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STATUTORY INSTRUMENTS

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**1991 No. 2768**

**BUILDING AND BUILDINGS**

**The Building Regulations 1991**

*Made - - - - 6th December 1991*

*Laid before Parliament 10th December 1991*

*Coming into force - - 1st June 1992*

The Secretary of State, in exercise of the powers conferred upon him by sections 1(1), 3(1), 8(2), 35 and 126 of, and paragraphs 1, 2, 4, 7, 8, 10 and 11 of Schedule 1 to, the Building Act 1984<sup>(1)</sup> and of all other powers enabling him in that behalf, after consulting the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned in accordance with section 14(3) of that Act, hereby makes the following Regulations:—

**PART I**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Building Regulations 1991 and shall come into force on 1st June 1992.

**Interpretation**

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

“the Act” means the Building Act 1984;

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

“building notice” means a notice given in accordance with regulations 11(1) and 12;

“building work” has the meaning given in regulation 3(1);

“Construction Products Directive” means the Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the member States relating to construction products<sup>(2)</sup>;

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(1) 1984 c. 55; section 126 is cited for the definition of “prescribed”.

(2) OJNo. L40, 11.2.89, p12.

“controlled service or fitting” means a service or fitting in relation to which Part G, H or J of Schedule 1 imposes a requirement;

“dwelling” includes a dwelling-house and a flat;

“dwelling-house” does not include a flat or a building containing a flat;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a member State to issue European technical approvals for those purposes and notified by that member State to the European Commission;

“flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

“floor area” means the aggregate area of every floor in a building or extension, calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the outermost edge of the floor;

“full plans” means plans deposited with a local authority for the purposes of section 16 of the Act in accordance with regulations 11(1)(b) and 13;

“harmonized standard” means a standard established as mentioned in the Construction Products Directive by the European standards organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;

“height” means the height of the building measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher;

“institution” means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons—

- (a) suffering from disabilities due to illness or old age or other physical or mental incapacity, or
- (b) under the age of five years,

where such persons sleep on the premises;

“material alteration” has the meaning given in regulation 3(2);

“material change of use” has the meaning given in regulation 5;

“shop” includes premises—

- (a) used for the sale to members of the public of food or drink for consumption on or off the premises,
- (b) used for retail sales by auction to members of the public,
- (c) used by members of the public as a barber or hairdresser, or for the hiring of any item, and
- (d) where members of the public may take goods for repair or other treatment.

(2) In these Regulations “public building” means a building consisting of or containing—

- (a) a theatre, public library, hall or other place of public resort;
- (b) a school or other educational establishment not exempted from the operation of building regulations by virtue of section 4(1)(a) of the Act; or
- (c) a place of public worship;

but a building is not to be treated as a place of public resort because it is, or it contains, a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

(3) Any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule so numbered in these Regulations.

## PART II

### CONTROL OF BUILDING WORK

#### Meaning of building work

3.—(1) In these Regulations “building work” means—

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
- (d) work required by regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building.

(2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—

- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

(3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely

- Part A (structure)
- paragraph B1 (means of escape)
- paragraph B3 (internal fire spread – structure)
- paragraph B4 (external fire spread)
- paragraph B5 (access and facilities for the fire service)
- Part M (access and facilities for disabled people).

#### Requirements relating to building work

4.—(1) Building work shall be carried out so that—

- (a) it complies with the relevant requirements contained in Schedule 1; and
- (b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) Building work shall be carried out so that, after it has been completed—

- (a) any building which is extended or to which a material alteration is made;

- (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered;
- (c) any controlled service or fitting,

complies with the relevant requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

### **Meaning of material change of use**

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change—

- (a) the building is used as a dwelling, where previously it was not;
- (b) the building contains a flat, where previously it did not;
- (c) the building is used as a hotel or boarding house, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not; or
- (f) the building is not a building described in Classes I to VI in Schedule 2, where previously it was.

### **Requirements relating to material change of use**

6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the relevant requirements of the following paragraphs of Schedule 1—

- (a) in all cases,
  - B1 (means of escape)
  - B2 (internal fire spread – linings)
  - B3 (internal fire spread – structure)
  - B4(2) (external fire spread – roofs)
  - B5 (access and facilities for the fire service)
  - F1 and F2 (ventilation)
  - G1 (sanitary conveniences and washing facilities)
  - G2 (bathrooms)
  - H4 (solid waste storage)
  - J1 to J3 (heat producing appliances);
- (b) in the case of a material change of use described in regulation 5(c), (d), (e) and (f), A1 to A4 (structure);
- (c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread – walls);
- (d) in the case of a material change of use described in regulation 5(a), C4 (resistance to weather and ground moisture); and
- (e) in the case of a material change of use described in regulation 5(a) or (b), E1 to E3 (resistance to the passage of sound).

(2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that—

- (a) that part complies in all cases with any relevant requirement referred to in paragraph (1)(a);
- (b) in a case to which sub-paragraphs (b), (d) or (e) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph; and
- (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph.

### **Materials and workmanship**

7.—(1) So much of any building work as is required to comply with any relevant requirement of Schedule 1 shall be carried out—

- (a) with proper materials which are appropriate for the circumstances in which they are used; and
  - (b) in a workmanlike manner.
- (2) Subject to paragraph (1), “proper materials” shall include materials which—
- (a) bear an appropriate EC Mark in accordance with the Construction Products Directive; or
  - (b) conform to an appropriate harmonized standard or European technical approval; or
  - (c) conform to an appropriate British Standard or British Board of Agrément certificate; or
  - (d) conform to some other national technical specification of any member State which provides, in use, an equivalent level of protection and performance, with respect to the relevant requirements of Schedule 1, as an appropriate British Standard or British Board of Agrément certificate.

### **Limitation on requirements**

8. Parts A to K and N of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be affected by buildings, or matters connected with buildings).

### **Exempt buildings and work**

9. These Regulations do not apply to—
- (a) the erection of any building or extension of a kind described in Schedule 2; or
  - (b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.

## **PART III**

### **RELAXATION OF REQUIREMENTS**

#### **Power to dispense with or relax requirements**

10.—(1) The Secretary of State’s power under section 8(1) of the Act to dispense with or relax any requirement contained in these Regulations shall be exercisable by the local authority.

(2) Any notification by the local authority to an applicant that they have refused his application to dispense with or relax any requirement of these regulations shall inform the applicant of the effect of section 39(1) and (3) of the Act (appeal against refusal etc. to relax building regulations).

## PART IV

### NOTICES AND PLANS

#### **Giving of a building notice or deposit of plans**

**11.**—(1) Subject to the following provisions of this regulation, a person who intends to carry out building work or to make a material change of use shall—

- (a) give to the local authority a building notice in accordance with regulation 12; or
- (b) deposit full plans with the local authority in accordance with regulation 13.

(2) A person shall deposit full plans where he intends to carry out building work in relation to a building put or intended to be put to a use which is a designated use for the purposes of the Fire Precautions Act 1971<sup>(3)</sup>.

(3) A person who intends to carry out building work consisting only of the installation of a heat-producing gas appliance is not required to give a building notice or deposit full plans if the appliance is to be installed by a person, or an employee of a person, approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1984<sup>(4)</sup>.

(4) Where regulation 18 of the Building (Approved Inspectors etc.) Regulations 1985<sup>(5)</sup> (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(5) For the purposes of sections 219 to 225 of the Highways Act 1980<sup>(6)</sup> (the advance payments code)—

- (a) the giving of a building notice accompanied by such plans as are referred to in regulation 12 (2) shall be treated as the deposit of plans;
- (b) the plans accompanying a building notice shall be treated as the deposited plans; and
- (c) the receipt of a building notice shall be treated as the passing of those plans.

#### **Particulars and plans where a building notice is given**

**12.**—(1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by him or on his behalf, and shall contain or be accompanied by—

- (a) a statement that it is given in accordance with regulation 11(1)(a);
- (b) a description of the proposed building work or material change of use; and
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building.

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—

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(3) 1971 c. 40.

(4) S.I. 1984/1358 was amended by the Gas Safety (Installation and Use) (Amendment) Regulations 1990 (S.I. 1990/824).

(5) S.I. 1985/1066 to which there are amendments not relevant to these Regulations.

(6) 1980 c. 66.

- (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;
  - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;
  - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
- (c) particulars of—
- (i) the provision to be made for the drainage of the building or extension;
  - (ii) the precautions to be taken in building over a drain, sewer or disposal main as mentioned in section 18 of the Act<sup>(7)</sup> (building over sewers etc.); and
  - (iii) the steps to be taken to comply with any local enactment which applies.
- (3) In the case of building work which involves the insertion of insulating material into the cavity walls of a building, a building notice shall be accompanied by a statement as to—
- (a) the name and type of insulating material to be used;
  - (b) whether or not the insulating material is approved by the British Board of Agrément or conforms to a British Standard specification;
  - (c) whether or not the installer is a person who is the subject of a British Standards Institution Certificate of Registration or has been approved by the British Board of Agrément for the insertion of that material.
- (4) Where building work involves the provision of a hot water storage system in relation to which paragraph G3 in Schedule 1 (hot water storage) imposes a requirement, a building notice shall be accompanied by a statement which specifies—
- (a) the name, make, model and type of hot water storage system to be installed;
  - (b) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of paragraph G3 of Schedule 1;
  - (c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.
- (5) Where a building notice has been given, a person carrying out building work or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.
- (6) Subject to regulation 11(5) neither a building notice nor plans which accompany it or are given under paragraph (5) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.
- (7) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period—
- (a) the building work to which the notice relates was commenced; or
  - (b) the material change of use described in the notice was made.

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(7) Section 18 of the 1984 Act was amended by paragraph 6 of Schedule 8 to the Water Act 1989 c. 15.

### **Full plans**

13.—(1) Full plans shall be accompanied by a statement that they are deposited in accordance with regulation 11(1)(b).

(2) Full plans shall be deposited in duplicate, of which the local authority may retain one copy, and where Part B (Fire safety) imposes a requirement in relation to proposed building work, a further two copies of any such plans as demonstrate compliance with those requirements shall be deposited, both of which may be retained by the local authority.

(3) Full plans shall consist of—

- (a) a description of the proposed building work or material change of use, and the plans, particulars and statements required by paragraphs (1) to (4) of regulation 12; and
- (b) any other plans which are necessary to show that the work would comply with these regulations.

(4) Full plans shall be accompanied by a statement as to whether the building is put or is intended to be put to a use which is a designated use for the purpose of the Fire Precautions Act 1971<sup>(8)</sup>.

(5) Full plans may be accompanied by a request from the person carrying out building work that on completion of the work he wishes the local authority to issue a completion certificate in accordance with regulation 15.

### **Notice of commencement and completion of certain stages of work**

14.—(1) A person who proposes to carry out building work shall not commence that work unless—

- (a) he has given the local authority notice that he intends to commence work; and
- (b) at least two days have elapsed since the end of the day on which he gave the notice.

(2) A person carrying out building work shall not—

- (a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or
- (b) cover up in any way any drain or sewer to which these Regulations apply, unless he has given the local authority notice that he intends to commence that work, and at least one day has elapsed since the end of the day on which he gave the notice.

(3) A person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.

(4) A person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected, and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) Where a person fails to comply with paragraphs to (3), he shall comply within a reasonable time with any notice given by the local authority requiring him to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

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(8) 1971 c. 40.

(8) In this regulation “day” means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday.

### **Completion certificates**

**15.** –

(1) A local authority shall give a completion certificate in accordance with this regulation where–

(a) they receive a notice under regulation 14(4) or (5) that building work has been completed, or, that a building has been partly occupied before completion; and

(b) they have either–

(i) been notified in accordance with regulation 13(4) that the building is put or is intended to be put to a use which is a designated use for the purposes of the Fire Precautions Act 1971, or

(ii) been requested to do so in accordance with regulation 13(5).

(2) Where in relation to any building work or, as the case may be, to any part of a building which has been occupied before completion, a local authority have been able to ascertain, after taking all reasonable steps in that behalf, that the relevant requirements of Schedule 1 specified in the certificate have been satisfied, they shall give a certificate to that effect.

(3) In this regulation the relevant requirements mean–

(a) in a case mentioned in paragraph (1)(b)(i), the requirements of Part B of Schedule 1 (fire safety); and

(b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of Schedule 1.

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

## **PART V**

### **MISCELLANEOUS**

#### **Testing of drains and private sewers**

**16.** The local authority may make such tests of any drain or private sewer as may be necessary to establish whether it complies with any of the requirements of Part H of Schedule 1 (drainage and waste disposal).

#### **Sampling of material**

**17.** The local authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable them to ascertain whether such materials comply with the provisions of these Regulations.

#### **Supervision of building work otherwise than by local authorities**

**18.**—(1) Regulations 11, 14, 15, 16 and 17 shall not apply in respect of any work specified in an initial notice given under section 47 of the Act (giving and acceptance of initial notice in relation to the supervision of plans and work by approved inspectors), or a public body’s notice given under section 54 of the Act (giving, acceptance and effect of public body’s notice), which is in force.

(2) Regulations 16 and 17 shall not apply in respect of any work in relation to which a final certificate given under section 51 of the Act (final certificates), or public body’s final certificate

given under paragraph 3 of Schedule 4 to the Act (public body's final certificate), has been accepted by the local authority.

### **Revocations**

**19.** The Regulations specified in Column 1 of Schedule 3 are hereby revoked to the extent mentioned in Column 3.

### **Transitional provisions**

**20.**—(1) These Regulations shall not apply where—

- (a) before 1st June 1992 a building notice has been given to, or full plans deposited with, a local authority, or an initial notice or a public body's notice has been given in accordance with sections 47(1) and 54(1) respectively of the Act;
- (b) building work is carried out after that date in accordance with any such notice or plans, whether with or without any departure from them; or
- (c) before 1st June 1992 any of the events referred to in regulation 4 of the Building (Inner London) Regulations 1985<sup>(9)</sup>, or regulation 4 of the Building (Inner London) Regulations 1987<sup>(10)</sup> has occurred (both of these regulations contain transitional provisions),

and the Building Regulations 1985<sup>(11)</sup>, and (as the case may be) the Building (Inner London) Regulations 1985 and 1987, shall continue to apply to such a notice, plans, work, building or structure as if these regulations had not been made.

### **Contravention of certain regulations not to be an offence**

**21.** Regulation 15 is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

*Michael Heseltine*  
One of Her Majesty's Principal Secretaries of  
State.

6th December 1991

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<sup>(9)</sup> S.I. 1985/1936 as amended by S.I. 1987/798.

<sup>(10)</sup> S.I. 1987/798.

<sup>(11)</sup> S.I. 1985/1065 the relevant amending instruments are S.I. 1985/1576, 1985/1936, 1987/798, 1987/1445 and 1989/1119.

SCHEDULE 1

Regulations 4 and 6

REQUIREMENTS

<i>Requirement</i>	<i>Limits on application</i>
<b>PART A STRUCTURE</b>	
<b>Loading</b>	
<b>A1. —</b>	
(1) The building shall be constructed so that the combined dead, imposed and wind loads are sustained and transmitted by it to the ground—	
(a) safely; and	
(b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.	
(2) In assessing whether a building complies with sub-paragraph (1) regard shall be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.	
<b>Ground movement</b>	
<b>A2.</b> The building shall be constructed so that ground movement caused by—	
(a) swelling, shrinkage or freezing of the subsoil; or	
(b) land-slip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen,	
will not impair the stability of any part of the building.	
<b>Disproportionate collapse</b>	Requirement A3 applies only to a building having five or more storeys (each basement level being counted as one storey) excluding a storey within the roof space where the slope of the roof does not exceed 70X to the horizontal.
<b>A3.</b> The building shall be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.	
<b>A4.</b> The building shall be constructed so that in the event of failure of any part of the roof, including its supports, the building will not suffer collapse to an extent disproportionate to that failure.	Requirement A4 applies only to those parts of a public building, shop or a shopping mall which have a roof with a clear span exceeding nine metres between supports.
<b>PART B FIRE SAFETY</b>	

<i>Requirement</i>	<i>Limits on application</i>
<p><b>Means of escape</b></p> <p><b>B1.</b> The building shall be designed and constructed so that there are means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.</p> <p><b>Internal fire spread (linings)</b></p> <p><b>B2.</b> —</p> <p>(1) To inhibit the spread of fire within the building the internal linings shall—</p> <p>(a) resist the spread of flame over their surfaces; and</p> <p>(b) have, if ignited, a rate of heat release which is reasonable in the circumstances.</p> <p>(2) In this paragraph “internal linings” means the materials lining any partition, wall, ceiling or other internal structure.</p> <p><b>Internal fire spread (structure)</b></p> <p><b>B3.</b> —</p> <p>(1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.</p> <p>(2) A wall common to two or more buildings shall be designed and constructed so that it resists the spread of fire between those buildings. For the purposes of this sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.</p> <p>(3) To inhibit the spread of fire within the building, it shall be sub-divided with fire-resisting construction to an extent appropriate to the size and intended use of the building.</p> <p>(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.</p> <p><b>External fire spread</b></p> <p><b>B4.</b> —</p> <p>(1) The external walls of the building shall resist the spread of fire over the walls and from</p>	<p>Requirement B1 does not apply to any prison provided under section 33 of the Prisons Act 1952<sup>(12)</sup> (power to provide prisons etc.).</p> <p>Requirement B3(3) does not apply to material alterations to any prison provided under section 33 of the Prisons Act 1952.</p>

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(12) 1952 c. 52.

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<i>Requirement</i>	<i>Limits on application</i>
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one building to another, having regard to the height, use and position of the building.

(2) The roof of the building shall resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.

#### **Access and facilities for the fire service**

##### **B5. —**

(1) The building shall be designed and constructed so as to provide facilities to assist fire fighters in the protection of life.

(2) Provision shall be made within the site of the building to enable fire appliances to gain access to the building.

### ***PART C SITE PREPARATION AND RESISTANCE TO MOISTURE***

#### **Preparation of site**

**C1.** The ground to be covered by the building shall be reasonably free from vegetable matter.

#### **Dangerous and offensive substances**

**C2.** Precautions shall be taken to avoid danger to health and safety caused by substances found on or in the ground to be covered by the building.

#### **Subsoil drainage**

**C3.** Subsoil drainage shall be provided if it is needed to avoid—

- (a) the passage of ground moisture to the interior of the building;
- (b) damage to the fabric of the building.

#### **Resistance to weather and ground moisture**

**C4.** The walls, floors and roof of the building shall resist the passage of moisture to the inside of the building.

### ***PART D TOXIC SUBSTANCES***

#### **City insulation**

**D1.** If insulating material is inserted into a cavity in a cavity wall reasonable precautions shall be taken to prevent the subsequent permeation of any toxic fumes from that material into any part of the building occupied by people.

### ***PART E RESISTANCE TO THE PASSAGE OF SOUND***

#### **Airborne sound (walls)**

**E1.** A wall which—

<i>Requirement</i>	<i>Limits on application</i>
(a) separates a dwelling from another building or from another dwelling, or	
(b) separates a habitable room or kitchen within a dwelling from another part of the same building which is not used exclusively as part of the dwelling, shall resist the transmission of airborne sound.	

**Airborne sound (floors and stairs)**

**E2.** A floor or a stair which separates a dwelling from another dwelling, or from another part of the same building which is not used exclusively as part of the dwelling, shall resist the transmission of airborne sound.

**Impact sound (floors and stairs)**

**E3.** A floor or a stair above a dwelling which separates it from another dwelling, or from another part of the same building which is not used exclusively as part of the dwelling, shall resist the transmission of impact sound.

***PART F VENTILATION***

**Means of ventilation**

**F1.** There shall be adequate means of ventilation provided for people in the building.

Requirement F1 applies only to—

- (a) dwellings;
- (b) the spaces within any building containing two or more dwellings which are used solely or principally in connection with those dwellings;
- (c) rooms containing sanitary conveniences;
- (d) bathrooms.

**Condensation in roofs**

**F2.** Adequate provision shall be made to prevent excessive condensation—

- (a) in a roof; or
- (b) in a roof void above an insulated ceiling.

***PART G HYGIENE***

**Sanitary conveniences and washing facilities**

**G1.** —

(1) Adequate sanitary conveniences shall be provided in rooms provided for that purpose, or in bathrooms. Any such room or bathroom shall be separated from places where food is prepared

(2) Adequate washbasins shall be provided in

- (a) rooms containing water closets; or

<i>Requirement</i>	<i>Limits on application</i>
<p>(b) rooms or spaces adjacent to rooms containing water closets. Any such room or space shall be separated from places where food is prepared.</p> <p>(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with paragraph (2).</p> <p>(4) Sanitary conveniences and washbasins to which this paragraph applies shall be designed and installed so as to allow effective cleaning.</p>	
<p><b>Bathrooms</b></p> <p><b>G2.</b> A bathroom shall be provided containing either a fixed bath or shower bath, and there shall be a suitable installation for the provision of hot and cold water to the bath or shower bath.</p>	<p>Requirement G2 applies only to dwellings.</p>
<p><b>Hot water storage</b></p> <p><b>G3.</b> A hot water storage system that has a hot water storage vessel which does not incorporate a vent pipe to the atmosphere shall be installed by a person competent to do so, and there shall be precautions—</p> <p>(a) to prevent the temperature of stored water at any time exceeding 100 C; and</p> <p>(b) to ensure that the hot water discharged from safety devices is safely conveyed to where it is visible but will not cause danger to persons in or about the building.</p>	<p>Requirement G3 does not apply to—</p> <p>(a) a hot water storage system that has a storage vessel with a capacity of 15 litres or less;</p> <p>(b) a system providing space heating only;</p> <p>(c) a system which heats or stores water for the purposes only of an industrial process.</p>

## ***PART H DRAINAGE AND WASTE DISPOSAL***

### **Foul water drainage**

#### **H1. —**

(1) Any system which carries foul water from appliances within the building to a sewer, a cesspool or a septic or settlement tank, shall be adequate.

(2) Foul water in sub-paragraph (1) means waste water which comprises or includes—

- (a) waste from a sanitary convenience or other soil appliance;
- (b) water which has been used for cooking or washing.

<i>Requirement</i>	<i>Limits on application</i>
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### **Cesspools, septic tanks and settlement tanks**

**H2.** Any cesspool, septic tank or settlement tank shall be—

- (a) of adequate capacity and so constructed that it is impermeable to liquids;
- (b) adequately ventilated; and
- (c) so sited and constructed that—
  - (i) it is not prejudicial to the health of any person,
  - (ii) it will not contaminate any underground water or water supply, and
  - (iii) there are adequate means of access for emptying.

### **Rainwater drainage**

**H3.** Any system which carries rainwater from the roof of the building to a sewer, soakaway, watercourse, or some other suitable rainwater outfall shall be adequate.

### **Solid waste storage**

**H4.** —

- (1) Adequate means of storing solid waste shall be provided.
- (2) Adequate means of access shall be provided—
  - (a) for people in the building to the place of storage; and
  - (b) from the place of storage to a street.

## ***PART J HEAT PRODUCING APPLIANCES***

### **Air supply**

**J1.** Heat producing appliances shall be so installed that there is an adequate supply of air to them for combustion and for the efficient working of any flue-pipe or chimney.

The requirement in this Part apply only to fixed heat producing appliances which—

- (a) are designed to burn solid fuel, oil or gas; or
- (b) are incinerators.

### **Discharge of products of combustion**

**J2.** Heat producing appliances shall have adequate provision for the discharge of the products of combustion to the outside air.

### **Protection of building**

**J3.** Heat producing appliances and flue-pipes shall be so installed, and fire-places and chimneys shall be so constructed, as to reduce

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<i>Requirement</i>	<i>Limits on application</i>
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to a reasonable level the risk of the building catching fire in consequence of their use.

**PART K STAIRS, RAMPS AND GUARDS**

**Stairs and ramps**

**K1.** Stairs, ladders and ramps shall offer safety to users moving between levels of the building.

**1.** The requirements of this Part apply only to stairs, ladders and ramps which form part of the building.

**2.** Requirement K1 does not apply to stairs, ladders and ramps which provide access to levels used only for the purpose of maintenance.

**Protection from falling**

**K2.** Stairs, ramps, floors and balconies, and any roof to which people normally have access, shall be guarded with barriers where they are necessary to protect users from the risk of falling.

**Vehicle barriers**

**K3.** Vehicle ramps, and any floor and roof to which vehicles have access, shall be guarded with barriers where they are necessary to provide protection for people in or about the building.

**PART L CONSERVATION OF FUEL AND POWER**

**L1.** Reasonable provision shall be made for the conservation of fuel and power in buildings.

This requirement applies only to—

- (a) dwellings; and
- (b) other buildings whose floor area exceeds 30m<sup>2</sup>.

**PART M ACCESS AND FACILITIES FOR DISABLED PEOPLE**

**Interpretation**

**M1.** In this Part “disabled people” means people who have—

- (a) an impairment which limits their ability to walk or which requires them to use a wheelchair for mobility, or
- (b) impaired hearing or sight.

The requirements of this Part do not apply to—

- (a) an extension which does not include a ground storey;
- (b) a material alteration;
- (c) a dwelling or the common parts of a building which are intended for the exclusive use of two or more dwellings;
- (d) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, maintained or repaired.

**Access and use**

**M2.** Reasonable provision shall be made for disabled people to gain access to and to use the building.

**Sanitary conveniences**

**M3.** If sanitary conveniences are provided in the building reasonable provision shall be made for disabled people.

<i>Requirement</i>	<i>Limits on application</i>
<b>Audience or spectator seating</b>	
<p><b>M4.</b> If the building contains audience or spectator seating, reasonable provision shall be made to accommodate disabled people.</p>	
<b><i>PART N GLAZING—MATERIALS AND PROTECTION</i></b>	
<p><b>N1.</b> Glazing, with which people are likely to come into contact while in passage in or about the building, shall—</p> <ul style="list-style-type: none"> <li>(a) if broken on impact, break in a way which is unlikely to cause injury; or</li> <li>(b) resist impact without breaking; or</li> <li>(c) be shielded or protected from impact.</li> </ul>	
<p><b>N2.</b> Transparent glazing, with which people are likely to collide while in passage in or about the building, shall incorporate features which make it apparent.</p>	Requirement N2 does not apply to dwellings.

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## SCHEDULE 2

Regulation 9

## EXEMPT BUILDINGS AND WORK

## CLASS I

**Buildings controlled under other legislation**

1. Any building the construction of which is subject to the Explosives Acts 1875 and 1923<sup>(13)</sup>.
2. Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965<sup>(14)</sup> is for the time being in force.
3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archeological Areas Act 1979<sup>(15)</sup>.

## CLASS II

**Buildings not frequented by people**

A detached building—

- (a) into which people do not normally go; or

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(12) 1952 c. 52.

(13) 1875 c. 17, 1923 c. 17.

(14) 1965 c. 57; the only relevant amending instrument is S.I. 1974/2056.

(15) 1979 c. 46.

- (b) into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery,  
unless any point of such a building is less than one and a half times its height from
- (i) any point of a building into which people can or do normally go; or
  - (ii) the nearest point of the boundary of the curtilage of that building,
- whichever is the nearer.

## CLASS III

### **Greenhouses and agricultural buildings**

1. Subject to paragraph 3, a greenhouse.
2. A building used, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that—
  - (a) no part of the building is used as a dwelling;
  - (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and
  - (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.
3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.
4. In paragraph 2, “agriculture” includes horticulture, fruit growing, the growing of plants for seed and fish farming.

## CLASS IV

### **Temporary buildings**

A building which is not intended to remain where it is erected for more than 28 days.

## CLASS V

### **Ancillary buildings**

1. A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.
2. A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation.
3. A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

## CLASS VI

### Small detached Buildings

1. A detached single storey building, having a floor area which does not exceed 30m<sup>2</sup>, which contains no sleeping accommodation and is a building–
  - (a) no point of which is less than one metre from the boundary of its curtilage; or
  - (b) which is constructed substantially of non-combustible material.
2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if–
  - (a) its floor area does not exceed 30 m<sup>2</sup>; and
  - (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.
3. A detached building, having a floor area which does not exceed 15m<sup>2</sup>, which contains no sleeping accommodation.

## CLASS VII

### Extensions

The extension of a building by the addition at ground level of–

- (a) a conservatory, porch, covered yard or covered way; or
- (b) a carport open on at least two sides;

where the floor area of that extension does not exceed 30 m<sup>2</sup>, provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N of Schedule 1.

## SCHEDULE 3

Regulation 19

### REVOCATION OF REGULATIONS

Title	Reference	Extent of revocation
The Building Regulations 1985	S.I. <a href="#">1985/1065</a>	The whole of the regulations.
The Building (Prescribed Fees etc.) Regulations 1985	S.I. <a href="#">1985/1576</a>	Regulation 19.
The Building (Inner London) Regulations 1985	S.I. <a href="#">1985/1936</a>	In regulation 2(1) the words “the Building Regulations 1985” and paragraph 1 of Schedule 2.
The Building (Inner London) Regulations 1987	S.I. <a href="#">1987/798</a>	In regulation 2(1) the words “the Building Regulations 1985” and paragraph 1 of Schedule 2.

Title	Reference	Extent of revocation
The Building (Disabled People) Regulations 1987	S.I. <a href="#">1987/1445</a>	Regulation 2 and the Schedule.
The Building Regulations (Amendment) Regulations 1989	S.I. <a href="#">1989/1119</a>	Regulation 2 and the Schedule.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations made under the Building Act 1984 revoke and replace with amendments the Building Regulations 1985, and consolidate all subsequent amendments to those Regulations. They impose requirements on people carrying out certain building operations.

Control is imposed on “building work” (defined in regulation 3(1)) and on the making of a “material change of use” (defined in regulation 5).

Regulation 4 provides that, where building work is carried out, the relevant requirements in Schedule 1 are to be complied with. Where building work is carried out to an existing building, that building is not to be made more unsatisfactory in relation to compliance with the requirements in Schedule 1 than it was before. Where a material change of use is made, the building or the part in question must meet certain of the requirements of Schedule 1 (regulation 6).

Regulation 7 provides that any building work is to be carried out with proper materials and in a workmanlike manner. “Proper materials” are to include materials placed on the market in accordance with the Construction Products Directive where these are appropriate for the circumstances in which they are to be used.

Regulation 8 provides that compliance with the requirements in Parts A to K and N of Schedule 1 does not require anything to be done beyond what is necessary to secure reasonable standards of health and safety.

The erection of, and work in connection with, certain buildings and certain extensions are exempt from control (regulation 9 and Schedule 2).

Regulation 10 empowers local authorities to dispense with or relax the requirements of the regulations instead of the Secretary of State after consultation with the local authority.

Regulation 11 requires a person intending to carry out building work or make a material change of use to give a building notice to, or deposit full plans with, the local authority. There is an exception for gas appliances installed by, or under the supervision of, persons approved under the Gas Safety Regulations. Full plans are only required in cases where the building is to be put to a use designated under the Fire Precautions Act 1971. A person who elects under Part II of the 1984 Act for building work or a material change of use to be supervised by an approved inspector of his choice instead of the local authority is not required to give a building notice or deposit full plans.

Regulation 12 specifies the plans and particulars to be given in or with a building notice. A local authority may require additional plans to be supplied. The matters covered by full plans, which are to be deposited in duplicate (with additional copies of plans showing compliance with the fire safety requirements), are specified in regulation 13.

Regulation 14 requires a person carrying out building work under local authority supervision to notify them before he starts work and before and after certain operations are carried out. If he does not do so, he must comply with any notice from the local authority requiring him to lay open the work for inspection. He must give notice on the completion of the work, and when the building or part of it is first occupied if this occurs before it is completed.

Regulation 15 provides for the issue by the local authority, where they have been requested to do so or where the building is to be put to a designated use, of certificates of completion stating that so far as they have been able to ascertain, after taking all reasonable steps in that behalf, the relevant requirements of Schedule 1 have been satisfied.

The local authority may test drains and private sewers (regulation 16) and sample materials (regulation 17).

Regulation 18 disapplies certain regulations where work is supervised in accordance with Part II of the 1984 Act and the Building (Approved Inspectors etc.) Regulations 1985.

Regulation 20 contains transitional provisions consequent upon the revocation of the 1985 regulations provided for in regulation 19.

Schedule 1 is set out in tabular form and contains the functional requirements that are to be complied with. The right-hand column indicates the cases in which a particular requirement does or does not apply.

The Secretary of State is empowered by the 1984 Act to issue or to approve documents containing practical guidance with respect to the requirements of building regulations. Evidence of compliance or non-compliance with an approved document is evidence of compliance with or contravention of building regulations.

The Secretary of State proposes to approve the following publications, originally approved for the purposes of the 1985 regulations, for the purposes of the relevant requirements of the 1991 regulations, with effect from the coming into operation of these regulations:

Approved Document D	– Toxic substances	1985 Edition
Approved Document F	– Ventilation	1990 Edition
Approved Document H	– Drainage and waste disposal	1990 Edition
Approved Document J	– Heat producing appliances	1990 Edition
Approved Document L	– Conservation of fuel and power	1990 Edition

Copies of these can be obtained from HMSO.

The Secretary of State proposes to approve new or revised documents in relation to the remaining requirements of these regulations, namely:

- A (Structure)
- B (Fire safety)
- C (Site preparation and resistance to moisture)
- E (Resistance to the passage of sound)
- G (Hygiene)
- K (Stairs, ramps and guards)
- M (Access and facilities for disabled people)
- N (Glazing – materials and protection)
- regulation 7 (Materials and workmanship)

Copies of these proposed Approved Documents can also be obtained from HMSO.