
STATUTORY INSTRUMENTS

2006 No. 652

**The Building and Approved Inspectors
(Amendment) Regulations 2006**

PART 3

Amendment of the Building (Approved Inspectors etc) Regulations 2000

Amendment of the Approved Inspector Regulations

23. The Building (Approved Inspectors etc) Regulations 2000⁽¹⁾ are amended in accordance with the provisions of this Part.

Amendment of regulation 11 (functions of approved inspectors)

24. In regulation 11(1)⁽²⁾—

- (a) in paragraph (a) for “regulations 4, 6 and 7” substitute “regulations 4, 4A, 4B, 6, 7, 17C and 17D”; and
- (b) in paragraph (c) for “regulations 12 and 12A” substitute “regulations 12, 12A, 12B, 12C and 12D”.

New regulation 11A (provisions applicable to self-certification schemes for building work)

25. After regulation 11⁽³⁾ (functions of approved inspectors) insert—

“Provisions applicable to self certification schemes for building work

11A.—(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 to the Principal Regulations which is the subject of an initial notice, 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 approved inspector is authorised to accept, as evidence that the requirements of regulations 4 and 7 of the Principal Regulations 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 completion of the work—

- (a) give to the occupier a copy of the certificate referred to in paragraph (2); and
- (b) give to the approved inspector—
 - (i) notice to that effect, or

⁽¹⁾ S.I.2000/2532.

⁽²⁾ Relevant amending instruments are S.I. 2001/3336, 2002/2872.

⁽³⁾ There are amendments not relevant to these Regulations.

(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 to the Principal Regulations.”.

New regulations 12B, 12C and 12D (pressure testing, commissioning and CO₂ emission rate calculations)

26. After regulation 12A(4) (sound insulation testing) insert—

“Pressure testing

12B.—(1) This regulation applies to the erection of a building in relation to which paragraph L1(a)(i) of Schedule 1 to the Principal Regulations imposes a requirement, and which is the subject of an initial notice.

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with regulation 17C of, and paragraph L1(a)(i) of Schedule 1 to, the Principal Regulations—

(a) ensure that—

(i) pressure testing is carried out in such circumstances as are approved by the Secretary of State; and

(ii) the testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) subject to paragraph (5), give notice of the results of the testing to the approved inspector who gave the initial notice.

(3) The notice referred to in paragraph (2)(b) shall—

(a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and

(b) be given to the approved inspector not later than seven days after the final test is carried out.

(4) An approved inspector is authorised to accept, as evidence that the requirements of paragraph (2)(a)(ii) have been satisfied, a certificate to that effect by a person who is registered by the British Institute of Non-destructive Testing⁽⁵⁾ in respect of pressure testing for the air tightness of buildings.

(5) Where such a certificate contains the information required by paragraph (3)(a), paragraph (2)(b) does not apply.

Commissioning

12C.—(1) This regulation applies to building work in relation to which paragraph L1(b) of Schedule 1 to the Principal Regulations imposes a requirement, and which is the subject of an initial notice.

(2) Where this regulation applies the person carrying out the work shall, for the purpose of ensuring compliance with paragraph L1(b) of Schedule 1, give to the approved inspector a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the Secretary of State.

(4) Inserted by S.I. 2002/2872, to which there are amendments not relevant to these Regulations.

(5) A company incorporated under the Companies Act 1985 (c. 6) with registration number 00969051.

(3) The notice shall be given to the approved inspector not later than five days after completion of the work to which the initial notice relates.

CO₂ emission rate calculations

12D.—(1) Subject to paragraph (4), where regulation 17C of the Principal Regulations applies to work which is the subject of an initial notice, the person carrying out the work shall give the approved inspector a notice which specifies—

- (a) the target CO₂ emission rate for the building; and
- (b) the calculated CO₂ emission rate for the building as constructed.

(2) The notice shall be given to the approved inspector not later than the date on which the notice required by regulation 12B is required to be given.

(3) An approved inspector is authorised to accept, as evidence that the requirements of regulation 17C would be satisfied if the building were constructed in accordance with an accompanying list of specifications, a certificate to that effect by a person who is registered by—

- (a) FAERO Limited⁽⁶⁾; or
- (b) BRE Certification Limited⁽⁷⁾,

in respect of the calculation of CO₂ emission rates of buildings.

(4) Where such a certificate is given to the approved inspector—

- (a) paragraph (1) does not apply; and
- (b) the person carrying out the work shall provide to the approved inspector not later than the date on which the notice required by regulation 12B is required to be given a notice which—
 - (i) states whether the building has been constructed in accordance with the list of specifications which accompanied the certificate; and
 - (ii) if it has not, lists any changes to the specifications to which the building has been constructed.”.

Amendment of regulation 31 (contravention of certain regulations not to be an offence)

27. In regulation 31⁽⁸⁾ for “12, 12A and 20” substitute “12, 12A, 12B, 12C and 20”.

⁽⁶⁾ A company incorporated under the Companies Act 1985 with the registration number 05716745.

⁽⁷⁾ A company incorporated under the Companies Act 1985 with the registration number 03548352.

⁽⁸⁾ Amended by S.I. 2002/2872.