

**2002 No. 440**

**BUILDING AND BUILDINGS, ENGLAND AND WALES**

**The Building (Amendment) Regulations 2002**

*Made* - - - - - *28th February 2002*

*Laid before Parliament* *5th March 2002*

*Coming into force* - - *1st April 2002*

The Secretary of State, in exercise of the powers conferred upon him by section 1(1) of, and paragraphs 2, 4, 10 and 11 of Schedule 1 to, the Building Act 1984(a) and of all other powers enabling him in that behalf, after consulting the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned in accordance with section 14(3) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building (Amendment) Regulations 2002 and shall come into force on 1st April 2002.

**Amendment of the Building Regulations 2000**

2.—(1) The Building Regulations 2000(b) shall be amended as follows.

(2) In regulation 12 (giving of a building notice or deposit of plans) for paragraph (5) there shall be substituted the following paragraph—

“(5) A person who intends to carry out building work consisting only of the work described in column 1 of Schedule 2A is not required to give a building notice or deposit full plans if the work is to be carried out by a person described in the corresponding entry in column 2 of that Schedule, and paragraphs 1 and 2 at the end of that Schedule have effect for the purposes of those descriptions.”.

(3) In regulation 15 (notice of commencement and completion of certain stages of work)—

- (a) for the words “A person” in paragraphs (1) to (4), there shall be substituted the words “Subject to paragraph (8), a person”; and
- (b) after paragraph (7) there shall be added the following paragraph—

“(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.”.

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(a) 1984 c. 55.

(b) S.I. 2000/2531 amended by S.I. 2001/3335.

(4) After regulation 16 there shall be inserted the following regulation—

**“Provisions applicable to replacement windows, rooflights, roof windows and doors**

**16A.**—(1) This regulation applies where building work consists only of the installation, as a replacement, of a window, rooflight, roof window or door in an existing building and the work is carried out by a person who is registered under the Fenestration Self-Assessment Scheme by Fensa Ltd<sup>(a)</sup> in respect of that type of work.

(2) For the purposes of paragraph (1), “installation” includes any work which is necessary to ensure that the building work complies with the applicable requirements contained in Schedule 1.

(3) 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.

(4) Where this regulation applies, the person carrying out the building work shall, not more than 10 days after that work has been completed, give the local authority—

- (a) notice to that effect; or
- (b) the certificate referred to in paragraph (3).”.

(5) In regulation 20 (supervision of building work otherwise than by local authorities) in paragraph (1) after “16” there shall be inserted “16A,”.

(6) After Schedule 2 there shall be inserted Schedule 2A which is set out in the Schedule to these Regulations.

**Transitional provision**

**3.** Regulation 16A of the Building Regulations 2000 shall not apply in relation to building work if—

- (a) the contract for the provision of the work was entered into before 1st April 2002; and
- (b) the work is completed before 1st July 2002.

**Modification of the Building Act 1984**

**4.** In section 59 of the Building Act 1984 (drainage of building), the subsection (5) which was inserted by regulation 3(4)(b) of the Building (Amendment) Regulations 2001<sup>(b)</sup> shall be renumbered as subsection (6)(c).

Signed by authority of the Secretary of State

28th February 2002

*Alan Whitehead,*  
Parliamentary Under Secretary of State,  
Department for Transport, Local Government and the Regions

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(a) Registered in England and Wales no. 3058561.

(b) S.I. 2001/3335.

(c) Renumbered in consequences of an amendment made to section 59 by S.I. 2001/4050.

SCHEDULE

Regulation 2(6)

NEW SCHEDULE 2A TO THE BUILDING REGULATIONS 2000

“SCHEDULE 2A

Regulation 12(5)

EXEMPTIONS FROM REQUIREMENT TO GIVE BUILDING NOTICE OR DEPOSIT FULL PLANS

<i>Column 1 Type of work</i>	<i>Column 2 Person carrying out work</i>
Installation of a heat-producing gas appliance.	A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998(a).
Installation of— (a) an oil-fired combustion appliance which has a rated heat output of 45 kilowatts or less and which is installed in a building with no more than 3 storeys (excluding any basement); or (b) oil storage tanks and the pipes connecting them to combustion appliances.	An individual registered under the Oil Firing Registration Scheme by the Oil Firing Technical Association for the Petroleum Industry Ltd(b) in respect of that type of work.
Installation of a solid fuel burning combustion appliance which has a rated heat output of 50 kilowatts or less and which is installed in a building with no more than 3 storeys (excluding any basement).	An individual registered under the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Ltd(c) in respect of that type of work.
Installation of— (a) a service or fitting in relation to which Part G of Schedule 1 imposes a requirement; (b) a foul water drainage system in relation to which paragraph H1 of Schedule 1 imposes a requirement; (c) a rainwater drainage system in relation to which paragraph H3 of Schedule 1 imposes a requirement; or (d) a hot water vessel in relation to which paragraphs L1 and L2 of Schedule 1 impose requirements, which is installed in or in connection with a building with no more than 3 storeys (excluding any basement) and which does not involve connection to a drainage system at a depth greater than 750mm from the surface.	An individual registered under the Approved Contractor Person Scheme (Building Regulations) by the Institute of Plumbing(d) in respect of that type of work.
Installation, as a replacement, of a window, rooflight, roof window or door in an existing building.	A person registered under the Fenestration Self-Assessment Scheme by Fensa Ltd in respect of that type of work.
Any building work which is necessary to ensure that any appliance, service or fitting which is installed and which is described in the preceding entries in column 1 above, complies with the applicable requirements contained in Schedule 1.	The person who installs the appliance, service or fitting to which the building work relates and who is described in the corresponding entry in column 2 above.

(a) S.I. 1998/2451.

(b) Registered in England and Wales no. 2739706.

(c) Registered in England and Wales no. 2117828.

(d) Registered in England and Wales no. 92374.

### **Interpretation and application**

1. For the purposes of this Schedule—
  - “appliance” includes any fittings or services, other than a hot water storage vessel which does not incorporate a vent pipe to the atmosphere, which form part of the space heating or hot water system served by the combustion appliance; and
  - “building work” does not include the provision of a masonry chimney.
2. The final entry in the table above does not apply to building work which is necessary to ensure that a heat-producing gas appliance complies with the applicable requirements contained in Schedule 1 unless the appliance—
  - (a) has a net rated heat input of 70 kilowatts or less; and
  - (b) is installed in a building with no more than 3 storeys (excluding any basement).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. The Building Regulations 2000 (S.I. 2000/2531 amended by S.I. 2001/3335) impose requirements on people carrying out certain building operations. These Regulations amend the 2000 Regulations. In addition to minor and drafting amendments, the following changes are made.

2. The exemption from the need to give a building notice or deposit full plans given by regulation 12(5) is extended to the cases specified in new Schedule 2A and the requirement for notification of commencement and completion of certain stages of work in regulation 15(1) to (4) is disapplied in relation to such cases (regulations 2(2) and (3) and the Schedule).

3. A new regulation 16A makes special provision for building work consisting of the installation of replacement windows, rooflights, roof windows and doors in existing buildings. It authorises a local authority to accept, as evidence that the work complies with regulations 4 and 7, a certificate to that effect by a person registered under the Fenestration Self-Assessment Scheme. Regulation 16A also provides for the notification of the completion of work where no certificate is to be given (regulation 2(4)).

4. Regulation 3 contains a transitional provision.

5. Section 59(5) of the Building Act 1984, which was inserted by regulation 3(4)(b) of the Building (Amendment) Regulations 2001, is renumbered as subsection (6) in the light of amendments made by the Transport Act 2000 (Consequential Amendments) Order 2001 (regulation 4).

6. A Regulatory Impact Assessment has been prepared in respect of these Regulations. A copy may be obtained from Buildings Regulations Division, DTLR, Zone 3/A1, Eland House, Bressenden Place, London, SW1E 5DU (Tel: 020 7944 5755, Fax: 020 7944 5739; Email: bregsa.br@dtlr.gov.uk).

7. Details of the schemes referred to in these Regulations can be obtained from the following addresses—

Fenestration Self-Assessment Scheme—Fensa Ltd, 44-48 Borough High Street, London SE1 1XB (Tel: 020 7207 5874; Fax 020 7357 7458)

Oil Firing Registration Scheme—OFTEC, Century House, 100 High Street, Banstead, Surrey SM7 2NN (Tel: 01737 373311; Fax: 01737 373553)

Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment—HETAS Ltd, 12 Kestrel Walk, Letchworth, Hertfordshire SG6 2TB (Tel: 01462 634721; Fax: 01462 674329)

Approved Contractor Person Scheme (Building Regulations)—Institute of Plumbing, 64 Station Lane, Hornchurch, Essex RM12 6NH (Tel: 01708 472791; Fax: 01708 448987).





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