

1969 No. 639

BUILDING AND BUILDINGS**The Building (Fourth Amendment) Regulations 1969**

<i>Made - - - -</i>	1st May 1969
<i>Laid before Parliament</i>	13th May 1969
<i>Coming into Operation</i>	1st July 1969

The Minister of Housing and Local Government, in exercise of the powers conferred on him under sections 61 and 62 of the Public Health Act 1936(a), as amended by section 11 of and Schedule 1 Part III to the Public Health Act 1961(b) and sections 4 and 6 of the Public Health Act 1961, and as read with the Transfer of Functions (Building Control) Order 1964(c) and the Transfer of Functions (Building Control and Historic Buildings) Order 1966(d), and of all other powers enabling him in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned, hereby makes the following regulations:—

PART I**GENERAL**

1. These regulations may be cited as The Building (Fourth Amendment) Regulations 1969 and shall come into operation on 1st July 1969.

2.—(1) In these regulations, unless the context otherwise requires—

(a) “the principal regulations” means The Building Regulations 1965(e) as amended by The Building (Second Amendment) Regulations 1966(f) and by The Building (Third Amendment) Regulations 1967(g), and other words and expressions have the same meaning as in the principal regulations; and

(b) any reference to a regulation or Schedule shall be construed as a reference to a regulation of, or Schedule to, the principal regulations.

(2) The Interpretation Act 1889(h) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. These regulations shall not apply to any work which was—

(a) completed before the date of the coming into operation of these regulations; or

(a) 1936 c.49.

(c) S.I. 1964/263 (1964 I, p.457).

(e) S.I. 1965/1373 (1965 II, p.3890).

(g) S.I. 1967/1645 (1967 III, p.4494).

(b) 1961 c. 64.

(d) S.I. 1966/692 (1966 II, p.1558).

(f) S.I. 1966/1144 (1966 III, p.2750).

(h) 1889 c.63.

- (b) completed after that date in accordance with plans deposited with the local authority before that date, with or without any departure or deviation from those plans;

and for the purpose of this regulation "work" means the erection of a building, the alteration or extension of a building, the execution of any works or the installation of any fittings.

PART II

AMENDMENTS OF THE PRINCIPAL REGULATIONS

4. In regulation A2—

- (a) in paragraph (1) there shall be inserted after the definition of "combustible" the following definition:

" "conservatory" includes only a conservatory of which the roof (and the ceiling, if any) is transparent or translucent;" and

- (b) there shall be substituted for sub-paragraph (b) of paragraph (5) the following sub-paragraph:

"(b) Any reference in these regulations to a publication shall be construed as follows—

- (i) in regulation B2 and in any other case where no date is included in the reference, the reference is to the edition thereof current at 31st May 1968, together with any amendments, supplements or addenda thereto published at that date;
- (ii) in Schedule 1 reference to the Standard Industrial Classification is a reference to the edition thereof published in September 1968;
- (iii) in any other case where a date is included in the reference, the reference is to the edition of that date, together with any amendments, supplements and addenda thereto published at 31st May 1968; and
- (iv) reference to any publication is a reference to so much only thereof as is relevant in the context in which such publication is quoted."

5. In regulation A9—

- (a) at the beginning of paragraph (1) there shall be substituted for the words "Any person who intends to—" the words "Subject to the provisions of paragraphs (2) and (3) of this regulation, any person who intends to—";

- (b) there shall be deleted from paragraph (1)(c) the words "(subject to paragraphs (2) and (3) of this regulation)"; and

- (c) there shall be substituted for paragraphs (2) and (3) the following paragraphs:

"(2) The provisions of paragraph (1) relating to the making of a structural alteration shall not apply to the carrying out of structural work associated with an operation to which either sub-paragraph (3)(a) or (3)(b) of this regulation relates if the extent of the work does not exceed that described therein.

- (3) The provisions of paragraph (1) relating to the installation of fittings shall not apply to—
- (a) the installation of an appliance to which Part M relates (other than a high-rating appliance or an appliance described in sub-paragraph (b) of this paragraph) by way of replacement of an existing appliance if compliance with the relevant regulations in that Part does not require the carrying out of any structural work other than such work as may be necessary in order to comply with regulation M4(10); or
 - (b) the installation, whether or not by way of replacement, of a Class II gas appliance or of a Class I or Class II incinerator which employs gas as a means of igniting refuse if—
 - (i) the appliance is installed by, or under the supervision of, an Area Board established under the Gas Act 1948(a); and
 - (ii) compliance with the relevant regulations in Part M does not require the carrying out of any structural work other than the construction of a flue pipe which is wholly within the room or internal space in which the appliance is installed and conveys the products of combustion from the appliance to an existing flue in a chimney or flue pipe or to the external air through an existing opening in an external wall; or
 - (c) the installation of a fitting to which Part N, P or Q relates by way of replacement of an existing fitting if compliance with the relevant regulations in that Part does not require the carrying out of any structural work.
- (4) In paragraph (3) of this regulation, words and expressions have the same meaning as in Part M.”.

6.—(1) In the sub-heading to the Table to regulation B3 there shall be substituted for the words “(Materials unsuitable for permanent buildings)” the words “(Materials unsuitable for use in permanent buildings as the weather-resisting parts of external walls or roofs)”.

(2) In item 12 (Sheet steel) of the Table to regulation B3 there shall be substituted for the reference “BS 2989: 1958” in both places in which it occurs the reference “BS 2989: 1967”.

(3) In the Table to regulation B3 for each of the entries in columns (2) and (3) in respect of item 13 (Asbestos-cement sheeting) there shall be substituted both in column (2) and in column (3) the following entry—

“Unsuitable except (subject to the footnote to this Table) asbestos-cement sheets conforming with BS 690: 1963 or BS 4036: 1966”.

(4) At the end of the Table to regulation B3 there shall be inserted the following footnote:

“*Note (Item 13):* Asbestos-cement sheets which fail to conform with BS 690: 1963 only because their profile is not listed in figures 4 to 8 thereof shall not be deemed to be unsuitable if—

(a) in the case of symmetrically corrugated sheets, the average extreme fibre stress as determined by test in accordance with Appendix B of

BS 690: 1963 is not less than 2,275 pounds per square inch, the width of the test specimens being the width of the sheet as manufactured and the span at which each sheet is tested being not less than the width of the test specimen; or

- (b) in the case of asymmetrically corrugated sheets, the average extreme fibre stress as determined by test in accordance with Appendix A of BS 690: 1963 is not less than 2,800 pounds per square inch, the test being carried out on flat pieces cut from the sheet length and the test bearers being placed at right angles to the direction of the fibres.”.

7. For regulation B5 there shall be substituted the following regulation:

“Deemed-to-satisfy provisions for the special treatment of softwood timber in certain areas

B5. *The requirements of regulation B4(2) shall be deemed to be satisfied if—*
(a) *the timber is treated in accordance with the provisions of BS 4072: 1966; or*

(b) *the timber, when freshly felled and milled and having an average moisture content of not less than 50% of its oven-dry weight, is treated by diffusion with sodium borate to produce a net dry salt retention of not less than 0.33 pound of boric acid equivalent per cubic foot; or*

(c) *the timber is completely immersed for not less than 10 minutes in an organic-solvent type wood preservative containing at least 1 part of gamma BHC, dieldrin or other persistent organochlorine contact insecticide in every 200 parts of the preservative solution (the parts being measured by weight) and any surfaces subsequently exposed by cutting the timber for fitting into the building are thoroughly treated by dipping, spraying or brushing those surfaces with the same type of preservative.”.*

8. In regulation D14 there shall be added after the reference “CP 112: 1952” in both places in which it occurs the word and reference “or CP 112: 1967”.

9. In regulation E1 there shall be added after paragraph (3) the following paragraph:

“(4) If any part of a building other than a single storey building—

- (i) consists of a ground storey only;
- (ii) has a roof to which there is only such access as may be necessary for the purposes of maintenance or repair; and
- (iii) is completely separated from all other parts of the building by a compartment wall or compartment walls in the same continuous vertical plane,

that part may be treated, for the purposes of this Part, as a part of a single storey building.”.

10. In regulation E9—

(a) in paragraph (1)(a) there shall be substituted for the words “an opening fitted with a door which complies with the requirements of regulation E11 and has fire resistance which is not less than—” the words “an opening fitted with a door which has fire resistance for the following minimum period and complies with the provisions of regulation E11 or E11A—”; and

(b) in paragraph (1)(e) there shall be substituted for the words “Part L” the words “paragraphs (5) and (6) of this regulation and of Part L”.

11. In regulation E10—

- (a) there shall be substituted for item (ii) of paragraph (5)(b) the following item:
- “(ii) an opening fitted with a door which has fire resistance complying with the provisions of paragraph (7) of this regulation and complies with the provisions of regulation E11 or E11A;” and
- (b) in paragraph (7) there shall be substituted for the words “Any fire-resisting door” to “minimum periods—” the words “Any door fitted in an opening in protecting structure shall have fire resistance for the following minimum period—”.

12. In regulation E11—

- (a) there shall be substituted for paragraph (1) the following paragraph:
- “(1) Subject to the provisions of regulation E11A, this regulation shall apply to any door which is required to have fire resistance by the provisions of this Part.”;
- (b) there shall be substituted for sub-paragraph (a) of paragraph (3) the following sub-paragraph:
- “(a) Any door fitted in an opening in protecting structure as defined in regulation E10(3) may consist of any single or double leaf door (the leaf or each leaf of which swings in one or both directions), other than a double leaf door both leaves of which swing in one and the same direction and have rebated meeting stiles, if—
- (i) the door is not required by the provisions of regulation E10(7) to have fire resistance of more than half an hour; and
- (ii) the door opens into a hall, lobby or corridor enclosed by walls or partitions having fire resistance of not less than half an hour.”;
- and
- (c) there shall be deleted from paragraph (3)(c) the words “falling within sub-paragraph (a)(iii) or (iv)”.

13. After regulation E11 there shall be inserted the following regulation:***“Exceptions permitting use of certain doors in lift shafts***

E11A.—(1) Notwithstanding the requirements of regulation E11, there may be provided, in an opening in the structure which encloses a protected shaft containing exclusively a lift or lifts, a door which is not fitted with a self-closing device if either—

- (a) the door has fire resistance for a period not less than half an hour and there is also provided in the opening another door which is fitted with an automatic self-closing device actuated by a fusible link and has fire resistance for a period not less than that prescribed by the relevant provisions of this Part for the structure surrounding the opening; or
- (b) (unless the opening is in a compartment wall and is one of two openings provided at the same level to allow access to a lift from different sides) the door has fire resistance for a period not less than that prescribed by the relevant provisions of this Part for the structure surrounding the opening.

(2) Any door specified in this regulation shall, if exposed to test by fire in accordance with Section 3 of BS 476: Part 1: 1953, satisfy the requirements of that test, when fitted in its frame, as to freedom from collapse and resistance to passage of flame for the period prescribed by sub-paragraph (a) or (b) of paragraph (1) of this regulation as the case may be (but with no minimum period in respect of insulation).

(3) For the purposes of this regulation, the expression "automatic self-closing device" does not include rising butt hinges."

14. In regulation E14(2) there shall be inserted after the words "paragraph (3)" the words "of this regulation and to the provisions of regulation E14A".

15. After regulation E14 there shall be inserted the following regulation:

"Exceptions permitting use of ceiling panels of plastics materials"

E14A.—(1) Notwithstanding the provisions of regulation E14, the surface of the ceiling of a room or circulation space may consist in whole or in part of a panel or panels of plastics material as permitted by paragraph (2) of this regulation, provided that the upper and lower surfaces of any part of the ceiling which does not consist of a panel of plastics material and the surface of any other structure enclosing the space over the ceiling are of a class not lower than that required by regulation E14 for the ceiling of such a room or circulation space.

(2) The said panel or panels may consist of one or more sheets or membranes of either—

(a) polyvinyl chloride which has a degree of flammability of not more than 3 inches when tested in accordance with method 508C of BS 2782: Part 5: 1965 or which has very low flammability when tested and classified in accordance with method 508D of BS 2782: Part 5: 1965, if—

(i) the nominal thickness of the sheet or membrane (or, if a panel consists of two or more sheets or membranes, their nominal aggregate thickness) does not exceed 0.04 inch; and

(ii) no panel has an area exceeding 40 square feet; or

(b) any plastics material which has a softening point of not more than 120°C when tested by method 102C of BS 2782: Part 5: 1965 and a burning rate of not more than 2 inches per minute when tested in a thickness of 0.125 inch in accordance with method 508A of BS 2782: Part 5: 1965, if—

(i) the nominal thickness of the sheet or membrane (or, if a panel consists of two or more sheets or membranes, their nominal aggregate thickness) does not exceed 0.125 inch;

(ii) the aggregate area of the plastics material, if situated in a building or compartment of purpose group II, III or VII, does not exceed 30% of the floor area of the room or 15% of the floor area of the circulation space, as the case may be, or, if situated in a building or compartment of any other purpose group, does not exceed 50% of the floor area of the room or 15% of the floor area of the circulation space, as the case may be;

- (iii) no panel has any side exceeding 16 feet in length or an area exceeding 40 square feet if situated in a room or 20 square feet if situated in a circulation space ; but if two or more panels are grouped so that each is less than 23 inches from another, the said maximum dimensions shall be applied to the smallest rectangle which would wholly enclose all such panels ; and
- (iv) every panel is loosely mounted in such a way that it will fall out of its mountings when softened by heat.

(3) For the purpose of this regulation, words and expressions shall have the meaning assigned to them by regulation E14(4).”.

16. In regulation H1(1) there shall be substituted for the definitions of “common stairway” and “private stairway” the following definitions respectively :

““common stairway” means an internal or external stairway of steps with straight nosings on plan which forms part of a building and is intended for common use in connection with two or more dwellings ;”

““private stairway” means an internal or external stairway of steps with straight nosings on plan which forms part of a building and is either within a dwelling or intended for use solely in connection with one dwelling ;”.

17. In regulation L1(1) in the definition of “appliance”—

(a) there shall be substituted for sub-paragraph (b) the following sub-paragraph :

“(b) an incinerator employing any means of igniting refuse, including electricity ;” ; and

(b) there shall be deleted all the words following the said sub-paragraph (b).

18. In regulation L2 after paragraph (4) there shall be added the following paragraph :

“(5) If provision is made for a solid fuel fire to burn directly on a hearth, secure means of anchorage for an effective fireguard shall be provided in the adjoining structure.”.

19. In regulation L6 there shall be added at the end of paragraph (1) the following proviso :

“Provided that, notwithstanding the requirements of this paragraph, a chimney may be lined with a flexible flue liner if—

(i) the chimney is already lined or constructed in accordance with this paragraph ; or

(ii) the chimney is not so lined or constructed but was erected under former control.”.

20. In regulation L8(b) there shall be substituted for the reference “BS 835 : 1959” the reference “BS 835 : 1967”.

21. In regulation L14—

(a) at the beginning of paragraph (1) there shall be substituted for the words “Any chimney serving a Class II appliance” the words “Subject to the provisions of paragraph (5) of this regulation, any chimney serving a Class II appliance” ;

(b) in paragraph (1)(a)(ii) there shall be substituted for the words "either specification (a) or specification (b)" the words "specification (a)"; and

(c) there shall be added after paragraph (4) the following paragraph:

"(5) Notwithstanding the requirements of paragraph (1) of this regulation, a chimney serving a Class II appliance (not being an appliance ventilation duct) may be lined with a flexible flue liner if—

(a) the chimney is already lined or constructed in accordance with that paragraph; or

(b) the chimney is not so lined or constructed but was erected under former control."

22. In regulation L16(f)(i) there shall be substituted for the reference "BS 835 : 1959" the reference "BS 835 : 1967" and for the reference "BS 567 : 1963" the reference "BS 567 : 1968".

23. In regulation L17 there shall be substituted for paragraph (2) the following paragraph:

"(2) A flue pipe serving a Class II appliance (being a pipe which is situated neither in the room or internal space in which the appliance is installed nor in an enclosed space to which no person has access) shall be deemed to satisfy such requirements of regulation L2(3)(a) as relate to the placing and shielding of a pipe within a building if—

(a) it is enclosed, either separately or together with one or more other flue pipes serving Class II appliances, in a casing constructed of suitable, but not necessarily imperforate, non-combustible material; and

(b) there is a distance of at least 1 inch between the inside of the casing and the outside of any flue pipe; and

(c) no combustible material is built into, or enclosed within, the casing."

24. In regulation L18(1) there shall be inserted after the words "Class II appliance" the words "(except where any part of that flue is in a ridge terminal)".

25. In regulation M1 there shall be added the following proviso:

"Provided that neither "appliance" nor "incinerator" shall in this Part include an incinerator employing electricity as a means of igniting refuse."

26. In regulation M4 after paragraph (9) there shall be added the following paragraph:

"(10) An appliance which is an open fire and is not capable of being used as a closed stove shall not be installed unless secure means of anchorage for an effective fireguard are, if not provided in the appliance itself, provided in the adjoining structure."

27.—(1) In Schedule 1, PART A—BUILDINGS in the entry relating to Class 6 in column (1) there shall be substituted for the words "(other than a building included in Class 7)" the words "(other than a building included in Class 7 or Class 8)".

(2) In Schedule 1, at the end of PART A—BUILDINGS—there shall be added the entry relating to a new Class 8 which is set out in the Schedule to these regulations.

(3) In Schedule 1, PART B—WORKS AND FITTINGS in the second entry in column (1) there shall be substituted for the words “Classes 3, 5 and 6” the words “Classes 3, 5, 6 and 8”.

28.—(1) In Schedule 2, Rule A, Item 2 there shall be substituted—

(a) for the words “not less than 1 inch to every 8 feet” the words “not less than 1/100”; and

(b) for the words “not less than 1 inch to every 16 feet” the words “not less than 1/200”.

(2) In Schedule 2, Rule C there shall be substituted for the words “(b) a building in Classes 4, 5 or 6 in that Schedule:” the words “(b) a building in Classes 4, 5, 6, 7 or 8 in that Schedule:”.

(3) In Schedule 2, Rule F there shall be deleted all the words from “other than” to “and no structural work is involved:”.

29. In Schedule 4 there shall be inserted in the list of local authorities—

(a) at the beginning of the list the words “Bagshot Rural District Council”;

(b) after “Easthampstead Rural District Council” the words “Egham Urban District Council”; and

(c) after “Walton and Weybridge Urban District Council” the words “Windsor Rural District Council”.

30. In Schedule 6—

(a) there shall be substituted for Rule 2(a)(i) the following:

“(i) *the member either consists of timber of a species classified as Softwood, Group II in CP 112 : 1952 or consists of timber which is of a species named in the list at the end of this rule and is of a grade not inferior to that noted against its name, the grade being determined in accordance with CP 112 : 1967 ; and*” ; and

(b) there shall be inserted at the end of Rule 2 the following:

LIST OF SPECIES OF TIMBER

(1) <i>Imported timber</i>	(2) <i>Grade</i>	(3) <i>Home-grown timber</i>	(4) <i>Grade</i>
<i>Douglas fir</i>	40	<i>Douglas fir</i>	50
<i>Pitch pine</i>	40	<i>Larch</i>	50
<i>Canadian spruce</i>	50	<i>Scots pine</i>	50
<i>Parana pine</i>	50		
<i>Redwood</i>	50		
<i>Western hemlock (commercial)</i>	50		
<i>Western hemlock (unmixed)</i>	50		
<i>Whitewood</i>	50		

SCHEDULE

Regulation 27 (2)

New entry to be inserted in Schedule 1, PART A—BUILDINGS, to the principal regulations

Class	(1)	(2)	(3)	(4)
8	<p>A building which is wholly detached and is used exclusively for the accommodation of plant or machinery designed for any of the processes specified against Minimum List Headings 262, 271, 272, 276, 277, 278, 279.2 and 279.4 of the Standard Industrial Classification (3rd Edition, 1968) issued by the Central Statistical Office (whether or not such plant or machinery forms any part of the structure) if:—</p> <ul style="list-style-type: none"> (i) it forms part of and is within the curtilage of a works; and (ii) the only persons habitually employed in it are employed solely in the general care, supervision, regulation or maintenance of such plant or machinery. 	Regulations A9 and A10	Part B	<p>Part D (in relation to any part of the building which comprises more than one storey)</p> <p>Regulation E5 (unless the building is so situated that each side may in accordance with regulation E7 consist entirely of an unprotected area)</p> <p>Regulation E7</p> <p>Regulation E15</p> <p>Regulation K3</p> <p>Part L</p>

Given under the official seal of the Minister of Housing and Local Government on 1st May 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make further amendments to The Building Regulations 1965, as already amended by The Building (Second Amendment) Regulations 1966 and The Building (Third Amendment) Regulations 1967 (the 1965 regulations, as amended in 1966 and 1967, being referred to as "the principal regulations"). These further amendments are, by virtue of Part I, brought into operation on 1st July 1969 but do not apply to work which has been completed, or for which plans have been deposited with local authorities, before that date.

Part II contains the amendments. By regulation 4(a) it is made clear that for the purposes of the building regulations, a 'conservatory' means a conservatory with a transparent or translucent roof.

Regulation 4(b) amends regulation A2(5)(b) so that account may be taken, for the purposes of regulation B2, of British Standards and British Standard Codes of Practice which were current on 31st May 1968, and also, in connection with any publication mentioned in the principal regulations, of any amendments, supplements or addenda published on or before that date.

Regulation 6(2), 20 and 22 substitute references to revised versions of certain British Standards specifically mentioned in the principal regulations.

Regulation 6(3) and (4) removes certain types of asbestos-cement sheeting from the list of materials prescribed as unsuitable for use in permanent buildings as the weather-resisting parts of external walls or roofs.

Regulation 7 replaces the existing regulation B5 by a new regulation containing revised methods for satisfying the requirements of regulation B4 as to treatment of softwood timber to prevent infestation by the house longhorn beetle, and regulation 29 extends the application of regulation B4 to three more local authority areas.

Regulations 8 and 30 amend the deemed-to-satisfy provisions relating to structural work of timber to take account of the current code, CP 112: 1967, but the continued use of CP 112: 1952 is allowed as an alternative.

Regulation 9 provides that under certain conditions, a single storey part of a multi-storey building may be treated for the purposes of Part E (Structural Fire Precautions) as if it were part of a single storey building.

Regulations 10, 11, 12(a) and 13 provide that under certain conditions, a door without a self-closing device may be fitted as a fire-resisting door in a lift shaft.

Regulation 12(b) modifies the requirements for certain types of fire-resisting door.

Regulations 14 and 15 permit the use, subject to certain conditions, of plastics materials in ceiling panels.

Regulation 16, by re-defining 'common stairway' and 'private stairway' extends the application of Part H of the principal regulations to the construction of external, as well as internal, stairways serving dwellings.

Regulations 17 and 25 extend the control exercised by Part L of the principal regulations to the construction of a chimney or flue pipe intended to serve an electrical incinerator and to the construction of parts of a building in close proximity to such an appliance.

Regulations 18 and 26 amend regulations L2 and M4 of the principal regulations so as to require the provision of means of securing a fireguard in front of an open fire.

Regulations 19 and 21 permit the insertion of a flexible flue liner in chimneys in certain circumstances.

Regulation 27, together with the schedule, widens the exemption from the building regulations for industrial buildings housing plant or machinery associated with certain chemical or similar processes. The publication entitled *Standard Industrial Classification* (3rd Edition, 1968), referred to in the new entry, is obtainable from Her Majesty's Stationery Office.

Regulation 28(1) alters the minimum scales for drawings submitted for building regulation purposes in order to facilitate the use of metric dimensions.

In addition, regulations 5, 6(1), 23, 24 and 28(2) and (3) make minor adjustments of detail in various particular provisions.