ceiling at least 300mm from any wall or on a wall, as high up as possible (above any doors and windows) but not within 150mm of the ceiling and between 1m and 3m horizontally from the appliance.

Transitional arrangements

The new edition of Approved Document J comes into force on 1 October 2022 except in respect of work already commenced before that date; or in respect of work for which a building notice, initial notice or amendment notice has been given or full plans deposited before that date and provided work commences within three months of that date; or in respect of work where no notification is required (see regulation 12(6) of the Building Regulations 2010) provided work commences within three months of that date.

Please note that “building notice”, “initial notice”, “amendment notice” and “full plans” have the meanings given in regulation 2 of the Building Regulations 2010.

Commencement of work

In the Department’s opinion the commencement of work, in relation to the fitting of carbon monoxide alarms upon the installation of fixed combustion appliances in new dwellings, would usually be marked by work such as:

- excavation for strip or trench foundations or for pad footings;
- digging out and preparation of ground for raft foundations;
- vibrofloatation (stone columns) piling, boring for piles or pile driving;
- drainage work specific to the building(s) concerned.

We consider that the following sorts of work would not be likely to constitute the commencement of work:

- removal of vegetation
- demolition of any previous buildings on the site;
- removal of top soil;
- removal or treatment of contaminated soil;
- excavation of trial holes;
- dynamic compaction;
- general site servicing works (e.g. roadways)

In some cases, applications will be in respect of a number of buildings on a site, for example a number of houses. In such cases it is the commencement of work on the first of the buildings within the application which determines whether all the building work can take advantage of the transitional provisions, not each individual building.

Role of building control bodies

The fitting of carbon monoxide alarms upon the installation of new and replacement fixed combustion appliances in existing dwellings will most likely be carried out by installers registered with Gas Safe Register or a Building Regulations competent person scheme. This is work that does not require a building notice, initial notice or amendment notice to be given or full plans to be deposited. The compliance of the work with the requirements of the Building Regulations 2010 will be self-certificated under regulation 20 of the Building Regulations.

As such, in most cases there will not be building control body involvement. However, local authorities remain the enforcement body in respect of such work under section 91(2) of the Building Act 1984. If it is found that the work does not comply local authorities will need to consider whether the use of the enforcement powers in sections 35 and 36 of the Building Act would be appropriate.

Enquiries

Telephone enquiries on this Circular Letter should be addressed to Technical Policy Division on 0303 444 0000 and all e-mail enquiries to enquiries.br@levellingup.gov.uk

Yours faithfully

A handwritten signature in black ink that reads "V. Molho". The signature is written in a cursive, slightly slanted style.

V Molho
Deputy Director
Technical Policy Division
Building Safety Portfolio