



Office of the
Deputy Prime Minister

Creating sustainable communities

Building Regulations

Explanatory Booklet



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Foreword

This edition of the Explanatory Booklet on the Building Regulations was first printed in January 2003. It significantly updated and expanded on the 1998 edition, although the broad content covered remained much the same.

The main changes to the 1998 booklet were:

- A fuller explanation of what the Building Regulations are all about and how they apply in practice;
- A fuller explanation of the two types of Building Control Service (i.e. your local authority or an approved inspector) – one of which must be used to take you through the Building Regulations procedures;
- An expanded Questions & Answers section offering additional guidance on how the various requirements in the Building Regulations may apply to a building project. In particular, the section refers to the recently introduced option for some types of controlled fittings and services (such as replacement windows and plumbing work) to be carried out by registered installers without the need to involve a Building Control Service. It also includes examples of some of the other recent changes to the regulations, such as fuel burning appliances and fuel storage;
- A fuller explanation of how to ensure the Building Regulations are not contravened and how they are enforced;
- An Annex A summarising some of the more common types of buildings which are exempt from control by the Building Regulations; and

- An Annex B with an extensive list of sources of information and assistance including documents, publications and addresses of organisations.

This 2005 reprint of the Booklet updates the content to take account of the most recent changes in the Building Regulations, including the introduction of Part P (Electrical safety). Other amendments have also been made to either clarify certain points or to add additional information.

Contents

1. General introduction	5
2. The Building Regulations	6
What the Building Regulations do	6
What you need to do	7
The 'requirements' in the Building Regulations	8
The Approved Documents	8
Seeking advice and choosing your builder	11
3. How the Building Regulations apply in practice	12
What is 'Building Work' as defined in the Building Regulations?	12
Points to watch out for about the site you are going to build on: drains, radon, and contaminated substances	13
Am I required to consult my neighbours about my proposed building work?	14
If the Building Regulations don't apply: dangers to watch out for	15
4. Will the Building Regulations apply to the work I want to do? Questions and Answers	17
5. The two types of Building Control Service	33
Your local authority Building Control Service	35
An approved inspector's Building Control Service	42

6. Contravention and enforcement of the Building Regulations	46
---	-----------

What happens if I contravene the Building Regulations?	46
--	----

What happens if I disagree with the local authority's enforcement notice?	48
---	----

How can I go about checking whether unauthorised building work complies with the Building Regulations?	49
--	----

ANNEX A	51
----------------	-----------

Examples of buildings which are exempt from control under the Building Regulations	48
--	----

ANNEX B	54
----------------	-----------

Sources of information	54
------------------------	----

Section I

General introduction

- 1.1 This booklet provides an introduction to the Building Regulations in England and Wales and is intended for anyone proposing to carry out building projects. It is not a statement of the law but is intended to help you to understand the system.
- 1.2 To help you understand more about the subjects referred to in the booklet, sources of assistance and information – including documents, publications and addresses of organisations – are listed in Annex B at the back.
- 1.3 The booklet deals *only* with the Building Regulations. The work which your project involves may be subject to other statutory requirements such as planning permission, fire precautions, water regulations, licensing/registration and the Party Wall etc. Act 1996 (see Annex B: 'Sources of information').
- 1.4 You should particularly bear in mind that complying with the Building Regulations is a separate matter from obtaining planning permission for your work. Similarly, receiving any planning permission which your work may require is not the same as taking action to ensure that it complies with the Building Regulations. A free guide is available for householders which explains the planning system. In addition, there is extensive information available about the planning system in general and how to go about obtaining planning permission on the internet site 'Planning Portal' (see Annex B: 'Sources of information').

Section 2

The Building Regulations

WHAT THE BUILDING REGULATIONS DO

- 2.1 The Building Regulations are made under powers provided in the Building Act 1984, and apply in England and Wales. The current edition of the regulations is 'The Building Regulations 2000' (as amended) and the majority of building projects are required to comply with them. They exist to ensure the health and safety of people in and around all types of buildings (i.e. domestic, commercial and industrial). They also provide for energy conservation, and access to and use of buildings.
- 2.2 The Building Regulations contain various sections dealing with definitions, procedures, and what is expected in terms of the technical performance of building work. For example, they:
- define what types of building, plumbing, and heating projects amount to 'Building Work' and make these subject to control under the Building Regulations (see paragraphs 3.1-3.2);
 - specify what types of buildings are exempt from control under the Building Regulations (Annex A gives examples of the more common types of building which are exempt);
 - set out the notification procedures to follow when starting, carrying out, and completing building work; and
 - set out the 'requirements' with which the individual aspects of building design and construction must comply in the interests of the health and safety of building users, of energy conservation, and of access to and use of buildings (see paragraphs 2.5 and 2.6).

WHAT YOU NEED TO DO

2.3 Anyone wanting to carry out building work which is subject to the Building Regulations is required by law to make sure it complies with the regulations and (with some exceptions – see paragraph 4.2(i)) to use one of the two types of Building Control Service available, i.e:

- the Building Control Service provided by your local authority (see paragraphs 5.5-5.22); or
- the Building Control Service provided by approved inspectors (see paragraphs 5.23-5.29).

You will be charged for either service. The Building Control Service you select may offer advice before your work is started (see paragraphs 2.10 and 2.11).

2.4 The primary responsibility for achieving compliance with the regulations rests with the person carrying out the building work. So if you are carrying out the work personally the responsibility will be yours. If you are employing a builder the responsibility will usually be that firm's – but you should confirm this position at the very beginning. You should also bear in mind that if you are the owner of the building, it is ultimately you who may be served with an enforcement notice if the work does not comply with the regulations (see paragraph 6.3). So it is important that you choose your builder carefully (see paragraph 2.11).

THE 'REQUIREMENTS' IN THE BUILDING REGULATIONS

- 2.5 The final bullet point in paragraph 2.2 above refers to the 'requirements' with which building work must comply. These are contained in a schedule (Schedule 1) to the Building Regulations and are grouped under fourteen 'parts'. The 'parts' deal with individual aspects of building design and construction ranging from structural matters, fire safety, and energy conservation – to hygiene, sound insulation, and access to and use of buildings. All the 'parts' are listed in the table opposite.
- 2.6 The 'requirements' within each 'part' set out the broad objectives or functions which the individual aspects of the building design and construction must set out to achieve. They are therefore often referred to as 'functional requirements' and are expressed in terms of what is 'reasonable', 'adequate', or 'appropriate'. Not all the functional requirements may apply to your building work, but all those which do apply must be complied with as part of the overall process of complying with the Building Regulations.

THE APPROVED DOCUMENTS

- 2.7 Practical guidance on ways to comply with the functional requirements in the Building Regulations is contained in a series of Approved Documents which are to be read alongside each of the fourteen 'parts' in Schedule 1 to the Building Regulations. Each document contains:
- general guidance on the performance expected of materials and building work in order to comply with each of the requirements of the Building Regulations; and
 - practical examples and solutions on how to achieve compliance for some of the more common building situations.

The Approved Documents are all listed in Annex B: 'Sources of information'.

The fourteen 'parts' of Schedule 1 to the Building Regulations**A** Structure**B** Fire safety**C** Site preparation and resistance to contaminants and moisture**D** Toxic substances**E** Resistance to the passage of sound**F** Ventilation**G** Hygiene**H** Drainage and waste disposal**J** Combustion appliances and fuel storage systems**K** Protection from falling, collision and impact**L** Conservation of fuel and power**M** Access to and use of buildings**N** Glazing – safety in relation to impact, opening and cleaning**P** Electrical safety

2.8 The guidance in the documents *does not* amount to a set of statutory requirements and *does not* have to be followed if you wish to design and construct your building work in some other way, providing you can show that it still complies with all the relevant requirements which apply. The guidance will be taken into account when your Building Control Service is considering whether your plans of proposed work, or work in progress, comply with particular requirements. In addition, there is a legal presumption that if you have followed the guidance, then this is evidence that your work has complied with the Building Regulations. However, it is the job of the Building Control Service to consider whether your plans and work comply with the requirements in Schedule 1 to the Building Regulations – not whether they necessarily follow the specific guidance or a specific example in an Approved Document.



- 2.9 Some building work will involve work to buildings which are either listed nationally or locally in some way for their historic or architectural interest, and/or are buildings located in sensitive urban or rural environments such as Conservation Areas or Areas of Outstanding Natural Beauty. The Approved Documents for Parts 'B', 'E' and 'L' acknowledge that in these circumstances it is reasonable to meet these requirements with greater sensitivity and more flexibility. In addition, English Heritage have produced an Interim Guidance Note on how to balance the needs for energy conservation with those of building conservation (see Annex B: 'Sources of information').

SEEKING ADVICE AND CHOOSING YOUR BUILDER

- 2.10 Unless you have a reasonable working knowledge of building construction it would be advisable before any work is started to obtain appropriate professional advice which is relevant to the building work you want to carry out (e.g. from an architect, a structural engineer, a building surveyor, a heating engineer or replacement window specialist) and to choose a registered builder, or a registered installer, to carry out the work.
- 2.11 The Office of Fair Trading publish two leaflets which may help you to find builders, and other tradesmen, who have the skills and resources to do the job properly. These are entitled "Need a plumber or builder...? A step-by-step guide to getting work done on your home", and "Need a plumber or builder...? Organisations which can help you get work done on your home". Details on where to obtain the leaflets are noted under 'Free Literature' in Annex B: 'Sources of information'. Information on each of the registered installers' schemes can be obtained from the approving body, also listed in Annex B. Alternatively, your local authority Building Control Service may be able to offer some advice.

Section 3

How the Building Regulations apply in practice

WHAT IS 'BUILDING WORK' AS DEFINED IN THE BUILDING REGULATIONS?

- 3.1 'Building Work' is defined in Regulation 3 of the Building Regulations. The definition means that the following types of project amount to 'Building Work':
- the erection or extension of a building;
 - the installation or extension of a service or fitting which is controlled under the regulations;
 - an alteration project involving work which will temporarily or permanently affect the ongoing compliance of the building, service or fitting with the requirements relating to structure, fire, or access to and use of buildings;
 - the insertion of insulation into a cavity wall; and
 - the underpinning of the foundations of a building.
- 3.2 If whatever work your project involves amounts to 'Building Work' then it must comply with the Building Regulations. This means that if you want to:
- put up a new building, or extend or alter an existing one (e.g. by converting a loft space into living space);

- or provide services and/or fittings in a building such as:
 - washing and sanitary facilities (e.g. WCs, showers, washbasins, kitchen sinks, etc.),
 - hot water cylinders,
 - foul water and rainwater drainage,
 - replacement windows, and
 - fuel burning appliances of any type;

then the Building Regulations will probably apply. This means that the works themselves must meet the relevant technical requirements in Schedule 1 and they must not make other fabric, services and fittings less compliant than they previously were – or dangerous. For example, the provision of replacement double-glazing must not worsen compliance in relation to: means of escape; air supply for combustion appliances and their flues; and ventilation for health. They may also apply to:

- certain changes of use of an existing building even though you may think that the work involved in the project will not amount to 'Building Work'. This is because the change of use may result in the building as a whole no longer complying with the requirements which will apply to its new type of use, and so having to be up-graded to meet additional requirements specified in the regulations for which building work may also be required.

POINTS TO WATCH OUT FOR ABOUT THE SITE YOU ARE GOING TO BUILD ON: DRAINS, RADON, AND CONTAMINATED SUBSTANCES

- 3.3 You should take care to consider the site on which you are proposing to build or extend. If, for example, your proposed building work involves building close to or over the top of drains, your Building Control Service will need to consult the sewerage

undertaker who may make recommendations on what action to take to protect the drain from any damage which could result from your building work. Many existing rain water and/or foul water drains are shown on what is called 'the official map of sewers'. But even if a particular drain is not on this map, and therefore not subject to the consultation procedure, you should still consider what protective action may be needed to protect it from your proposed building work.

- 3.4 You should also find out if the site on which you want to build has a history of contamination. For example, the site may:
- be in an area where the level of radon gas present in the ground is such that there is a possibility that excessive quantities of radon gas could build up in the building;
 - contain contaminated substances either near the surface or deeper down; or
 - be within 250m of a landfill site.

In such cases protection from gas or contaminated substances may be required under Part C ('Site preparation and resistance to contaminants and moisture') of the Building Regulations.

AM I REQUIRED TO CONSULT MY NEIGHBOURS ABOUT MY PROPOSED BUILDING WORK?

- 3.5 Generally there are no obligations to consult your neighbours, but it would be sensible to do so. In any event, you should be careful that your proposed building work does not interfere with their property as this could lead to bad feeling and possibly civil action for the modification or removal of the work. For example, your work may comply with the Building Regulations but could result in the obstruction or malfunctioning of your neighbour's boiler flue. You should also check your boundary lines and satisfy

yourself that there are no deeds of covenant which may prevent you carrying out certain types of building work close to or directly adjoining your neighbour's property.

- 3.6 Although consultation with your neighbours is not required under the Building Regulations, you should note that if your project is subject to the Party Wall etc. Act 1996 you *must* give notice to adjoining owners under that Act (see Annex B: 'Sources of information'). Consultation and objection procedures may also come into play if other legislation is involved – particularly, for example, if your proposal requires approval under Town and Country Planning legislation.

IF THE BUILDING REGULATIONS DON'T APPLY: DANGERS TO WATCH OUT FOR

- 3.7 You should always bear in mind that although the work involved in a building project may not amount to 'Building Work' and consequently not be subject to the Building Regulations, it may be subject to other statutory regulations and the end result of what you want to do could result in a dangerous situation or in damage to your own or your neighbour's property. It may also result in your own and/or your neighbour's building no longer complying in some way with the Building Regulations.
- 3.8 The type of points to watch out for are:
- Constructing an open air swimming pool, or a garden pond. These can cause a danger – **especially to children** – during construction and afterwards. Safety precautions will need to be taken.
 - Building a garden wall. Even if it is quite low, this can present a danger if it is not built properly – **especially to children**. A free leaflet is available on the construction of free standing walls (see Annex B: 'Sources of information').

- Work involving any form of construction close to your own home or your neighbour's boundary which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; or produce boiler fumes that are a nuisance to a neighbour.
- Adding a floor screed or decking to an existing balcony. This may not always be subject to control under the Building Regulations but may result in a reduction in the effective height of the guard rail, and so increase the risk of people overbalancing and falling.
- The building of an exempt building such as a car port, conservatory or porch (see Annex A which summarises the exemptions in the Building Regulations) which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; adversely affect the safety of a gas meter due to reduced ventilation or excessive temperature exposure; or prejudice safe gas appliance operating conditions.
- The removal of a tree close to a wall of your own house or of an adjoining property. This could affect the foundations and structural stability of the building.

In all such cases it would be advisable to seek professional advice and/or consult your local authority.



Section 4

Will the Building Regulations apply to the work I want to do? Questions and Answers

- 4.1 The answers below cover some of the more commonly asked questions about building work, and about the installation, replacement or repair of services, fittings, drainage, and heat producing appliances. They are arranged in order, as far as possible, to cover the following:
- New homes (i.e. a house, bungalow, maisonettes, or a block of flats) and extensions, and any other type of new building.
 - Alterations, conversions, and changes of use of homes and any other type of building.
 - Structural and repair matters.
 - Services and fittings.
 - Fuel burning appliances.
- 4.2 The examples cannot cover every type of building project but they should help you to decide whether or not the Building Regulations will apply. They also identify:
- (i) those types of 'Building Work' where if you employ a registered installer you do not then need to involve a Building Control Service. Such work is identified by an asterisk (*) in the answer. The concession is strictly limited to the specific type of installation and type of registered installer described. Contact details of the schemes are given in Annex B: 'Sources of information'.



- (ii) some types of building which are exempt from control under the Building Regulations (see Annex A which gives examples of the more common types).

If you have any doubts about these points, and/or the health or safety implications of the work you want to carry out, you should consult a Building Control Service.

QUESTIONS AND ANSWERS

- (a) If I want to build a new home of any type (i.e. a house, bungalow, maisonettes or a block of flats) or any other type of new building, will the Building Regulations apply?

YES – as a new building all the appropriate requirements in the regulations will apply in full.

- (b) If I want to build an extension to my home, will the Building Regulations apply?

YES – but a porch or conservatory built at ground level and under 30m² in floor area is exempt provided that the glazing and any fixed electrical installation complies with the applicable requirements of the Building Regulations (i.e. Part N 'Glazing –

safety in relation to impact, opening and cleaning' and Part P 'Electrical safety'). Annex A summarises the exemptions in the Building Regulations. Your Building Control Service can supply further information on safety glazing and electrical safety.

You should *not construct a conservatory* where it will restrict ladder access to windows serving a room in the roof or a loft conversion, particularly if any of the windows are intended as a way of facilitating escape or rescue *if there is a fire*.



- (c) If I want to build a garage extension onto my home, will the Building Regulations apply?

YES – but a carport extension, open on at least two sides and under 30m² in floor area, is exempt except that any fixed electrical installation must comply with the electrical safety requirements of the Building Regulations (Part P 'Electrical safety'). You should ensure that a carport does not interfere with the proper working of a low-level flue outlet from an oil or gas appliance (guidance on the location of flues can be found in Approved Document J). See Annex A which summarises the exemptions in the Building Regulations.



- (d) **If I want to build a detached garage under 30m² in floor area, will the Building Regulations apply?**

NO – the building will be exempt from the regulations but *only providing* any fixed electrical installation complies with the electrical safety requirements of the Building Regulations (Part P ‘Electrical safety’) and it is:

- under 30m² in floor area;
- single storey and does not contain any sleeping accommodation; and provided either:
 - it is built substantially of non-combustible material; or
 - when built it is no less than 1m from the boundary of the property.

(see also Annex A which summaries the exemptions).

- (e) **If I want to put up a greenhouse or a small detached building such as a garden shed or summerhouse in my garden, will the Building Regulations apply?**

NO – these buildings will be exempt from the regulations but *only providing* any fixed electrical installation complies with the electrical safety requirements of the Building Regulations (Part P ‘Electrical safety’) and the building is fully covered by the definitions and conditions given in Schedule 2 to the Building Regulations (see Annex A which summarises these exemptions).

(f)(i) If I want to carry out a loft conversion to my home, will the Building Regulations apply?

YES – The appropriate requirements of the regulations will be applied so as to ensure, for example: the structural strength of the proposed floor is sufficient; the stability of the structure (including the roof) is not endangered; safe escape from fire; safely designed stairs to the new floor; and reasonable sound insulation between the conversion and the rooms below.

You will also need to consider whether your loft conversion project is subject to The Party Wall etc. Act 1996 under which you must give adjoining owners notice (see Annex B: 'Sources of information').

(f)(ii) If I want to convert an integral or attached garage to a dwelling into habitable use, will the Building Regulations apply?

YES – The appropriate requirements of the regulations will be applied so as to ensure that, for example, the existing accommodation is brought up to the standard required for habitable use, including both thermal and sound insulation. Structural alterations to create new window openings and the infilling of the existing garage door opening will need to comply with the appropriate requirements of Part A; and if the imposed loading is to be increased then the adequacy of the existing foundations will also need investigation.

(g) If I want to carry out internal alterations within my home, or any other type of building, will the Building Regulations apply?

YES – very likely. The regulations specify what forms of alteration amount to 'material alterations' and are therefore 'Building Work', taking account of the potential for the proposed work to adversely affect compliance of the building with specific requirements. On this basis the regulations are very likely to apply if your project will involve alterations to the *structure* of the building (e.g. the removal or part removal of a load bearing wall, joist, beam or

chimney breast); will affect *escape or other fire precautions* either inside or outside the building; or will affect *access to and use of* buildings. On the assumption that the regulations do apply, *all the work* involved in the alteration must comply with all the appropriate requirements.

(h) If I want to replace one or more windows in my home, or any other type of building, will the Building Regulations apply?

YES – if you are replacing the whole of the fixed frame and opening parts. If the work is to your home and you employ a FENSA (Fenestration Self-Assessment Scheme) registered installer, you will not need to involve a Building Control Service*. But on completion the installer must give your local authority a certificate that the work complies with Part L and other appropriate parts of the Building Regulations. You will be provided with a certificate of compliance for your records.

NO – if the work amounts to no more than, for example, replacing broken glass, replacing fogged double-glazing units, replacing some rotten sashes (i.e. opening parts) in the main window frame, or replacing some rotten sections of the main frame members.

If your building is listed nationally, or locally in some way, for its architectural or historic interest and/or is located in a sensitive urban or rural environment (e.g. a Conservation Area or an Area of Outstanding Natural Beauty), you should note that English Heritage have produced an Interim Guidance Note on the application of Part L ('Conservation of fuel and power') of the Building Regulations. The Note offers advice on how to balance the needs for energy conservation with those of building conservation (see Annex B: 'Sources of information').

(i) If I want to carry out repairs to my home, or any other type of building, will the Building Regulations apply?

NO – if the repairs are of a minor nature: e.g. replacing roofing tiles with the same type and weight of tile; replacing the felt to a flat roof; re-pointing brickwork; or replacing floorboards.

* See paragraph 4.2(i)

YES – if the repair work is more significant: e.g. removing a substantial part of a wall and rebuilding it; underpinning a building; or installing a new flue or flue liner. In the case of re-roofing: (i) if the new tiling or roofing material is substantially heavier or lighter than the existing material – then the Building Regulations *may apply*; but (ii) if the roof is thatched, or is to be thatched where previously it was not – then the Building Regulations *will apply*.

(j) **If I want to convert my house into flats, will the Building Regulations apply?**

YES – the regulations define this as a ‘material change of use’ and specify the requirements with which, as a result of that change of use, the whole or part of the building must comply (e.g. those concerned with escape and other fire precautions, hygiene, sound insulation, energy conservation, and contaminants including radon). The whole or part of the building may therefore need to be up-graded to make it comply with the specified requirements.

(k)(i) **If I want to convert my home into an office, will the Building Regulations apply?**

NO – the regulations do not define this particular change of use as ‘material’. However, if your proposed project involves work which will affect the structure of the building, the means of escape and other fire precautions, or affect the access to and use of buildings, the regulations will regard your work as a ‘material alteration’ (and therefore ‘Building Work’) which must then comply with the regulations (see also question (g)). You should also check with the local fire authority, usually the County Council, to see what ‘on-going’ fire precautions legislation (such as the Fire Precautions Act 1971 and/or the Fire Precautions (Workplace) Regulations 1997) will apply when the building is in use.

(k)(ii) If I want to convert my home into a shop, will the Building Regulations apply?

YES – the regulations define this as a ‘material change of use’ and specify the requirements with which, as a result of that change of use, the building, or the relevant part of the building, must comply. The specific requirements include those concerned with escape and other fire precautions, hygiene, energy conservation, and access to and use of buildings. The building may therefore need to be upgraded to make it comply with the specified requirements. You should also check with the local fire authority, usually the County Council, to see what ‘on-going’ fire precautions legislation (such as the Fire Precautions Act 1971 and/or the Fire Precautions (Workplace) Regulations 1997) will apply when the building is in use.

(l) If I want to convert part or all of my shop, office or any other type of non-domestic building into a flat or any other type of home, will the Building Regulations apply?

YES – the regulations define this as a ‘material change of use’ and specify the requirements with which, as a result of that change of use, the whole or part of the building must comply (e.g. those concerned with escape and other fire precautions, hygiene, sound insulation, and energy conservation). The whole, or at least part, of the building may therefore need to be upgraded to make it comply with the specified requirements.

(m) If I want to install, alter or replace my shop front, will the Building Regulations apply?

YES – because of the likely affect on the structure, escape and other fire precautions, and access to and use of buildings, this type of project is likely to be regarded as a ‘material alteration’ (see also question (g)), and therefore ‘Building Work’. The appropriate requirements will be applied so as to ensure, for example, that these aspects are addressed together with others such as the safety of the glazing. However, shop display windows do not have to comply with the energy efficiency requirements.



- (n) If I want to build or alter a garden wall or boundary wall, will the Building Regulations apply?

NO – but you should, of course, make sure that the work is done safely to avoid accidents (see paragraph 3.8). In Inner London there are regulations about walls and you should make enquiries at your London Borough before building a wall over 2m high. You will also need to consider whether your project is subject to The Party Wall etc. Act 1996 under which you must give adjoining owners notice. Free leaflets are available on both the safe construction of free standing walls and The Party Wall etc. Act 1996 (see Annex B: 'Sources of information').

- (o) If I want to insert insulation into a cavity wall, will the Building Regulations apply?

YES – the regulations specifically define this as 'Building Work'. The appropriate requirements will be applied so as to ensure the insulation material is suitable for the wall construction, and that in the case of some foam insulants the risk of formaldehyde gas emission is assessed.

(p) **If I want to underpin all or part of the foundations to my building, will the Building Regulations apply?**

YES – the regulations specifically define this as 'Building Work'. The appropriate requirements will be applied so as to ensure that the underpinning will stabilise the movement of the building. Particular regard will need to be given to the effect on any sewers and drains near the work (see paragraph 3.3).

(q) **If I want to install or replace electric wiring, will the Building Regulations apply?**

YES – the Building Regulations apply to all electrical work in dwellings. Electrical work involving fixed wiring and fixed appliances should be acceptably safe whoever undertakes it. This can be achieved by following the recommendations for design, installation, inspection, testing and certification in BS 7671: 2001 'Requirements for Electrical Installations – IEE Wiring Regulations' (see Annex B: 'Sources of information').

You only need involve a Building Control Service* for certain riskier 'notifiable' jobs, but if you employ a registered installer with the relevant competencies to carry out the work, such involvement will not be necessary (see Annex B for schemes of registered installers). Notifiable works include new circuits back to the consumer unit and additions or alterations to existing circuits in kitchens, bathrooms and outdoors. Works that are not notifiable include repairs, replacements and maintenance; and additions or alterations to existing circuits outside of kitchens and bathrooms. If you are not sure whether work is notifiable, you should check with your Building Control Service.

If you use a registered installer for notifiable work, the registration scheme operator will send you a Building Regulations compliance certificate when the work is complete. If you use a qualified but unregistered installer for notifiable work, or do the work yourself,

* See paragraph 4.2(i)

the Building Control Service will inspect the work to check that it complies with the Building Regulations before issuing a completion certificate, if one was requested (see paragraph 5.22). A qualified installer, regardless of whether he/she is registered or not, should give you a signed BS 7671 electrical safety certificate for all types of electrical work. The registration scheme operators can advise you whether an installer is registered for the work you wish them to do, or you may be able to check that information on their website (see Annex B: 'Sources of information').

In addition, you should note that your contract with the electricity distribution company has conditions about safety which must not be broken. In particular, you should not interfere with the distribution company's equipment which includes the cables to your consumer unit or the cables up to and including the separate main isolator switch if provided.

(r)(i) If I want to install fittings such as a WC, shower, washbasin, or kitchen sink within my home, or any other type of building, will the Building Regulations apply?

YES – if the installation of the fitting or fittings will involve alterations to, or new connections to, a drainage stack or an underground drain. You should also check with your Building Control Service to find out how much information is required about the fittings you intend to use.

NO – provided the work only involves installing an additional fitting or fittings in the same or a new location which does not involve extensions to the drainage pipework.

(r)(ii) If I want to install, or replace my bath with, a whirlpool or spa bath will the Building Regulations apply?

NO – but infected water from this type of bath can cause Legionnaire's Disease, skin conditions and other disorders. To avoid the risk of infection you will need to manage the quality of

the water, for example by using a disinfectant, and keeping the spa pool and its pipework clean. Guidance, entitled “Management of Spa Pools: Controlling the Risks of Infection”, is currently in preparation and is expected to be published in the latter part of 2005. It will be published by the Health Protection Agency (HPA) in hard copy and will be available on the HPA and Health and Safety Executive (HSE) websites as a free to download electronic copy. An outside domestic pool could be a hazard to people near the pool, eg close neighbours, and not just those using it, because the bacteria that cause Legionnaires’ disease can be carried in the aerosol produced by the spa pool’s agitated water.

A pool in an hotel, holiday home or health/fitness centre has to be safely managed as required by the Control of Substances Hazardous to Health Regulations 2002. Even if the spa pool installed is of a domestic design – any spa pool operated as a commercial enterprise must satisfy health and safety legislation. By following the advice in the previously mentioned guidance the requirements of these and other Regulations should be adequately addressed.

(s) **If I want to install or replace a hot water cylinder, will the Building Regulations apply?**

YES – if you are installing or replacing a hot water cylinder within an **unvented hot water storage system** (i.e. a system supplied directly from the water mains with no open-ended pipe for venting and with a storage capacity greater than 15 litres). The requirements are for hot water to be safely stored under pressure and for the installation to be energy efficient. The cylinder should only be installed by a person competent to do so.

YES – if you are installing or replacing a hot water cylinder within a **vented hot water storage system** (i.e. a system fed from an open-ended pipe for venting). The requirements are for the installation to be energy efficient.

For either type of system your installer should leave you with a completed installation record and commissioning certificate. Some manufacturers attach certificates to cylinders ready for installers to complete.

(t) **If I want to lay new drains and/or install a septic tank within the boundary of my property, will the Building Regulations apply?**

YES – they will apply to new rainwater or foul drains inside as well as outside the building. The Building Regulations also apply to all non-mains foul sewerage arrangements (i.e. those using septic tanks), including their outlets and drainage fields. (See also paragraph 3.3 which refers to proposed building work close to or on top of drains).

Except in an emergency, your local authority should be given at least 24 hours notice of any intention to repair any underground drain (section 61 of the Building Act 1984).

(u) **If I want to install, replace or alter the position of any type of fuel burning appliance (including a gas boiler with a flue), will the Building Regulations apply?**

- **All Gas appliances: YES** and the Gas Safety (Installation and Use) Regulations will also apply – but if you employ a CORGI (Council for Registered Gas Installers – approved under these regulations) registered installer with the relevant competencies to carry out the work, you will not need to involve a Building Control Service*.
- **Solid fuel appliances: YES** – but if the building is no more than three storeys and you employ an installer registered with HETAS (Heating Equipment Testing and Approval Scheme) to carry out the work, you will not need to involve a Building Control Service*.
- **Oil appliances: YES** – but if the building is no more than three storeys and you employ an installer registered with OFTEC (Oil Firing Technical Association for the Petroleum Industry) to carry out the work, you will not need to involve a Building Control Service*.

* See paragraph 4.2(i)

In general, but with certain limitations (e.g. relating to appliance output and the height of the building), the above registered installers may also carry out associated building work necessary to ensure that the appliance complies with the Building Regulations, without involving a Building Control Service*. This may include work on a hearth, fireplace or flue.

The fuel burning appliance installer should provide you with information about the safety performance limits of the installation and, in cases where the hearth, fireplace, flue and chimney are intended as permanent features of the building that might need alteration in the future, should also fix a notice plate in a place where it will be readily seen – eg. adjacent to the mains water stop cock or adjacent to the electricity consumer unit. This is so that someone who comes to re-use these features in the future knows their performance limits, for example if they are changing the appliance. Notice Plates are not required however, where room-sealed balanced-flue appliances have been installed, since their composite flue outlet and air intake ducts are dedicated to specific appliance ranges rather than wider use.

If you are having a boiler installed, your installer should leave you with a completed installation record; a commissioning certificate; and a User Instruction Manual.



- (v) If I want to install a fixed, flueless, gas appliance, will the Building Regulations apply?

* See paragraph 4.2(i)

YES – but if you employ a CORGI (Council for Registered Gas Installers) registered installer with the relevant competencies to carry out the work, you will not need to involve a Building Control Service*.

Adequate means of ventilation must be available for dispersing to the outside air, the water vapour and other products of combustion produced by the appliance which can affect health. To achieve this the installer should follow the appliance manufacturer's instructions or take other steps such as following the guidance in 'Installation and Maintenance of Flues and Ventilation for Gas Appliances (etc)' (BS 5440) (see Annex B: 'Sources of information').

The Health and Safety Executive (HSE) provide two free leaflets on the hazards posed by domestic combustion appliances and how these can be safely managed – 'Gas appliances. Get them checked – Keep them safe' and 'Landlords – A guide to landlord's duties' (see Annex B: 'Sources of information').

- (w) **If I want to alter in any way the construction of fireplaces, hearths or flues, or to repair them in any way which could affect their safe operation and containment of heat, will the Building Regulations apply?**

YES – if the work involves the provision of a new or replacement flue or flue liner, or the provision of a new or replacement hearth, fireplace or chimney. But see also question (u) above regarding building work which is a necessary part of installing a new fuel burning appliance.

NO – if the work amounts to no more than alterations to fireplaces, hearths, flues and chimneys it *may not* be subject to the Building Regulations. However, this type of work should always take account of the guidance in Approved Document J ('Combustion appliances and fuel storage systems') and the Guidance and Supplementary Information on the UK Implementation of European Standards for Chimneys and Flues (see Annex B: 'Sources of information'). It is vital that flues should operate efficiently, and that risks of the building catching fire or of people suffering burns should be minimised.

* See paragraph 4.2(i)

- (x) If I want to install or replace an oil or liquid petroleum gas (LPG) tank (and/or connecting pipework) outside my home, will the Building Regulations apply?

YES – if the installation is above ground the requirements will be applied to achieve adequate shielding of the tank from any surrounding fire and, in the case of an oil tank, containment of oil leakages so that ground water is not contaminated. Where new oil connecting pipework is proposed, a fire valve will be needed at the point where the pipe enters the building. If you are installing an oil tank and/or connecting pipework and you employ an installer registered with OFTEC (Oil Firing Technical Association for the Petroleum Industry), you will not need to involve a Building Control Service*.

* See paragraph 4.2(i)

Section 5

The two types of Building Control Service



- 5.1 If your work amounts to 'Building Work' (see paragraphs 3.1 and 3.2) it will be subject to, and must comply with, the Building Regulations. To help you achieve compliance with the regulations, you are required to use one of two types of Building Control Service:
- your local authority Building Control Service; or
 - an approved inspector's Building Control Service.

- 5.2 As explained in paragraph 4.2(i), if your building work consists only of the installation of certain types of services or fittings (e.g. some types of drain, fuel burning appliances, replacement windows, WCs, and showers) and you employ an installer registered with a relevant scheme designated in the Building Regulations, you will not need to involve a Building Control Service. However, this concession is strictly limited to the specific type of installation described and does not cover any other type of building work.
- 5.3 You can contact your *local authority Building Control Service* through your district or borough council. *Approved inspectors* are private sector companies or practitioners and are approved for the purpose of carrying out the *Building Control Service* as an alternative to your local authority. Approved inspectors can provide a service in connection with most sorts of building project involving new buildings or work to existing buildings, including extensions or alterations to homes. For insurance reasons most approved inspectors cannot currently deal with projects involving building new houses, or flats for sale or private renting. All approved inspectors are registered with the Construction Industry Council (CIC) who can provide a list of members (see Annex B: 'Sources of information').
- 5.4 If you are employing a builder to do your work you should be clear from the outset whether they are taking responsibility for ensuring that the building work complies with the Building Regulations, and also whether they are taking responsibility for liaising with the Building Control Service you have decided to use (see also paragraph 2.10). In addition, you should bear in mind that your building work may require planning permission. You will need to check the position; and if you do require permission you will need to be clear whether you, your builder or designer are taking responsibility for obtaining it. Some types of building development may also be subject to other types of statutory requirements and consents (see paragraph 1.3).

YOUR LOCAL AUTHORITY BUILDING CONTROL SERVICE

- 5.5 Depending upon the scale and type of work involved you may have the option of following one of two different procedures available within this service:
- the deposit of a **full plans application**; or
 - the giving of a **building notice** (except for certain types of building work – primarily in respect of fire safety issues where a building is used as a workplace or where it may affect a drain).

What are the differences between the full plans application procedure and the building notice procedure? What might influence my choice?

A full plans application:

- 5.6 An application deposited under this procedure needs to contain plans and other information showing all construction details, preferably well in advance of when work is to start on site. Your local authority will check your plans and consult any appropriate authorities (e.g. fire and sewerage). They must complete the procedure by issuing you with a decision within five weeks or, if you agree, a maximum of two months from the date of deposit.
- 5.7 If your plans comply with the Building Regulations you will receive a notice stating that they have been approved. If your local authority is not satisfied you may be asked to make amendments or provide more details. Alternatively, a conditional approval may be issued. This will either specify modifications which must be made to the plans; or will specify further plans which must be deposited with your authority. Your local authority may only apply conditions if you have either requested them to do so or

have consented to them doing so. A request or consent must be made in writing. If your plans are rejected the reasons will be stated in the notice. A full plans approval notice is valid for three years from the date of deposit of the plans, after which the local authority may send you a notice to declare the approval of no effect if the building work has not commenced.



- 5.8 Your local authority will carry out inspections of the building work once it is in progress. They will explain about the notification procedures which the regulations require you to follow at various stages of the work – e.g. in connection with foundations, damp proof courses and drains. In addition, if you request one when you first make your application, the local authority will issue you with a **completion certificate** provided they are content that the completed work complies with the Building Regulations (see paragraph 5.22).
- 5.9 A further point to bear in mind is that, if a disagreement arises with your local authority, the 'full plans' procedure enables you to ask for a 'determination' from (in England) the Office of the Deputy Prime Minister or (in Wales) the Welsh Assembly

Government about whether your plans do or do not comply with the Building Regulations (see paragraph 5.19).

The Building Notice procedure:

- 5.10 This procedure does not involve the passing or rejecting of plans. It therefore avoids the preparation of detailed 'full plans', and is designed to enable some types of building work to get under way quickly; although it is perhaps best suited to small work. There are also specific exclusions in the regulations as to when building notices cannot be used. These are for building work which is subject to section I of the Fire Precautions Act 1971 or Part II of the Fire Precautions (Workplace) Regulations 1997; for work which will be built close to or over the top of rain water and foul drains shown on the 'map of sewers' (see paragraph 3.3); and where a new building will front onto a private street. If you decide to use this procedure you need to be confident that the work will comply with the Building Regulations or you will risk having to correct any work you carry out if your local authority requests this. In this respect you do not have the protection provided by the approval of 'full plans'.
- 5.11 Once you have given your 'building notice' and informed your local authority that you are about to start work, the work will be inspected as it progresses. You will be advised by the authority if the work does not comply with the Building Regulations. If before the start of work, or while work is in progress, your local authority requires further information such as structural design calculations or plans, you must supply the details requested. A 'building notice' is valid for three years from the date the notice was given to the local authority, after which it will automatically lapse if the building work has not commenced.
- 5.12 A local authority is not required to issue a **completion certificate** under the 'building notice' procedure; and because no 'full plans' are produced it is not possible to ask for a determination if your local authority says your work does not comply with the Building Regulations (see paragraph 5.19).

Do I have to pay for the local authority service?

- 5.13 Yes – a charge is payable to your local authority and will be subject to VAT. Each authority is required to set its own individual charges according to the type of work involved and to publish them in a 'scheme' which they will be able to make available to you on request. The basis for setting the charges is contained in The Building (Local Authority Charges) Regulations 1998, which require amongst other things that local authorities fix their charges with the aim of recovering the costs of carrying out their service. The regulations also exempt from charging for certain types of building work which are solely for the benefit of disabled people.

Is there any difference in cost between a Full Plans application and a Building Notice procedure?

- 5.14 In general there should not be. This is because the Building (Local Authority Charges) Regulations 1998 require that the 'plan charge' for the full plans application procedure, plus the subsequent 'inspection charge' made under this procedure, should equal the 'building notice charge' (a charge which includes the cost of inspection).
- 5.15 The 'plan charge' and 'building notice charge' are payable when you deposit your full plans or give your notice respectively; and the 'inspection charge' is payable after the first inspection has taken place. Only one inspection charge is payable no matter how many may be necessary. Your local authority will be able to tell you the exact charges by referring to their scheme of charges.

When can I start work?



- 5.16 If you have deposited a 'full plans' application you will only receive the full benefit and protection from this procedure if you wait until you have received a notice of approval before starting your work. However, if you choose to there is nothing to stop you starting work once you have deposited your plans and given your local authority a **commencement notice** at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.
- 5.17 If on the other hand you have chosen to use the 'building notice' procedure (see paragraphs 5.10 – 5.12), this procedure is specifically designed to enable you to start work once you have given the notice to your local authority followed by a **commencement notice** at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.

What can I do if a disagreement arises with my local authority and/or my full plans are rejected?



- 5.18 If you are content to do so, the simplest way to proceed if your plans are rejected may be to re-submit your 'full plans' application with the local authority's suggested amendments so that it can give you a notice of approval. You will then have the benefit and protection of having your full plans approved. You may not have to pay any additional charge for this. Alternatively, there is nothing to stop you starting work provided you give the necessary 'commencement notice' and ensure that your building work complies with the Building Regulations. But you should bear in mind that if it does not comply your local authority may take enforcement action (see paragraphs 6.3 and 6.4).
- 5.19 However, if you believe that the plans you submitted do comply with the Building Regulations and do not therefore want to amend them because you disagree with your local authority's view, you can refer the matter (in England) to the Office of the Deputy Prime Minister or (in Wales) to the Welsh Assembly Government by asking for a **determination** as to whether or not your proposals comply with particular requirements in the regulations. You can ask for a determination before or after your local authority gives a formal decision on your plans but can *only do so before* the work has substantially started.
- 5.20 Alternatively, if you believe that a particular requirement of the Building Regulations is too onerous or inappropriate to the particular circumstances of the work, you can apply to your local authority to **relax or dispense** with it. If your authority refuses your application you could then **appeal** against this decision (in England) to the Office of the Deputy Prime Minister or (in Wales) to the Welsh Assembly Government within one month of the refusal.
- 5.21 The former DTLR in conjunction with the National Assembly for Wales published 'A Guide to Determinations and Appeals' (see Annex B: 'Sources of information') which sets out details of the procedures involved.

Can I get a completion certificate when the building work is finished?

- 5.22 Yes – provided the completed work complies with the Building Regulations. Where full plans are submitted for work which is also subject to section 1 of the Fire Precautions Act 1971 or Part II of the Fire Precautions (Workplace) Regulations 1997 the Local Authority *must*, if satisfied, issue you with a completion certificate about compliance with the fire safety requirements of the Building Regulations when the work is finished. In other circumstances where full plans are submitted, you may ask to be given a completion certificate when the work is finished, but you must have made your request *when you first submitted your plans*. The local authority is not however required to issue a completion certificate when the building notice procedure has been used. A completion certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.



AN APPROVED INSPECTOR'S BUILDING CONTROL SERVICE

5.23 When you use an approved inspector, they will take on responsibility for plan checking and inspection of your building work. The procedure requires you and the approved inspector jointly to notify your local authority of your intended building work on what is called an **initial notice**. Once this notice has been accepted by your local authority the responsibility for plan checking and site inspection will be formally placed on the approved inspector:

5.24 An approved inspector will:

- advise you on how the Building Regulations apply to your work;
- check your plans;
- issue a **plans certificate** (if requested);
- inspect the work as it progresses; and
- issue a **final certificate**.

The approved inspector will tell you what plans and information they need in order to check that the proposed work will comply with the Building Regulations.

5.25 If you ask for one, the approved inspector will issue a **plans certificate** which will confirm that the plans of your proposed building work show compliance with the Building Regulations. When the work is complete the approved inspector must issue a **final certificate** to the local authority to say that the work referred to in the *initial notice* is complete, and that the inspector has carried out their inspection responsibilities. If the approved inspector is not satisfied that the work complies, then they cannot give the **final certificate**. If you are not prepared to change the work the approved inspector will have to refer the matter to the local authority (see paragraphs 5.28 and 6.2).

Do I have to pay for the services of the approved inspector?

- 5.26 Yes – a fee will be payable which will be a matter for negotiation between you and the inspector. It will be subject to VAT.

What can I do if the approved inspector is not satisfied with my proposals or with my work in progress?



- 5.27 If the approved inspector is not satisfied with plans of your work, the options available to you will be:
- to alter your plans according to the approved inspector's advice;
 - to ask for a determination (in England) from the Office of the Deputy Prime Minister or (in Wales) from the Welsh Assembly Government of any disagreement on the plans arising between you and the approved inspector. (This is similar to the procedure which would be open to you if you were using the Building Control Service of your local authority and as explained in paragraph 5.19);

- to apply to your local authority for a **relaxation** or a **dispensation** of a requirement of the Building Regulations and, in the event of a refusal by your authority, appeal (in England) to the Office of the Deputy Prime Minister or (in Wales) to the Welsh Assembly Government. (This is the same procedure as would be open to you if you were using the Building Control Service of your local authority and as explained in paragraph 5.20).

5.28 If the approved inspector is not satisfied with work in progress on site, and you cannot resolve the disagreement by discussion, the inspector will have to cancel the *initial notice* by a notice to the local authority. This will terminate the inspector's building control responsibility for your project. In these circumstances the Building Control Service function is likely to have to revert to your local authority. Thereafter your authority may ask for plans and, if necessary, require the uncovering of work to enable them to reach a view on the compliance of your work so far, and on what changes are needed. They will charge you what is called a 'reversion charge' to cover the cost of their on-going Building Control Service.

When can I start work?



5.29 Subject to any arrangements you have agreed with your approved inspector, you may start work as soon as the *initial notice* is accepted by your local authority. Work cannot start if the initial notice is rejected. But if the notice has *not* been validly rejected by your authority within five days of being given, then it is treated as having been accepted.

Section 6

Contravention and enforcement of the Building Regulations

WHAT HAPPENS IF I CONTRAVENE THE BUILDING REGULATIONS?

- 6.1 The Building Regulations can be contravened by not following the building control procedures they set out for handling your building work, and/or by carrying out building work which does not comply with the requirements contained in the Building Regulations. The *local authority* has a general duty to enforce the Building Regulations in its area and will seek to do so by informal means wherever possible. This duty extends to and forms a part of its function when it is carrying out the Building Control Service.
- 6.2 Where an *approved inspector* is providing the Building Control Service, the responsibility for checking that the Building Regulations are complied with during the course of your building work will lie with that inspector. In the main, they will do this by advising you as explained in paragraph 5.24. However, approved inspectors do not have enforcement powers. Instead, the regulations provide that in a situation where they consider your building work does not comply with the Building Regulations they will not issue you with a *final certificate* and in addition will cancel the *initial notice* by notifying your local authority (see paragraph 5.28). If no other approved inspector takes on the work, the Building Control Service will automatically be taken on by your local

authority. From this point on your local authority will also have enforcement powers to require you to alter your work, if they consider this necessary.

- 6.3 If a person carrying out building work contravenes the Building Regulations, the local authority or another person may decide to take them to the magistrates' court where they could be fined up to £5000 for the contravention, and up to £50 for each day the contravention continues after conviction (section 35 of the Building Act 1984). This action will usually be taken against the builder or main contractor; although proceedings must be taken within 6 months of the offence (section 127 of the Magistrates Courts Act 1980). Alternatively, or in addition, the local authority may serve an *enforcement notice* on the owner requiring them to alter or remove work which contravenes the regulations (section 36 of the 1984 Act). If the owner does not comply with the notice the local authority has the power to undertake the work itself and recover the costs of doing so from the owner.



- 6.4 A section 36 *enforcement notice* cannot be served on you after the expiration of 12 months from the date of completion of the building work, but this does not affect a local authority's (or any other person's) right to apply to the Courts for an injunction for the same purpose. A local authority also cannot take enforcement action under sections 35 and 36 if the work which you have carried out is in accordance with your plans which the authority approved or failed to reject within the statutory time of five weeks (or two months with your agreement) from deposit of the plans (see paragraph 5.6).
- 6.5 Notwithstanding the possibility of enforcement action, you should bear in mind that if the local authority considers that building work carried out does not comply with the Building Regulations and it is not rectified, the authority will not issue you with a completion certificate (see paragraph 5.22) and the contravention may come to light through a local land search enquiry when you wish to sell your property.

WHAT HAPPENS IF I DISAGREE WITH THE LOCAL AUTHORITY'S ENFORCEMENT NOTICE?

- 6.6 Normally the *enforcement notice* will give you 28 days to rectify the building work. If you wish to contest the notice on the grounds that you believe your building work does comply with the Building Regulations, you have the following options:
- (i) to advise your local authority that you wish to obtain a written report from a suitably qualified person about the compliance of your work (section 37 of the Building Act 1984) with a view to persuading the authority to withdraw the notice. In this event the 28 day period to rectify the building work is extended to 70 days.
 - (ii) to appeal against the notice in the magistrates' court and demonstrate there that your building work complies (section 40 of the Building Act 1984). This option can be used either

as an alternative to (i), or if proceedings under (i) have been unsuccessful. You must make your appeal within 28 days of receiving the notice, or within 70 days if you have used option (i) first.

If you are successful with option (i) or (ii), your local authority may be required to pay your costs.

- 6.7 If on the other hand you believe that your work cannot be expected to comply with one or more of the requirements in the Building Regulations because they are too onerous or inapplicable, you do have the right to apply to your local authority for a relaxation or dispensation of the requirement(s) in question in order for your completed building work to be considered to achieve compliance (see paragraph 5.20). Your application must be made within 28 days of receiving the enforcement notice from your authority. If they refuse your application you have a right of appeal (in England) to the Office of the Deputy Prime Minister or (in Wales) to the Welsh Assembly Government against that refusal, providing you do so within one month of that decision. However, if you take this course of action in response to an *enforcement notice*, and if you have originally maintained that your work *was in compliance*, your case is likely to be more difficult to justify. You should consult the Guide to Determinations and Appeals (see Annex B: 'Sources of information').

HOW CAN I GO ABOUT CHECKING WHETHER UNAUTHORISED BUILDING WORK COMPLIES WITH THE BUILDING REGULATIONS?

- 6.8 The Building Regulations provide for a property owner to apply to the local authority for a **regularisation certificate** in respect of 'unauthorised' building work. This means work which was carried out on or after 11 November 1985 and which should have been submitted to the Building Regulations procedures but was not. You will be charged for this regularisation service.

- 6.9 In assessing compliance the local authority may request the 'opening up' of unauthorised work. The authority will then decide if remedial work needs to be carried out, in accordance with the Building Regulations which were applicable to that work when it was originally carried out, before they can issue a regularisation certificate. A regularisation certificate is evidence (but not conclusive evidence) that the requirements of the Building Regulations specified in the certificate have been complied with.
- 6.10 If you are concerned about unauthorised building work which was built before 11 November 1985 and which may not comply with the Building Regulations, you should discuss the problem with your local authority.

Annex A

Examples of buildings which are exempt from control under the Building Regulations

The full list of exempt buildings is contained in Schedule 2 to the Building Regulations 2000 (as amended). The table below is only a guide to some of the more general types of buildings/building work which may be exempt from control under the Building Regulations. It does not contain all the detail or conditions which may need to be met. For the full list and details you should refer to Schedule 2 to the regulations.

Type of building or building work	Additional conditions which must be met
Detached buildings not normally used by people – e.g. buildings containing fixed plant or machinery intermittently used by people only to maintain or inspect that plant or machinery.	Subject to minimum distances from other buildings, or their boundaries, where people normally go.
Buildings used for agricultural purposes.	Must not be used for retailing, packing or exhibiting. No part of building to be used as a dwelling. Subject to distance restrictions from any building containing sleeping accommodation, and provision of fire exit in some circumstances.

Type of building or building work	Additional conditions which must be met
Greenhouses.	Must not be used for retailing, packing or exhibiting, and any fixed electrical installation must meet the requirements of Part P ('Electrical safety').
Buildings principally for the keeping of animals.	No part of building to be used as a dwelling. Subject to distance restrictions from any building containing sleeping accommodation, and provision of fire exit in some circumstances.
Temporary buildings which will not remain on site.	Must not be on site more than 28 days.
<p>Ancillary buildings such as:</p> <ul style="list-style-type: none"> • a site sales office; • a construction site office to be used during the construction work. 	<p>–</p> <p>Must not contain sleeping accommodation.</p>

Type of building or building work	Additional conditions which must be met
<p>Small detached buildings comprising either:</p> <ul style="list-style-type: none"> • a single storey building of not more than 30m² floor area; or • a building which does not have a floor area larger than 15m². 	<p>Must not contain sleeping accommodation; and must either be at least 1m from the boundary of the site or be constructed substantially of non-combustible material.</p> <p>Must not contain sleeping accommodation.</p> <p>In all cases, any fixed electrical installation must meet the requirements of Part P ('Electrical safety').</p>
<p>Extensions to buildings at ground level comprising:</p> <ul style="list-style-type: none"> • a conservatory, porch, covered yard or covered way; or • a carport open on at least two sides. 	<p>The extensions must be at ground level only and no larger than 30m² in floor area. Any fixed electrical installation must meet the requirements of Part P ('Electrical safety'). Conservatories or porches which are wholly or partly glazed must meet the requirements of Part N ('Glazing – safety in relation to impact, opening and cleaning').</p>

Annex B

Sources of information

You can find out more from:

- Your local authority's Building Control Department
- An approved inspector
- Registered installer schemes
- ODPM Building Regulations Division or the Welsh Assembly Government
- Relevant publications listed below
- The Planning Portal

LOCAL AUTHORITY

Your local authority Building Control Department will be pleased to give you information and advice. They will have copies of the Building Act 1984, the Building Regulations 2000 and amendments, and the accompanying Approved Documents (listed below) which give additional guidance, and may be able to let you see these for reference purposes at their offices. Alternatively, your local reference library may hold copies or be able to give you access via the ODPM website.

APPROVED INSPECTORS

Approved inspectors can also provide information and advice on the Building Regulations and Approved Documents. A list of approved inspectors can be obtained from the Construction Industry Council (CIC), 26 Store Street, London WC1E 7BT. (Tel: 020 7399 7418 or 7400; Fax: 020 7399 7425; e-mail: air@cic.org.uk; www.cic.org.uk).

SCHEMES OF REGISTERED INSTALLERS

Fenestration Self-Assessment Scheme

Fensa Ltd, 44-48 Borough High Street, London SE1 1XB
(Tel: 0870 780 2028; Fax: 020 7407 8307; www.fensa.co.uk)

Oil Firing Registration Scheme

OFTEC, Foxwood House, Dobbs Lane, Kesgrave, Ipswich IP5 2QQ
(Tel: 0845 6585 080; Fax: 0845 6585 181; www.oftec.org)

Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment

HETAS Ltd, 12 Kestrel Walk, Letchworth, Hertfordshire SG6 2TB
(Tel: 01462 634721; Fax: 01462 674329; www.hetas.co.uk)

The Council for Registered Gas Installers (CORGI)

1 Elmwood, Chineham Park, Crockford Lane, Basingstoke, Hampshire RG24 8WG
(Tel: 01256 372200; Fax: 01256 708144; www.corgi-gas-safety.com)

Authorised competent person self-certification schemes for installers who can do all electrical installation work

BRE Certification Ltd
Bucknalls Lane, Garston, Watford, Herts WD25 9XX.
(Tel: 0870 609 6093; www.partp.co.uk)

British Standards Institution
Maylands Avenue, Hemel Hempstead, Herts HP2 4SQ
(Tel: 01442 230442; www.bsi-global.com/kitemark)

ELECSA Ltd
44-48 Borough High Street, London SE1 1XB
(Tel: 0870 749 0080; www.elecsa.org.uk)

NAPIT Certification Ltd
The Gardeners Lodge, Pleasey Vale Business Park, Mansfield,
Notts NG19 8RL
(Tel: 0870 444 1392; www.napit.org.uk)

NICEIC Certification Services Ltd
Warwick House, Houghton Hall Park, Houghton Regis,
Dunstable, Beds LU5 5ZX
(Tel: 0800 013 0900; www.niceic.org.uk)

Authorised competent person self-certification schemes for installers who can do electrical installation work only if it is necessary when they are carrying out other work

CORGI (see page 55 for details)

ELECSA Ltd (see above for details)

NAPIT Certification Ltd (see above for details)

NICEIC Certification Services Ltd (see above for details)

OFTEC (see page 55 for details)

ODPM BUILDING REGULATIONS DIVISION AND THE WELSH ASSEMBLY GOVERNMENT

Office of the Deputy Prime Minister
Buildings Division
18/B Portland House
Stag Place
LONDON SW1E 5LP
Tel: 020 7944 5742
E-mail: br@odpm.gsi.gov.uk
Website: www.odpm.gov.uk/building-regulations

The Welsh Assembly Government
Construction & Domestic Energy Branch
Housing Directorate
Crown Buildings, Cathays Park
CARDIFF CF10 3NQ
Tel: 029 2082 6922
E-mail: housing.branch@wales.gsi.gov.uk
Website: www.wales.gov.uk

RELEVANT PUBLICATIONS

Legislation

Building Act 1984 (as amended)

Sustainable and Secure Buildings Act 2004

The Building Regulations 2000 (as amended)

The Building (Approved Inspectors etc.) Regulations 2000
(as amended)

The Building (Local Authority Charges) Regulations 1998

The Party Wall etc. Act 1996

Approved Documents

Copies of the Approved Documents are available for sale from The Stationery Office (TSO) (Tel: 0870 600 5522; Website: www.tso.co.uk). They can also be viewed on the ODPM website noted above.

- **Approved Document A – Structure:** 2004 Edition.
Published by TSO, 2004. ISBN 0-11-753909-0. £11
- **Approved Document B – Fire Safety:** 2000 Edition.
Published by TSO, 2004. ISBN 0-11-753911-2. £13
- **Approved Document C – Site preparation and resistance to contaminants and moisture:** 2004 Edition.
Published by TSO, 2004. ISBN 0-11-753913-9. £11
- **Approved Document D – Toxic Substances:** amended 1992, ninth impression.
Published by TSO, 1999. ISBN 0-11-751821-2. £1.85
- **Approved Document E – Resistance to the passage of sound:** 2003 Edition. Published by TSO, 2002. ISBN 0-11-753642-3. £14
- **Amendments 2004 to Approved Document E – Resistance to the passage of sound:**
Published by TSO, 2004. ISBN 0-11-753915-5. £6.50
- **Approved Document F – Ventilation:** 1995 Edition, amended 2000, seventh impression.
Published by TSO, 2003. ISBN 0-11-752932-x. £6
- **Approved Document G – Hygiene:** 1992 Edition, second impression (with amendments) 1992, further amended 2000.
Published by TSO, 2003. ISBN 0-11-752443-3. £5
- **Approved Document H – Drainage and waste disposal:** 2002 Edition.
Published by TSO, 2001. ISBN 0-11-753607-5. £12

- **Approved Document J – Combustion appliances and fuel storage systems:** 2002 Edition.
Published by TSO, 2001. ISBN 0-11-753494-3. £12
- **Approved Document K – Protection from falling, collision and impact:** 1998 Edition.
Published by TSO, 1997. ISBN 0-11-753390-4. £5.99
- **Approved Document L1 – Conservation of fuel and power in dwellings:** 2002 Edition, third impression 2003 with revisions.
Published by TSO, 2003. ISBN 0-11-753609-1. £12
- **Approved Document L2 – Conservation of fuel and power in buildings other than dwellings:** 2002 Edition, second impression.
Published by TSO, 2002. ISBN 0-11-753610-5. £15
- **Approved Document M – Access to and use of buildings:** 2004 Edition.
Published by TSO, 2003. ISBN 0-11-753901-5. £12
- **Approved Document N – Glazing – safety in relation to impact, opening and cleaning:** 1998 Edition, amended 2000, seventh impression.
Published by TSO, 2003. ISBN 0-11-753389-0. £6
- **Approved Document P – Electrical safety:**
Published by TSO, 2004. ISBN 0-11-753917-1. £15
- **Approved Document to support regulation 7 – materials and workmanship:** 1999 Edition, amended 2000, fifth impression.
Published by TSO, 2002. ISBN 0-11-753482-X. £4.95
- **Amendments 2000 to the Approved Documents:**
Published by TSO, 2002. ISBN 0-11-753560-5. £ free

Other Priced Publications (available from TSO)

- **Accessible thresholds in new housing: Guidance for house builders and designers.**
TSO March 1999. ISBN 0-11-702333-7. £8
- **Approved Document J: 2002 Edition: Guidance and Supplementary Information on the UK Implementation of European Standards for Chimneys and Flues.**
TSO October 2004. ISBN 0-11-753919-8. £11
- **Building Regulations and Fire Safety – Procedural Guidance.**
TSO February 2001. ISBN 0-11-753596-6. £6
- **Manual to the Building Regulations.** Third Edition 2001.
TSO December 2001. ISBN 0-11-753623-7. £17
- **BS 5440: Part 1 2000.** Installation and maintenance of flues and ventilation for gas appliances of rated input not exceeding 70 kW net (1st, 2nd and 3rd family gases). Specification for installation and maintenance of flues.
December 2000. ISBN 0-580-33229-2. £134
- **BS 5440: Part 2 2000.** Installation and maintenance of flues and ventilation for gas appliances of rated input not exceeding 70 kW net (1st, 2nd and 3rd family gases). Specification for installation and maintenance of ventilation for gas appliances.
December 2000. ISBN 0-580-33098-2. £86
- **BS 5440: Part 2 2000.** Amendment No 14912.
July 2004.
- **BS 7671: 2001: Requirements for Electrical Installations: IEE Wiring Regulations – Sixteenth Edition – incorporating Amendments No 1: 2002 and No 2: 2004.**
IEE 2004. ISBN 0-86341-373-0. £49
- **Safety in the installation and use of gas systems and appliances.**
HSE November 1998. ISBN 0-717-61635-5. £10.95
(Also available from HSE books – see page 58)

Free Literature

Copies of these publications are available free from ODPM Publications, PO Box 236, Wetherby, West Yorkshire LS23 7NB. (Tel: 0870 1226236; Fax: 0870 1226237; Textphone: 0870 1207405; E-mail: odpm@twoten.press.net)

- **A Guide to Determinations and Appeals**
(product code 01CD0751)
- **Building Control Performance Standards**
(product code 99CD0352)
- **New rules for electrical safety in the home**
(product code 04BR02710)
- **Solid Fuel, Wood and Oil Burning Appliances. Get them checked, sweep your chimneys, and be safe**
(product code 99ASC0638)
- **The Party Wall etc. Act 1996 Explanatory Booklet**
(product code 02BR00862)
- **Your Garden Walls, Better to be SAFE...**
(product code 91HCN0227)

The above publications are subject to change. An up-to-date list can be found on the ODPM website.

- **Gas appliances. Get them checked – Keep them safe**
(product code INDG238(REV2))
- **Landlords: A guide to landlord's duties: Gas Safety (Installation and Use) Regulations 1998**
(product code INDG285(REV1))

Both these leaflets are available free by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. (Tel: 01787 881165; Fax: 01787 313995; Website: www.hsebooks.co.uk)

- **Radon – a guide for homebuyers and sellers**
(product code 00EP414B)
- **Radon – a guide to reducing levels in your home**
(product code 00EP414C)
- **Radon – You can test for it**
(product code 00EP0414A)
- **Radon – a householders guide**
(product code PB9442)
- **Protocol on Design, Construction and Adoption of Sewers in England and Wales –**
produced in support of Approved Document H listed above (product code PB6472)

These guides are available free from DEFRA Publications, Admail 6000, London SW1A 2XX. (Tel: 08459 556000; Fax: 020 8957 5012; E-mail: defra@iforcegroup.com)

- **Building Regulations and Historic Buildings –**
Balancing the needs for energy conservation with those of building conservation: an Interim Guidance Note on the application of Part L.
(product code 50675), available free from English Heritage Customer Services, PO Box 569, Swindon SN2 2YR.
(Tel: 0870 333 1181; Fax: 01793 414926;
E-mail: Customers@english-heritage.org.uk)
- **Need a plumber or builder...?**
Part A – A step-by-step guide to getting work done on your home
Part B – Organisations which can help you get work done on your home
You will be sent both parts unless you specify otherwise.
(product codes OFT 118a & b), available free from OFT, PO Box 366, Hayes, Middlesex UB3 1XB. (Tel: 0870 6060 321; E-mail: oft@eclogistics.co.uk; or download them from the Website: www.of.gov.uk)

THE PLANNING PORTAL

The portal contains extensive information about the planning system in general, as well as about whether planning permission is likely to be needed and how to go about making a planning application. (Tel: 0117 372 8885; Fax: 0117 372 8804; Website: www.planningportal.gov.uk)

Further copies of this booklet are available from:

Office of the Deputy Prime Minister (ODPM) Publications
PO Box 236
Wetherby
West Yorkshire
LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: odpm@twoten.press.net

This document is also available on the ODPM website:
<http://www.odpm.gov.uk/explanatory-booklet>

Published by the Office of the Deputy Prime Minister.
© Crown copyright 2002. Amended in February 2005.

Copyright in the typographical arrangement rests with the Crown.
This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.

For any other use of this material, please write to HMSO Licensing,
St Clements House, 2-16 Colegate, Norwich NR3 1BQ Fax: 01603 723000
or e-mail: licensing@cabinet-office.x.gsi.gov.uk

This is a value added publication which falls outside the scope of the
HMSO Class Licence.

Printed in the UK on material containing 75% post-consumer waste and
25% ECF pulp.

Product code 04BR02208