
STATUTORY INSTRUMENTS

2022 No. 603

BUILDING AND BUILDINGS, ENGLAND

The Building etc. (Amendment) (England) Regulations 2022

<i>Made</i>	- - - -	<i>at 11.40 a.m on 1st June 2022</i>
<i>Laid before Parliament</i>		<i>at 1.30 p.m. on 1st June 2022</i>
<i>Coming into force</i>	- -	<i>1st December 2022</i>

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(1).

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

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Building etc. (Amendment) (England) Regulations 2022.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply to any building in Wales (and “building” has the meaning given in regulation 2(1) of the Building Regulations 2010(2)).

(4) These Regulations come into force on 1st December 2022.

Amendments to the Building Regulations 2010

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

(2) In regulation 2(6) (interpretation)—

(a) at the end of sub-paragraph (a)(iv) omit “and”; and

(b) for sub-paragraph (b) substitute—

“(b) “reaction to fire classification” means BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using

(1) 1984 c. 55. Section 1 was amended by section 1(1) of the Sustainable and Secure Buildings Act 2004 (c. 22). Section 14(3) was amended by S.I. 2009/3019.

(2) S.I. 2010/2214. Relevant amendments are made by S.I.s 2011/1515, 2012/718, 2012/3119, 2013/10, 2013/747, 2013/1959, 2014/579, 2015/767, 2016/285, 2016/361 and 2018/1230.

data from reaction to fire tests.” published by the British Standards Institution in 2019;

- (c) “relevant metal composite material” means any panel or sheet, having a thickness of no more than 10mm, which is comprised of a number of layers—
- (i) two or more of which are made of metal, alloy or metal compound; and
 - (ii) one or more of which is substantial and is made of a material having a gross calorific value of more than 35 MJ/kg when tested in accordance with BS EN ISO 1716:2018 entitled “Reaction to fire tests for products – Determination of the gross heat of combustion (calorific value)” published by the British Standards Institution in 2018;

and for these purposes a substantial layer is one which is at least 1mm thick or has a mass per unit area of at least 1kg per m²;

- (d) “specified attachment” means—
- (i) a balcony attached to an external wall;
 - (ii) a solar shading device (excluding a solar shading device attached to the wall at a height of no more than 4.5 metres above ground level); or
 - (iii) a solar panel attached to an external wall; and
- (e) “solar shading device” means a device attached to the external surface of an external wall for reducing heat gain within a building by shading or deflecting sunlight.”

(3) In regulation 6 (requirements relating to material change of use)—

- (a) in paragraph (1)(c) for “fifteen” substitute “eleven”;
- (b) for paragraph (3) substitute—

“(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 the reaction to fire classification).”

(4) In regulation 7 (materials and workmanship)—

- (a) after paragraph (1) insert—

“(1A) Building work shall be carried out so that relevant metal composite material does not become part of an external wall, or specified attachment, of any building.”;

- (b) for paragraph (2) substitute—

“(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 the reaction to fire classification).”;

- (c) in paragraph (3)—

- (i) after sub-paragraph (d) insert—

“(da) fibre optic cables;”;

- (ii) in sub-paragraph (e) after “ground level” insert “or up to 300mm above that level”;

- (iii) after sub-paragraph (h) insert—

“(ha) components associated with a solar shading device excluding components whose primary function is to provide shade or deflect sunlight such as the awning curtain or slats;”

(iv) at the end of sub-paragraph (i) omit “or”;

(v) at the end of sub-paragraph (j) insert—

“; or

(k) materials which form the top horizontal floor layer of a balcony which are of European Classification A1fl or A2fl-sl (classified in accordance with the reaction to fire classification) provided that the entire layer has an imperforate substrate under it.”;

(d) in paragraph (4)(a)(iii) omit “(excluding any room in a hostel, hotel or boarding house)”.

Other amendments

3.—(1) After regulation 1(3) of the Building Regulations etc. (Amendment) (England) Regulations 2021⁽³⁾ insert—

“(4) In this regulation and regulation 17, “building” and “building work” have the meanings given in regulation 2(1) of the Building Regulations 2010.”.

(2) After regulation 1(4) of the Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021⁽⁴⁾ insert—

“(5) In this regulation and regulation 4, “building” and “building work” have the meanings given in regulation 2(1) of the Building Regulations 2010.”.

Transitional provisions

4.—(1) The amendments made by regulation 2 do not apply in any case where a building notice or 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 six months beginning on that day.

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

Signed by authority of the Secretary of State for Levelling up, Housing and Communities

Stuart Andrew
Minister of State
Department for Levelling Up, Housing and
Communities

At 11.40 a.m. on 1st June 2022

⁽³⁾ S.I. 2021/1391.

⁽⁴⁾ S.I. 2021/1392.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Building Regulations 2010 (S.I. 2010/2214).

The amendment in regulation 2(2) inserts a new definition of reaction to fire classification which updates the classification to the most recent version published in 2019 by the British Standards Institution. It also inserts a new definition of relevant metal composite material and includes reference to solar shading devices in the definition of ‘specified attachment’. It also provides a definition of solar shading devices.

Regulation 2(3) provides that where a building’s use has changed such that it falls within the definition of a relevant building where previously it did not, materials which form part of the external wall or specified attachment must meet the updated reaction to fire classification.

Regulation 2(4)(a) prohibits relevant metal composite material becoming part of the external wall or a specified attachment when building work is undertaken.

Regulation 2(4)(b) provides that when work is done on a relevant building any material that becomes part of the external wall or a specified attachment must meet the updated reaction to fire classification.

Regulation 2(4)(c) adds to the list of exemptions from the requirement of materials to meet the reaction to fire classification standard. It exempts fibre optic cables and components of solar shading devices excluding those whose primary function is to provide shade or deflect sunlight such as awning curtains or slats. It extends the exemption on insulation and waterproofing materials used below ground level to such materials used up to 300mm above that level. It also exempts materials which form the top horizontal floor layer of a balcony which are of European Classification A1fl or A2fl-sl provided that the entire layer has an imperforate substrate under it.

Regulation 2(4)(d) amends the definition of relevant building with the effect that the combustible materials prohibition in regulations 6(3) and 7(2) now applies to hostels, hotels, and boarding houses.

Regulation 3 amends the Building Regulations etc. (Amendment) (England) Regulations 2021 and the Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021 to define “building” and “building work” for certain purposes in those Regulations.

Regulation 4 contains transitional provisions. The changes in regulation 2 will not apply where a building notice or an initial notice has been given, or full plans deposited, with a local authority before the day the Regulations come into force and the work has either started by that day or starts in the 6 months following that day.

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 Department of Levelling Up, Housing and Communities, 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), and are also made available for inspection free of charge by contacting the Building Regulations Technical Policy Team at the Department of Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

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