
STATUTORY INSTRUMENTS

2002 No. 2871

**BUILDING AND BUILDINGS,
ENGLAND AND WALES**

The Building (Amendment) (No. 2) Regulations 2002

Made - - - - 16th November 2002

Laid before Parliament 25th November 2002

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred upon him by sections 1(1) and 47(1) of, and paragraphs 1, 2, 7, 8 and 10 of Schedule 1 to, the Building Act 1984⁽¹⁾, 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:

Citation and commencement

1. These Regulations may be cited as the Building (Amendment) (No. 2) Regulations 2002 and shall come into force—

- (a) for the purposes of regulation 2(8) and Schedule 1, on 1st March 2003;
- (b) for the purposes of regulation 2(7), insofar as the amendment made by that paragraph requires the carrying out of sound insulation testing in relation to the erection of a dwelling-house or a building containing flats, 1st January 2004; and
- (c) for all other purposes, on 1st July 2003.

Amendment of the Building Regulations 2000

2.—(1) The Building Regulations 2000⁽²⁾ (“the principal Regulations”) are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “public body’s notice” insert—

““room for residential purposes” means a room, or suite of rooms, which is not a dwelling-house or flat and which is used by one or more persons to live and sleep in, including rooms in hotels, hostels, boarding houses, halls of residence and residential homes but not including rooms in hospitals, or other similar establishments, used for patient accommodation;”.

(1) 1984 c. 55. Sections 47 and 50 were amended by, and section 51A was inserted by, S.I. 1996/1905.

(2) S.I. 2000/2531 as amended by S.I. 2001/3335 and 2002/440.

- (3) In regulation 5 (meaning of material change of use)
 - (a) in paragraph (f) omit “or”
 - (b) after paragraph (g) add—
 - “(h) the building contains a room for residential purposes, where previously it did not; or
 - (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously.”.
- (4) In regulation 6 (requirements relating to material change of use)—
 - (a) in paragraph (1)(d) omit “and”;
 - (b) in paragraph (1)(e) for the words “regulation 5(a), (b) or (g)” substitute “regulation 5(a), (b), (c), (g), (h) or (i)”;
 - (c) after paragraph (1)(e) insert—
 - “(f) in the case of a material change of use described in regulation 5(e), where the public building consists of or contains a school, E4 (acoustic conditions in schools).”;
 - (d) in paragraph (2)(b) for “or (e)” substitute “, (e) or (f)”.
- (5) For regulation 8 (limitation on requirements) substitute—

“Limitation on requirements

8. Parts A to D, F to K and N (except for paragraphs H2 and J6) 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).”.

- (6) In regulation 20(1) (supervision of building work otherwise than by local authorities) for “and 19” substitute “, 19 and 20A”.
- (7) After regulation 20 insert—

“Sound insulation testing

20A.—(1) This regulation applies to—

- (a) building work in relation to which paragraph E1 of Schedule 1 imposes a requirement; and
- (b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(e) or 6(2)(b).

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1—

- (a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and
- (b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local authority.

(3) The results of the testing referred to in paragraph (2)(a) shall be—

- (a) recorded in a manner approved by the Secretary of State; and
- (b) given to the local authority in accordance with paragraph (2)(b) not later than the date on which the notice required by regulation 15(4) is given.”.

(8) For Part B of Schedule 1 (fire safety) substitute the Part set out in Schedule 1 to these Regulations.

(9) For Part E of Schedule 1 (resistance to the passage of sound) substitute the Part set out in Schedule 2 to these Regulations.

Transitional provisions

3.—(1) Paragraphs (2) to (5) apply for the purposes of the amendments made to the principal Regulations other than that which comes into force on 1st March 2003 (“the amendments”).

(2) Subject to paragraph (3), where before 1st July 2003 building work has commenced in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2) of the principal Regulations and a notice given to the local authority under regulation 15(1) of the principal Regulations; or
- (b) an initial notice or an amendment notice given in accordance with section 47(1) or 51A(2) respectively of the Building Act 1984 (“the Act”),

the principal Regulations shall continue to apply to that building work as if the amendments had not been made.

(3) Where an initial notice given before 1st July 2003 is varied by an amendment notice given on or after that date, the principal Regulations shall continue to apply as if the amendments had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(4) Where before 1st July 2003 full plans of building work have been deposited with a local authority in accordance with regulation 12(2) of the principal Regulations and the local authority has, before that date—

- (a) given notice under section 16(6) of the Act that they have passed those plans without conditions; or
- (b) signified in writing to the person by whom or on whose behalf the plans were deposited that any condition subject to which they passed the plans has been fully met,

the principal Regulations shall continue to apply to that building work as if the amendments had not been made, whether or not the building work departs from those plans.

(5) Where plans of building work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st July 2003 in accordance with section 50 of the Act, and accepted by the local authority either before, on or after that date, the principal Regulations shall continue to apply to that building work as if the amendments had not been made, whether or not the building work departs from those plans.

4.—(1) Paragraph (2) applies for the purpose of the amendment made to the principal Regulations which comes into force on 1st January 2004 (“the amendment”).

(2) Where before 1st January 2004 building work which consists of the erection of a dwelling-house or a building containing flats has commenced in accordance with a building notice given to, or full plans deposited with, a local authority under regulation 12(2) of the principal Regulations and a notice given to the local authority under regulation 15(1) of the principal Regulations, the principal Regulations shall continue to apply to that building work as if the amendment had not been made.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the First Secretary of State

16th November 2002

Christopher Leslie
Parliamentary Under-Secretary of State,
Office of the Deputy Prime Minister

SCHEDULE 1

Regulation 2(8)

PART B OF SCHEDULE 1 TO THE BUILDING REGULATIONS
2000, AS SUBSTITUTED BY THESE REGULATIONS

| <i>Requirement</i> | <i>Limits on application</i> |
|---|--|
| PART B FIRE SAFETY | |
| Means of warning and escape | Requirement B1 does not apply to any prison provided under section 33 of the Prison Act 1952 (3)(power to provide prisons etc.). |
| B1. The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate 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. | |
| Internal fire spread (linings) | |
| B2. — | |
| (1) To inhibit the spread of fire within the building, the internal linings shall— | |
| (a) adequately resist the spread of flame over their surfaces; and | |
| (b) have, if ignited, either a rate of heat release or a rate of fire growth, which is reasonable in the circumstances. | |
| (2) In this paragraph “internal linings” means the materials or products used in lining any partition, wall, ceiling or other internal structure. | |
| Internal fire spread (structure) | Requirement B3(3) does not apply to material alterations to any prison provided under section 33 of the Prison Act 1952. |
| B3. — | |
| (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period. | |
| (2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this subparagraph a house in a terrace and a semi-detached house are each to be treated as a separate building. | |
| (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. | |

(3) 1952 c. 52 as amended by the Criminal Justice and Public Order Act 1994 c. 33 and by the Prison Commissioners Dissolution Order 1963, S.I. 1963/597.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Requirement</i> | <i>Limits on application</i> |
|---|------------------------------|
| PART B FIRE SAFETY | |
| (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. | |
| External Fire Spread | |
| B4 — | |
| (1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building. | |
| (2) The roof of the building shall adequately 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 reasonable facilities to assist fire fighters in the protection of life. | |
| (2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building. | |

SCHEDULE 2

Regulation 2(9)

PART E OF SCHEDULE 1 TO THE BUILDING REGULATIONS
2000, AS SUBSTITUTED BY THESE REGULATIONS

| <i>Requirement</i> | <i>Limits on application</i> |
|---|------------------------------|
| PART E RESISTANCE TO THE PASSAGE OF SOUND | |
| Protection against sound from other parts of the building and adjoining buildings | |
| E1. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings. | |

| <i>Requirement</i> | <i>Limits on application</i> |
|---|---|
| PART E RESISTANCE TO THE PASSAGE OF SOUND | |
| Protection against sound within a dwelling-house etc. E2. Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that— (a) internal walls between a bedroom or a room containing a water closet, and other rooms; and (b) internal floors, provide reasonable resistance to sound. | Requirement E2 does not apply to— (a) an internal wall which contains a door; (b) an internal wall which separates an en suite toilet from the associated bedroom; (c) existing walls and floors in a building which is subject to a material change of use. |
| Reverberation in common internal parts of buildings containing flats or rooms for residential purposes E3. The common internal parts of buildings which contain flats or rooms for residential purposes shall be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable. | Requirement E3 only applies to corridors, stairwells, hallways and entrance halls which give access to the flat or room for residential purposes. |
| Acoustic conditions in schools E4. — (1) Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use. (2) For the purposes of this Part— “school” has the same meaning as in section 4 of the Education Act 1996(4); and “school building” means any building forming a school or part of a school. | |

(4) 1996 c. 56. Section 4(1) was substituted by section 51 of the Education Act 1997 (c. 44).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations 2000 (S.I.2000/2531 amended by S.I. 2001/3335 and 2002/440). In addition to minor and drafting amendments the following changes of substance are made.

A definition of “room for residential purposes” is inserted and the requirements applicable to material changes of use are extended to include such rooms (regulation 2(2), (3) and (4)).

New regulation 20A is inserted which requires the carrying out of sound insulation testing in certain circumstances (regulation 2(7)).

New Part B of Schedule 1 (fire safety) is substituted for the existing Part. New requirements on internal fire spread (linings) are inserted in paragraph B2(1) to allow for testing to European standards (regulation 2(8)).

New Part E of Schedule 1 (resistance to the passage of sound) is substituted for the existing Part. The scope of Part E is extended to rooms for residential purposes and there are new requirements on sound insulation between rooms, reverberation in common parts of buildings and acoustics in schools (regulation 2(9)).

Regulations 3 and 4 contain transitional provisions in relation to sound insulation testing and the new Part E. There are no transitional provisions in relation to the new Part B, as building work that complies with the existing Part B will also comply with the new Part B.

The Secretary of State has approved, under section 6(4) of the Building Act 1984, amendments of the approved document containing practical guidance with respect to the requirements contained in Part B. “Amendments 2002 to Approved Document B (Fire safety)” (ISBN 011 7536377, £4) will be published by The Stationery Office.

The Secretary of State has also approved, under section 6(1), a new approved document containing practical guidance with respect to the requirements contained in regulation 20A and Part E. “Approved Document E—Resistance to the passage of sound” (2003 Edition, ISBN 011 7536423, £14.00) will be published by The Stationery Office. The sound insulation testing procedure described in Appendix B to Approved Document E and the manner of recording test results set out in paragraph 1.41 of the Approved Document have been approved by the Secretary of State for the purposes of regulation 20A(2)(a) and (3)(a) respectively.

A regulatory impact assessment has been prepared in relation to the new requirements on internal fire spread (linings) and the new Part E and requirement for sound insulation testing. A copy may be obtained from Building Regulations Division, ODPM, 18/B Portland House, Stag Place, London, SW1E 5LP (Tel: 020 7944 5755; Fax: 020 7944 5739; Email: bregsa.br@odpm.gov.uk).