
STATUTORY INSTRUMENTS

2004 No. 3210

The Building (Amendment) (No.3) Regulations 2004

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Building (Amendment) (No. 3) Regulations 2004 and shall come into force on 31st December 2004.

(2) The Building (Amendment) (No. 2) Regulations 2004⁽¹⁾ are revoked.

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)—

(a) in the definition of “controlled service or fitting” for “Part G, H, J or L”, substitute “Part G, H, J, L or P”;

(b) after the definition of “dwelling-house” insert—

““electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;”;

(c) after the definition of “European Technical Approval issuing body” insert—

““extra-low voltage” means voltage not exceeding—

(a) in relation to alternating current, 50 volts between conductors and earth; or

(b) in relation to direct current, 120 volts between conductors;”;

(d) after the definition of “institution” insert—

““low-voltage” means voltage not exceeding—

(a) in relation to alternating current, 1000 volts between conductors or 600 volts between conductors and earth; or

(b) in relation to direct current, 1500 volts between conductors or 900 volts between conductors and earth;”.

(3) In regulation 3 (meaning of building work), in paragraph (1A)(b), for “Part G, H or J” substitute “Part G, H, J or P”.

(4) In regulation 6 (requirements relating to material change of use), in paragraph (1)(a), after the reference to L2 add “P1 and P2 (electrical safety);”.

(5) In regulation 8 (limitation on requirements), for “Parts A to D, F to K and N” substitute “Parts A to D, F to K, N and P”.

(6) At the beginning of regulation 9 (exempt buildings and work) insert “Subject to paragraph (2)” and add to that regulation the following paragraph—

“(2) The requirements of Part P of Schedule 1 apply to—

(a) any greenhouse;

(1) S.I.2004/1808.

(2) S.I. 2000/2531. Relevant amending instruments are S.I. 2001/3335, 2002/440, 2002/2871 and 2003/2692.

(b) any small detached building falling within class VI in Schedule 2; and

(c) any extension of a building falling within class VII in Schedule 2,

which in any case receives its electricity from a source shared with or located inside a dwelling.”.

(7) In regulation 12 (giving of a building notice or deposit of plans), for paragraph (5) substitute the following—

“(5) A person who intends to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—

(a) described in column 1 of the Table in Schedule 2A if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table, and paragraphs 1 and 2 of that Schedule have effect for the purposes of the descriptions in the Table; or

(b) described in Schedule 2B.”.

(8) For regulation 16A (provisions applicable to replacement windows, rooflights, roof windows and doors) substitute the following—

“Provisions applicable to self certification schemes

16A.—(1) This regulation applies to the extent that the building work consists only of work of a type described in column 1 of the Table in Schedule 2A and the work is carried out by a person who is described in the corresponding entry in column 2 of that Table in respect of that type of work.

(2) Where this regulation applies, the local authority is authorised to accept, as evidence that the requirements of regulations 4 and 7 have been satisfied, a certificate to that effect by the person carrying out the building work.

(3) Where this regulation applies, the person carrying out the work shall, not more than 30 days after the completion of the work—

(a) give to the occupier a copy of the certificate referred to in paragraph (2); and

(b) give to the local authority—

(i) notice to that effect, or

(ii) the certificate referred to in paragraph (2).

(4) Paragraph (3) of this regulation does not apply where a person carries out the building work described in Schedule 2B which consists only of work on a low voltage or an extra-low voltage electrical installation.”.

(9) In Schedule 1 (requirements), add Part P set out in Part 1 of the Schedule to these Regulations.

(10) In Schedule 2A (exemptions from requirements to give building notice or deposit full plans), in the Table, after the paragraph relating to “the installation of replacement windows” insert in columns 1 and 2 the following—

“Installation of fixed low or extra-low voltage electrical installations.

A person registered by BRE Certification Limited⁽³⁾, British Standards Institution⁽⁴⁾, ELECSA Limited⁽⁵⁾, NICEIC Certification

⁽³⁾ A company incorporated under the Companies Act 1985 (c. 6) with the registration number 3548352.

⁽⁴⁾ Incorporated by Royal Charter.

⁽⁵⁾ A company incorporated under the Companies Act 1985 with the registration number 5131470.

	Services Ltd(6), or NAPIT Certification Limited(7) in respect of that type of work.
Installation of fixed low or extra-low voltage electrical installations as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered by CORGI Services Limited(8), ELECSEA Limited(9), NAPIT Certification Limited(10), NICEIC Certification Services Limited(11) or Oil Firing Technical Association for the Petroleum Industry Ltd(12) in respect of that type of electrical work.”

(11) After Schedule 2A, insert Schedule 2B as set out in Part 2 of the Schedule to these Regulations.

Transitional provisions

3.—(1) Subject to paragraph (2), where before 1st January 2005 building work is 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 made by regulation 2(2) to (6) and (9) had not been made.

(2) Where an initial notice given before 1st January 2005 is varied by an amendment notice given on or after that date, the principal Regulations shall continue to apply as if the amendments made by regulation 2(2) to (6) and (9) 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.

(3) Where before 1st January 2005 full plans of building work are deposited with a local authority in accordance with regulation 12(2) of the principal Regulations and the local authority, before that date—

- (a) gives notice under section 16(6) of the Act that they have passed those plans without conditions; or
- (b) signifies 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 made by regulation 2(2) to (6) and (9) had not been made, whether or not the building work departs from those plans.

(4) Where plans of work are the subject of a plans certificate, or a plans certificate combined with an initial notice, given to a local authority before 1st January 2005 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 made by

(6) A company incorporated under the Companies Act 1985 with the registration number 4411293.
(7) A company incorporated under the Companies Act 1985 with the registered number 05190452.
(8) A company incorporated under the Companies Act 1985 with the registration number 03268198
(9) A company incorporated under the Companies Act 1985 with the registration number 5131470
(10) A company incorporated under the Companies Act 1985 with the registration number 05190452
(11) A company incorporated under the Companies Act 1985 with the registration number 4411293
(12) A company incorporated under the Companies Act 1985 with the registration number 2739706

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regulations 2(2) to (6) and (9) had not been made, whether or not the building work departs from those plans.

(5) In relation to building work of a description within the first 3 heads of column 1 of Schedule 2A (installation of a heat-producing gas appliance, of an oil-fired combustion appliance or oil storage tanks and pipes, or of a solid fuel burning combustion appliance) where the contract for the provision of the work is entered into before 1st April 2005 and the work is completed before 1st July 2005, the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(8) had not been made.

(6) In relation to building work of a description added to Schedule 2A by regulation 2(10) (installation of fixed low or extra-low voltage electrical installations in dwellings) where the contract for the work is entered into before 1st January 2005 and the work is completed before 1st April 2005, the principal Regulations shall continue to apply to that building work as if the amendments made by regulation 2(8) had not been made.

Signed by authority of the First Secretary of State

6th December 2004

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister