



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

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

11 May 2023

Dear Sir or Madam

Amendments 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.

I am writing to inform you that we have issued an amendments to Regulations 7(3)(k), 17(2A), and 19(1) of the Building Regulations 2010, and Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021.

The amendment to Regulation 7(3)(k) of the Building Regulations 2010 amends the regulations to make a correction in the name of European fire classifications A2fl-s1, and is as follows:

Withdrawn Text	Amended Text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 imperforate 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 imperforate substrate under it.”</p>

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.

As such, the following text will be inserted in Regulation 17(2A) after sub-paragraph (c):

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

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.

As such, 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),”

The amendment to Regulation 17(1) of the Building Regulations etc. (Amendment) (England) Regulations 2021 amends the regulations with respect to the scope of transitional provisions for building work in England by:

- clarifying that building sites falling under the 2013 transitional provisions will be exempt from the requirements of the 2021 regulations
- ensuring 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.

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

Withdrawn Text	Amended Text
<p>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.</p>	<p>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—</p> <ul style="list-style-type: none"><li data-bbox="778 472 1284 595">(a) building work to which regulation 9 (transitional provisions) of the Building Regulations &c. (Amendment) (No 2) Regulations 2013 applies; and<li data-bbox="778 647 1321 891">(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.”

Scope of this Circular Letter

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

Notice of approval of the methodologies of calculation of the energy performance of new buildings has also been updated to reflect this update to transitional provisions. The notice of approval is available on the GOV.UK website at:

<https://www.gov.uk/government/publications/methodologies-for-calculating-the-energy-performance-of-new-buildings-in-england-notice-of-approval>

Enquiries

Telephone enquiries on this circular letter should be addressed to the Energy Performance of Buildings Division on 0303 444 0000 and all e-mail enquiries to

FutureHomesandBuildingsStandards@levellingup.gov.uk

Yours faithfully



John Palmer

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Energy Performance of Buildings Division

Department for Levelling Up, Housing and Communities