
STATUTORY INSTRUMENTS

2016 No. 490

The Building (Amendment) Regulations 2016

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(1) are amended in accordance with the following paragraphs.

(2) In regulation 9 (exempt buildings and work)—

- (a) in paragraph (1) for “and (3)” substitute “, (3) and (4)”;
- (b) after paragraph (3) insert the following paragraph—

“(4) The requirements of paragraph R1 of Schedule 1 apply to buildings falling within paragraphs 1 and 2 of Class 1 (buildings controlled under other legislation) in Schedule 2.”

(3) In regulation 11(3) (power to dispense with or relax requirements) after “26” insert “and paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1”.

(4) After regulation 44 (commissioning) insert the following Part heading and regulations—

“PART 9A

Physical infrastructure for high-speed electronic communications networks

Application of paragraph R1 of Schedule 1 to educational buildings, buildings of statutory undertakers and Crown buildings

44A.—(1) The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 apply (insofar as applicable to other buildings) also to—

- (a) educational buildings and buildings of statutory undertakers (notwithstanding section 4(1) of the Act);
- (b) Crown buildings; and
- (c) building work carried out or proposed to be carried out by Crown authorities.

(2) In this regulation “educational buildings and buildings of statutory undertakers” means buildings that fall within paragraphs (a), (b) or (c) of section 4(1) of the Act

Exemptions from paragraph R1 of Schedule 1

44B. The requirements of paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1 do not apply to the following types of building or building work—

- (a) buildings which are—

(1) S.I. 2010/2214, as amended by S.I. 2011/1515, S.I. 2011/3058, S.I. 2012/809, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/181, S.I. 2013/1105, S.I. 2013/1959, S.I. 2014/579, S.I. 2015/767, and S.I. 2016/285.

- (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or
- (ii) in a conservation area designated in accordance with section 69 of that Act, where compliance with paragraph R1 of Schedule 1 would unacceptably alter their character or appearance;
- (b) buildings—
 - (i) occupied by the Ministry of Defence or the armed forces of the Crown, or
 - (ii) otherwise occupied for purposes connected to national security;
- (c) buildings situated in isolated areas where the prospect of high-speed connection is considered too remote to justify equipping the building with high-speed ready in-building physical infrastructure or an access point;
- (d) major renovation works in cases in which the cost of compliance with paragraph R1 of Schedule 1 would be disproportionate to the benefit gained.

Interpretation of Part R of Schedule 1

44C. In Part R of Schedule 1—

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed ready in-building physical infrastructure is made available;

“high-speed electronic communications network” means an electronic communications network which is capable of delivering broadband access services at speeds of at least 30 Mbps;

“high-speed ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

“major renovation works” means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it;

“network termination point” means a physical point at which an occupier is provided with access to high-speed electronic communications networks.”.

- (5) After regulation 54 add—

“Review of Part 9A and Part R of Schedule 1

55.—(1) Before the end of each review period the Secretary of State must—

- (a) carry out a review of Part 9A and Part R of Schedule 1; and
- (b) publish a report setting out the conclusions of the review.

(2) In carrying out the review the Secretary of State must have regard to how Article 8 (in-building physical infrastructure) of [Directive 2014/61/EU](#) of the European Parliament and of

the Council on measures to reduce the cost of deploying high-speed electronic communications networks⁽²⁾ is implemented in other Member States of the European Union.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision in Part 9A and Part R of Schedule 1;
- (b) assess the extent to which those objectives have been achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way that imposes less onerous regulatory provision.

(4) In this regulation, “review period” means—

- (a) the period of five years beginning on the 9th May 2016; and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the next review period will begin with the day on which that report is published.”

(6) In Schedule 1 (requirements) after Part Q (security) insert the following Part—

“Part R PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS

In-building physical infrastructure

Requirement R1 applies to building work that consists of—

R1

(a) the erection of a building; or

(1) Building work must be carried out so as to ensure that the building is equipped with a high-speed ready in-building physical infrastructure, up to a network termination point for high-speed electronic communications networks.

(b) major renovation works to a building.”

(2) Where the work concerns a building containing more than one dwelling, the work must be carried out so as ensure that the building is equipped in addition with a common access point for high-speed electronic communications networks.

(2) OJ No L 155, 23.5.2014, p. 1.