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## EXPLANATORY NOTE

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

These Regulations amend the Building Regulations 2000 and the Building (Approved Inspectors) Regulations 2000.

Regulation 2 amends the Building Regulations 2000 as follows.

Paragraph (2) amends regulation 2. It amends the definition of “fixed building services” and provides for a standard of wholesomeness in relation to water.

Paragraph (3) amends regulation 6. It applies most of the requirements of the substituted Part G (sanitation, hot water safety and water efficiency) of Schedule 1 where there is a material change of use of any sort as defined in regulation 5 in relation to a building. The exceptions are Part G2 (water efficiency) and Part G3(4) (hot water supply and systems - hot water supply to fixed baths), which it applies only when a dwelling is formed as a result of a material change of use consisting of the conversion of a non-domestic building or the provision of a flat in a building.

Paragraph (4) makes a consequential amendment to regulation 8.

Paragraph (5) amends regulation 9 by inserting a new paragraph (1A) to apply the provisions of the substituted Part G of Schedule 1 that deal with cold water supply and hot water safety to small buildings and extensions that are exempt from building regulations in other respects.

Paragraphs (6) and (7) omit regulation 13(4) and amend regulation 14(3)(a), removing a requirement for certain information to accompany building notices where a hot water storage system is provided.

Paragraph (8) amends regulation 17(3)(b) so that the relevant requirements that a local authority giving a completion certificate on request in accordance with regulation 14(5) must ascertain to have been satisfied include the new minimum water efficiency requirement for new dwellings in regulation 17K.

Paragraph (9) inserts a new Part 5B “Water efficiency” containing a single regulation, 17K. Regulation 17K imposes a minimum water efficiency requirement for any dwelling that is newly erected, or that is newly converted, either from a non-domestic building or by the provision of a flat in a building. Water efficiency is expressed in terms of the potential consumption of wholesome water per person per day by persons occupying it, calculated in accordance with the methodology set out in the document “The Water Efficiency Calculator for New Dwellings” (published in May 2009, ISBN: 978-1-4098-1378-1, available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB, or online via the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)).

Paragraph (10) amends regulation 20(1) to add new regulation 20E to the list of provisions of the Regulations that do not apply to work that is supervised by an approved inspector after an initial notice has been given to a local authority in accordance with section 47 of the Building Act 1984.

Paragraph (11) inserts a new regulation 20E, which provides that where regulation 17K applies the person carrying out the building work must give the local authority not later than five days after the completion of that work a notice which specifies the potential consumption of wholesome water per person per day calculated in relation to the new dwelling.

Paragraph (12) amends regulation 22 to add regulation 20E to the list of requirements to which section 35 of the Building Act 1984 (penalty for contravening building regulations) does not apply.

Paragraph (13) amends regulation 22B(1) to add the notice under regulation 20E to the list of documents that may be served electronically.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph (14) introduces the Schedule to these Regulations, which substitutes Part G in Schedule 1 to the Building Regulations 2000. The substituted Part G deals with sanitation, hot water safety and water efficiency. It provides for cold and hot water supply, provision of sanitary conveniences and bathrooms, and safety of hot water systems. New provisions require sinks with cold and hot water supply in food preparation areas, and require washbasins in addition to baths or showers in bathrooms. A bathroom is now required in any building with one or more rooms for residential purposes, such as hotel or hostel rooms. Safety requirements for non-vented hot water systems above a certain storage capacity are extended to all systems, irrespective of their storage capacity and including vented systems. Other new requirements are, relating to new dwellings only, to make reasonable provision to prevent undue consumption of water by installing efficient fittings and appliances, and to incorporate measures in the hot water supply to restrict the temperature of hot water that can be delivered to fixed baths to a maximum of 48 degrees C. New dwellings for these purposes are the same as those described in this note in relation to new regulation 17K and Part G2 of Schedule 1.

Paragraph (15) makes minor amendments to Schedule 2A (self-certification schemes and exemptions from requirement to give building notice or deposit full plans) consequential upon the provisions of the new Part G.

Paragraph (16) amends Schedule 2B (descriptions of work where no building notice or deposit of full plans required). It adds replacement of kitchen sinks and bidets, replacement of parts of, and certain additions to, existing cold water supplies, and the provision of hot water storage systems with a storage vessel not exceeding 15 litres capacity. It restricts the existing exemption for replacement of sanitary conveniences to those cases where the replacement will use no more water than the appliance replaced. It makes a minor amendment concerning showers consequential upon the provisions of the new Part G.

Regulation 3 amends the Building (Approved Inspectors) Regulations 2000 as follows.

Paragraph (2) amends regulation 11(1) to add new regulation 17K of the Building Regulations 2000 and new regulation 12E of the Building (Approved Inspectors) Regulations 2000 to the provisions concerning which an approved inspector by whom an initial notice has been given must take reasonable steps to be satisfied that they are complied with.

Paragraph (3) inserts the new regulation 12E, which provides that where new regulation 17K of the Building Regulations 2000 applies the person carrying out the building work must give the approved inspector not later than five days after the completion of the work a notice which specifies the potential consumption of wholesome water per person per day calculated in relation to the new dwelling.

Paragraph (4) amends regulation 31A to add the notice under new regulation 12E to the list of documents that may be served electronically.

Regulations 4 to 8 provide for transitional arrangements in cases where, before 1st October 2009, building work has commenced, contracts for building work have been entered into, or full plans have been deposited with, or plans certificates have been given to, the local authority.

An impact assessment of the effect that these Regulations will have on the costs of business and the public and voluntary sectors is available from the Department for Communities and Local Government website or from the Sustainable Buildings Division of the Department (Tel: 020 7944 5711; E-mail: [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk)). A copy is annexed to the explanatory memorandum to these Regulations, which is available alongside the Regulations on the OPSI website at [www.opsi.gov.uk](http://www.opsi.gov.uk).