



Department for Levelling Up,
Housing & Communities

Levelling Up, Housing and Communities Circular 01/2023

Department for Levelling Up, Housing and Communities

Fry Building, 2 Marsham Street, London SW1P 4DF

11 May 2023

THE BUILDING ACT 1984
THE BUILDING REGULATIONS 2010
THE BUILDING REGULATIONS ETC.
(AMENDMENT) (ENGLAND)
REGULATION 2021

AMENDMENT TO REGULATIONS
7(3)(K), 17(2A), AND 19(1) OF THE
BUILDING REGULATIONS 2010

AMENDMENT TO REGULATION 17(1) OF
THE BUILDING REGULATIONS ETC.
(AMENDMENT) (ENGLAND)
REGULATIONS 2021

INTRODUCTION

1. On behalf of the Secretary of State I draw your attention to:

- amendments to Regulations 7(3)(k), 17(2A), and 19(1) of the Building Regulations 2010; and
- an amendment to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021.

2. The purpose of this Circular is to draw attention to:

- an amendment to Regulation 7(3)(k) of the Building Regulations 2010 correcting a typographical error;
- an amendment to Regulation 17(2A) of the Building Regulations 2010 regarding the issuing of completion certificates;
- an amendment to Regulation 19(1) of the Building Regulations 2010 regarding the requirement to give local authorities information about fabric energy rate and primary energy rate calculations; and
- an amendment to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021 and provide practical guidance with respect to the requirements of the transitional provisions.

3. This circular does not give advice on the technical requirements of the Building Regulations 2010 or the Building Regulations etc. (Amendment) (England) Regulations 2021 as these are matters covered by the Approved Documents.

APPLICATION OF THE GUIDANCE

4. The amendments to Regulations 7(3)(k), 17(2A), and 19(1) of the Building Regulations 2010, and to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021 apply only to buildings and building work in England.

CORRECTION OF TYPOGRAPHICAL ERRORS

5. The amendment to Regulation 7(3)(k) of the Building Regulations 2010 amends the regulations to:

- make a correction to the name of European fire classification A2fl-s1. This provision of the Building Regulations regulates the use of combustible materials on balcony floors in tall buildings.

Withdrawn Text	Amended Text
<p>7.(3) Paragraph (2) does not apply to—</p> <p>(k) materials which form the top horizontal floor layer of a balcony which are of European Classification A1fl or A2fl-sl (classified in accordance with the reaction to fire classification) provided that the entire layer has an impermeate substrate under it.”</p>	<p>7.—(3) Paragraph (2) does not apply to—</p> <p>(k) materials which form the top horizontal floor layer of a balcony which are of European Classification A1fl or A2fl-s1 (classified in accordance with the reaction to fire classification) provided that the entire layer has an impermeate substrate under it.”</p>

COMPLETION CERTIFICATE REQUIREMENTS

6. The amendment to Regulation 17(2A) of the Building Regulations 2010 amends the regulations to:

- add compliance with the target primary energy rate to the list of requirements that must be met before a completion certificate may be issued by a local authority.

The following text will be inserted in Regulation 17(2A) after sub-paragraph (c):

“(cc) regulation 26C (target primary energy rates for new buildings);”

LOCAL AUTHORITY DOCUMENTATION REQUIREMENTS

7. The amendment to Regulation 19(1) of the Building Regulations 2010 amends the regulations to:

- ensure that where work is subject to an initial notice, the requirements to give the local authority documentation on compliance with fabric energy efficiency rate calculations and target primary energy rate calculations does not apply. This follows the approach taken to CO2 emission rate calculations.

The following text will be inserted in Regulation 19(1) after “27 (CO2 emission rate calculations),”:

“27A (fabric energy efficiency rate calculations), 27C (target primary energy rate calculations for new buildings),”

TRANSITIONAL PROVISIONS

8. The amendment to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021 amends the regulations to:

- clarify that building sites falling under the 2013 transitional provisions will be exempt from the requirements of the 2021 regulations
- ensure that building sites falling under the 2013 transitional provisions are able to meet the requirements of the appropriate building regulations on a site-wide basis.

6. The amendment to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021 will read as follows:

Withdrawn Text	Amended Text
17.—(1) The amendments made by Parts 2 and 3 of these Regulations (other than regulations 9, 12 and 13 in Part 2) do not apply in relation to building work on a particular building, where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority, in respect of that building, before 15th June 2022, provided that the building work on that building is started before 15th June 2023.	17.— (1) The amendments made by Parts 2 and 3 of these Regulations (other than regulations 9, 12 and 13) do not apply in relation to— (a) building work to which regulation 9 (transitional provisions) of the Building Regulations &c. (Amendment) (No 2) Regulations 2013 applies; and

	(b) building work on a particular building, where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority, in respect of that building before 15th June 2022, provided that the building work on that building is started before 15th June 2023.”
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ENQUIRIES

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

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Energy Performance of Buildings Division, Fry Building

2 Marsham Street, London SW1P 4DF

Tel: 0303 444 0000

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Date: 11 May 2023

Signed:



J Palmer

A Deputy Director in the Department for Levelling Up, Housing and Communities