
STATUTORY INSTRUMENTS

1991 No. 2768

The Building Regulations 1991

PART II

CONTROL OF BUILDING WORK

Meaning of building work

- 3.—**(1) In these Regulations “building work” means—
- (a) the erection or extension of a building;
 - (b) the provision or extension of a controlled service or fitting in or in connection with a building;
 - (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
 - (d) work required by regulation 6 (requirements relating to material change of use);
 - (e) the insertion of insulating material into the cavity wall of a building;
 - (f) work involving the underpinning of a building.
- (2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—
- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
 - (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.
- (3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely
- Part A (structure)
 - paragraph B1 (means of escape)
 - paragraph B3 (internal fire spread – structure)
 - paragraph B4 (external fire spread)
 - paragraph B5 (access and facilities for the fire service)
 - Part M (access and facilities for disabled people).

Requirements relating to building work

- 4.—**(1) Building work shall be carried out so that—
- (a) it complies with the relevant requirements contained in Schedule 1; and
 - (b) in complying with any such requirement there is no failure to comply with any other such requirement.

- (2) Building work shall be carried out so that, after it has been completed—
- (a) any building which is extended or to which a material alteration is made;
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered;
 - (c) any controlled service or fitting,

complies with the relevant requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

Meaning of material change of use

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change—

- (a) the building is used as a dwelling, where previously it was not;
- (b) the building contains a flat, where previously it did not;
- (c) the building is used as a hotel or boarding house, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not; or
- (f) the building is not a building described in Classes I to VI in Schedule 2, where previously it was.

Requirements relating to material change of use

6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the relevant requirements of the following paragraphs of Schedule 1—

- (a) in all cases,
 - B1 (means of escape)
 - B2 (internal fire spread – linings)
 - B3 (internal fire spread – structure)
 - B4(2) (external fire spread – roofs)
 - B5 (access and facilities for the fire service)
 - F1 and F2 (ventilation)
 - G1 (sanitary conveniences and washing facilities)
 - G2 (bathrooms)
 - H4 (solid waste storage)
 - J1 to J3 (heat producing appliances);
- (b) in the case of a material change of use described in regulation 5(c), (d), (e) and (f), A1 to A4 (structure);
- (c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread – walls);
- (d) in the case of a material change of use described in regulation 5(a), C4 (resistance to weather and ground moisture); and

- (e) in the case of a material change of use described in regulation 5(a) or (b), E1 to E3 (resistance to the passage of sound).
- (2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that—
- (a) that part complies in all cases with any relevant requirement referred to in paragraph (1)(a);
 - (b) in a case to which sub-paragraphs (b), (d) or (e) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph; and
 - (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph.

Materials and workmanship

7.—(1) So much of any building work as is required to comply with any relevant requirement of Schedule 1 shall be carried out—

- (a) with proper materials which are appropriate for the circumstances in which they are used; and
 - (b) in a workmanlike manner.
- (2) Subject to paragraph (1), “proper materials” shall include materials which—
- (a) bear an appropriate EC Mark in accordance with the Construction Products Directive; or
 - (b) conform to an appropriate harmonized standard or European technical approval; or
 - (c) conform to an appropriate British Standard or British Board of Agrément certificate; or
 - (d) conform to some other national technical specification of any member State which provides, in use, an equivalent level of protection and performance, with respect to the relevant requirements of Schedule 1, as an appropriate British Standard or British Board of Agrément certificate.

Limitation on requirements

8. Parts A to K and N 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).

Exempt buildings and work

9. These Regulations do not apply to—
- (a) the erection of any building or extension of a kind described in Schedule 2; or
 - (b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.