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STATUTORY INSTRUMENTS

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**2010 No. 2214**

**The Building Regulations 2010**

**PART 10**

Miscellaneous

**Testing of building work**

**45.** The local authority may make such tests of any building work as may be necessary to establish whether it complies with regulation 7 or any of the applicable requirements contained in Schedule 1.

**Sampling of material**

**46.** 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.

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

**47.** Regulations 17, 27, 29, 37, 41, 42, 43 and 44 are designated as provisions to which section 35 of the Act (penalty for contravening building regulations) does not apply.

**Electronic service of documents**

**48.—(1)** Section 94A of the Act<sup>(1)</sup> (electronic service of documents) shall have effect as if the following documents were documents mentioned in subsection (7) of that section—

- (a) a building notice and any accompanying statement, description, particulars or plan under regulation 13;
- (b) full plans and any accompanying statement under regulation 14;
- (c) a notice under regulation 16;
- (d) a completion certificate under regulation 17;
- (e) an application for a regularisation certificate under regulation 18(2);
- (f) a regularisation certificate under regulation 18(5);
- (g) a certificate or notice under regulation 20;
- (h) a notice under regulation 27(2) or (3);
- (i) an energy performance certificate under regulation 29(2)(a);
- (j) a notice under regulation 29(2)(b);
- (k) a notice under regulation 37(1);
- (l) results of sound insulation testing under regulation 41(2)(b);

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(1) Section 94A was inserted by [S.I. 2008/2334](#).

- (m) a notice under regulation 42(2)(b);
- (n) a notice of the results of pressure testing under regulation 43(2)(b);
- (o) a notice under regulation 44(3).

(2) Where full plans are deposited by means of an electronic communication in accordance with section 94A of the Act, regulation 14 shall apply as if—

- (a) sub-paragraph (a) of paragraph (2) were omitted;
- (b) in sub-paragraph (b) of that paragraph—
  - (i) the words “a copy” were substituted for the words “an additional two copies”;
  - (ii) the word “and” was substituted for the words “, both of which”;
- (c) in paragraph (6) the words “a copy” were substituted for the words “additional copies”.

#### **Transitional provisions: interpretation**

**49.** In regulations 50 to 53—

- “the 2009 Regulations” means the Building (Amendment No. 2) Regulations 2009(2);
- “the 2010 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2010(3).

#### **Transitional provisions: work already started before 1st October**

**50.**—(1) Subject to paragraph (2), where before 1st October 2010 building work is started in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A) of the Building Regulations 2000(4) (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations(5) (notice of commencement and completion of certain stages of work);
- (b) an initial notice or an amendment notice given in accordance with section 47(1) (giving and acceptance of initial notice) or 51A(2) of the Act(6) (variation of work to which initial notice relates);
- (c) a public body’s notice given in accordance with section 54 (giving, acceptance and effect of public body’s notice) of the Act,

the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

(2) Where before 1st October 2010 building work is started in accordance with an initial notice which is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply 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 October 2010 building work is started to which regulation 12(5)(a) or (b)(7) of the Building Regulations applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

(2) [S.I. 2009/2397](#) amended by [S.I. 2009/2465](#) and [2010/719](#).

(3) [S.I. 2010/719](#).

(4) [S.I. 2000/2531](#); regulation 12(2A) was inserted by [S.I. 2006/652](#).

(5) Regulation 15(1) was amended by [S.I. 2002/440](#) and [2006/652](#).

(6) Section 47(1) was amended by section 8 of the Sustainable and Secure Buildings Act 2004 (c.22) and [S.I. 1996/1905](#). Section 51A(2) was inserted by [S.I. 1996/1905](#).

(7) Regulation 12(5) was substituted by [S.I. 2004/3210](#) and amended by [S.I. 2008/671](#).

### **Transitional provisions: work for which notification is not required**

**51.** Where before 1st October 2010 a contract is entered into for the provision of building work to which regulation 12(5)(a) or (b) of the Building Regulations 2000 applies, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that work.

### **Transitional provisions: notice given or plans deposited before 1st October 2010**

**52.**—(1) Subject to paragraph (2), the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply in relation to building work where—

- (a) before 1st October 2010 a building notice, an initial notice, a plans certificate, an amendment notice or a public body's notice has been given to, or full plans deposited with, a local authority; and
- (b) the work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans,

provided that the work is started before 1st October 2011.

(2) Where an initial notice given before 1st October 2010 is varied by an amendment notice given on or after that date, the Building Regulations 2000 as last amended by the 2009 Regulations shall continue to apply 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, provided that the work is started before 1st October 2011.

### **Transitional and saving provisions: earlier Building Regulations**

**53.**—(1) If immediately before 1st October 2010 any of the transitional provisions listed in paragraph (2) applied in relation to building work, the Regulations specified in Schedule 5 shall continue to apply in relation to that building work in accordance with that provision as if these Regulations had not been made.

(2) The provisions are—

- regulation 4 of the Building (Amendment) Regulations 2001**(8)**;
- regulation 3 of the Building (Amendment) Regulations 2002**(9)**;
- regulations 3 and 4 of the Building (Amendment) (No. 2) Regulations 2002**(10)**;
- regulation 3 of the Building (Amendment) Regulations 2003**(11)**;
- regulation 3 of the Building (Amendment) Regulations 2004**(12)**;
- regulation 3 of the Building (Amendment) (No. 3) Regulations 2004**(13)**;
- regulations 29 to 34 of the Building and Approved Inspectors (Amendment) Regulations 2006**(14)** in so far as they relate to the Building Regulations 2000;
- regulation 4 of the Building and Approved Inspectors (Amendment) (No. 2) Regulations 2006**(15)** in so far as it relates to the Building Regulations 2000;
- regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007**(16)** in so far as it relates to the Building Regulations 2000;

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**(8)** [S.I. 2001/3335](#).

**(9)** [S.I. 2002/440](#).

**(10)** [S.I. 2002/2871](#) amended by [S.I. 2003/3133](#).

**(11)** [S.I. 2003/2692](#).

**(12)** [S.I. 2004/1465](#).

**(13)** [S.I. 2004/3210](#).

**(14)** [S.I. 2006/652](#).

**(15)** [S.I. 2006/3318](#).

**(16)** [S.I. 2007/3384](#).

regulations 4 to 8 of the Building and Approved Inspectors (Amendment) Regulations 2009<sup>(17)</sup> in so far as they relate to the Building Regulations 2000.

(3) Regulation 22A of the Building Regulations 2000<sup>(18)</sup> (time limit for prosecution for contravention of certain regulations) shall continue to have effect in relation to contraventions of building regulations committed before 22nd September 2008 as if the 2009 Regulations had not been made.

(4) If immediately before 1st October 2010 regulation 23 of the Building Regulations 2000 applied in relation to building work, the Regulations specified in Schedule 3 to those Regulations shall continue to apply in relation to that building work in accordance with that transitional provision as if these Regulations had not been made.

### **Revocations and consequential amendments**

**54.**—(1) The Regulations specified in the first column of the table in Schedule 5 are revoked to the extent specified in relation to each in the third column of that table.

(2) Schedule 6, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010<sup>(19)</sup> and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007<sup>(20)</sup>, has effect.

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<sup>(17)</sup> S.I. 2009/1219 amended by S.I. 2009/2465 and 2010/719.

<sup>(18)</sup> Regulation 22A was inserted by S.I. 2008/671 and is revoked by S.I. 2009/2397.

<sup>(19)</sup> S.I. 2010/404.

<sup>(20)</sup> S.I. 2007/991.