



2009 CHAPTER 4

Guidance documents

5.—(1) After Article 5 of the principal Order insert—

“Guidance for purposes of building regulations

5A.—(1) The Department may prepare guidance with respect to the requirements of any provision of building regulations.

(2) After preparing a draft of the guidance the Department—

- (a) shall send a copy of the draft to such persons as it thinks are representative of those having an interest in building regulations;
- (b) shall consider any representations made to it about the draft by such persons;
- (c) may amend the draft accordingly.

(3) After the Department has proceeded under paragraph (2) it shall publish the guidance in such manner as it thinks appropriate.

(4) The Department shall from time to time review the guidance and if it thinks it appropriate—

- (a) revise the guidance; or
- (b) withdraw the guidance.

(5) Paragraphs (1) to (3) apply to a revision of the guidance as they apply to its preparation.

(6) Where the Department withdraws guidance under paragraph (4)(b) it shall publish notice of that fact in such manner as it thinks appropriate.

(7) A failure on the part of a person to comply with guidance published under this Article does not of itself render that person liable to any civil

or criminal proceedings; but the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.”.

(2) In Article 21 (penalties), in paragraph (1), for “Any person” substitute “Subject to Article 5A(7), any person”.