

2018 No. 1230

BUILDING AND BUILDINGS, ENGLAND

The Building (Amendment) Regulations 2018

Made - - - - 28th November 2018

Laid before Parliament 29th November 2018

Coming into force - - 21st December 2018

The Secretary of State has consulted the Building Regulations Advisory Committee for England and such other bodies as appeared to him to be representative of the interests concerned in accordance with section 14(3) of the Building Act 1984(a).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1 of, and paragraphs 7, 8 and 10 of Schedule 1 to, the Building Act 1984(b).

Citation, extent, application and commencement

- 1.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2018.
- (2) These Regulations extend to England and Wales.
- (3) These Regulations do not apply to any building in Wales.
- (4) These Regulations come into force on 21st December 2018.

Amendments to the Building Regulations 2010

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

(2) In regulation 2 (interpretation) after paragraph (5) insert—

“(6) In these Regulations—

- (a) any reference to an “external wall” of a building includes a reference to—
 - (i) anything located within any space forming part of the wall;
 - (ii) any decoration or other finish applied to any external (but not internal) surface forming part of the wall;
 - (iii) any windows and doors in the wall; and

(a) 1984 c.55. Section 14(3) was amended by article 8(1) and (3) of S.I. 2009/3019.

(b) Section 1 was amended by section 1(1) to (3) of the Sustainable and Secure Buildings Act 2004 (c 22).

(c) S.I. 2010/2214; relevant amending instruments are S.I. 2011/1515, S.I. 2012/718, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/747, S.I. 2013/1959, S.I. 2014/579, S.I. 2015/767, S.I. 2016/285, S.I. 2016/361.

- (iv) any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access, but not access only for the purpose of carrying out repairs or maintenance; and
- (b) “specified attachment” means—
 - (i) a balcony attached to an external wall;
 - (ii) a device for reducing heat gain within a building by deflecting sunlight which is attached to an external wall; or
 - (iii) a solar panel attached to an external wall.”.
- (3) In regulation 4(2) (requirements relating to building work) after “Schedule 1” insert “(in addition to the requirements of regulation 7)”.
- (4) In regulation 5 (meaning of material change of use)—
 - (a) after paragraph (i) omit “or”; and
 - (b) after paragraph (j) insert—
 - “; or
 - (k) the building is a building described in regulation 7(4)(a), where previously it was not”.
- (5) In regulation 6 (requirements relating to material change of use) after paragraph (2) insert—

“(3) Subject to paragraph (4), where there is a material change of use described in regulation 5(k), such work, if any, shall be carried out as is necessary to ensure that any external wall, or specified attachment, of the building only contains materials of European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2007+A1:2009 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 59861 6) published by the British Standards Institution on 30th March 2007 and amended in November 2009.

(4) Paragraph (3) does not apply to the items listed in regulation 7(3).”.
- (6) Regulation 7 (materials and workmanship) is renumbered as paragraph (1) of that regulation.
- (7) After regulation 7(1) (as renumbered) insert—

“(2) Subject to paragraph (3), building work shall be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2007+A1:2009 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 59861 6) published by the British Standards Institution on 30th March 2007 and amended in November 2009.

(3) Paragraph (2) does not apply to—

 - (a) cavity trays when used between two leaves of masonry;
 - (b) any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulation 2(6)) if that part is connected to an external wall;
 - (c) door frames and doors;
 - (d) electrical installations;
 - (e) insulation and water proofing materials used below ground level;
 - (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;
 - (g) membranes;
 - (h) seals, gaskets, fixings, sealants and backer rods;
 - (i) thermal break materials where the inclusion of the materials is necessary to meet the thermal bridging requirements of Part L of Schedule 1; or

- (j) window frames and glass.
- (4) In this regulation—
 - (a) a “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which—
 - (i) contains one or more dwellings;
 - (ii) contains an institution; or
 - (iii) contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house); and
 - (b) “above ground level” in relation to a storey means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey.”

Transitional provisions

3.—(1) The amendments made by regulation 2 do not apply in any case where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before the day these Regulations come into force and either the building work to which it relates—

- (a) has started before that day; or
- (b) is started within the period of two months beginning on that day.

(2) In this regulation, “building notice”, “initial notice” and “full plans” have the meanings given in the Building Regulations 2010.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Kit Malthouse
Minister of State

28th November 2018

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Building Regulations 2010 (S.I. 2010/2214; relevant amending instruments are S.I. 2011/1515, S.I. 2012/718, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/747, S.I. 2013/1959, S.I. 2014/579, S.I. 2015/767, S.I. 2016/285 and S.I. 2016/361) (“the Building Regulations”).

Regulation 2(2) inserts definitions for “external wall” and “specified attachment” in regulation 2 (interpretation) of the Building Regulations.

Regulation 2(3) amends regulation 4(2) (requirements relating to building work) of the Building Regulations to clarify that the application of regulation 7 (materials and workmanship) of the Building Regulations is not limited.

Regulation 2(4) and (5) amends regulations 5 (meaning of material change of use) and 6 (requirements relating to material change of use) of the Building Regulations respectively to provide for the introduction of a new requirement for the materials contained in the external wall or specified attachment of a building which, following a change of use, is used as a building described in the new regulation 7(4) of the Building Regulations. Such materials must achieve European Classification A2-s1, d0 or A1.

Regulation 2(6) and (7) amends regulation 7 of the Building Regulations to provide that, subject to the exempted items in the new regulation 7(3) of the Building Regulations, only materials which achieve European Classification A2-s1, d0 or A1 may become part of an external wall or specified

attachment of a “relevant building”. The new regulation 7(4) of the Building Regulations provides the definition for “relevant building”.

Regulation 3 makes transitional provisions under which the amendments made by regulation 2 will not apply where a building notice or initial notice has been given to, or full plans deposited with, a local authority before 21st December 2018 but only if the building work has already started or starts within two months of that date.

The Regulations were notified in draft (Notification No. 2018/0563/UK on 14 November 2018) to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ No L 241, 17.9.2015, p.1), which lays down a procedure for the provision of information in the field of technical standards and regulation.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available with the explanatory memorandum for these Regulations at www.legislation.gov.uk. A copy is also available from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

Copies of the British Standard referred to in these Regulations can be obtained from www.bsigroup.com and hard copies can be obtained from BSI Customer Services, 389 Chiswick High Road, London W4 4AL (telephone number 0345 086 9001).

Copies of the British Standard referred to in these Regulations will also be made available for inspection free of charge by contacting the Building Regulations Technical Policy Team at Ministry of Housing, Communities and Local Government at the address mentioned above.

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