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STATUTORY INSTRUMENTS

2023 No. 520

BUILDING AND BUILDINGS, ENGLAND

The Building etc. (Amendment) (England) Regulations 2023

<i>Made</i>	- - - -	<i>9th May 2023</i>
<i>Laid before Parliament</i>		<i>11th May 2023</i>
<i>Coming into force</i>	- -	<i>5th June 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1 of, and paragraphs 2, 4, 7, 8 and 10 of Schedule 1 to, the Building Act 1984(1).

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Building etc. (Amendment) (England) Regulations 2023.

(2) These Regulations come into force on 5th June 2023.

(3) These Regulations extend to England and Wales and apply in relation to buildings and building work in England.

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

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010 are amended as follows.

(2) In regulation 7(3)(k) (materials and workmanship) for “A1fl or A2fl-s1” substitute “A1fl or A2fl-s1”.

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- (1) [1984 c. 55](#); section 1 was amended by the Sustainable and Secure Buildings Act [2004 \(c. 22\)](#), section 1(1) to (3), and by the Building Safety Act [2022 \(c. 30\)](#) (“the 2022 Act”), section 55 and Schedule 5, paragraphs 1 and 2. There are other amendments to section 1 which are not yet in force. Paragraphs 2 and 4 of Schedule 1 are repealed by the 2022 Act, section 55 and paragraphs 1 and 83 of Schedule 5, but that amendment is not yet in force. Paragraph 7 of Schedule 1 was amended by the Sustainable and Secure Buildings Act 2004, section 3(1) to (5) and by the Climate Change and Sustainable Energy Act [2006 \(c. 19\)](#), section 11. Paragraph 8 of Schedule 1 was amended by the Sustainable and Secure Buildings Act 2004, section 3(1),(6) and (7) and by the Flood and Water Management Act [2010 \(c. 29\)](#), section 40(1) and (2). There are other amendments to paragraph 8 that are not yet in force. Paragraph 10 of Schedule 1 is substituted by the 2022 Act but that amendment is not yet in force.
- (2) [S.I. 2010/2214](#), as amended by [S.I. 2012/3119](#), [2013/1959](#), [2014/110](#), [2015/767](#), [2016/285](#) and [1274](#), [2018/1230](#), [2021/1391](#) and [2022/603](#); there are other amending instruments but none is relevant.

(3) In regulation 17(2A) (completion certificates) after sub-paragraph (c) insert—

“(cc) regulation 26C (target primary energy rates for new buildings);”.

(4) In regulation 19(1) (supervision of building work otherwise than by local authorities) after “27 (CO2 emission rate calculations),” insert “27A (fabric energy efficiency rate calculations), 27C (target primary energy rate calculations for new buildings);”.

Amendment to the Building Regulations etc. (Amendment) (England) Regulations 2021

3. In the Building Regulations etc. (Amendment) (England) Regulations 2021(3) for regulation 17(1) (transitional provision) substitute—

“(1) The amendments made by Parts 2 and 3 of these Regulations (other than regulations 9, 12 and 13) do not apply in relation to—

- (a) building work to which regulation 9 (transitional provisions) of the Building Regulations &c. (Amendment) (No. 2) Regulations 2013 applies; and
- (b) building work on a particular building, where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority, in respect of that building before 15th June 2022, provided that the building work on that building is started before 15th June 2023.”.

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

Lee Rowley
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

9th May 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor changes and a correction in relation to England to the amendments made to the Building Regulations 2010 (S.I. 2010/2214) (“the Building Regulations”) by the Building Regulations etc. (Amendment) (England) Regulations 2021 (S.I. 2021/1391) and by the Building etc. (Amendment) (England) Regulations 2022 (S.I. 2022/603). They also make an amendment to the transitional provisions in the Building Regulations etc. (Amendment) (England) Regulations 2021.

Regulation 2(2) makes a correction in the name of the European fire classifications at regulation 7(3) (k) of the Building Regulations. This provision of the Building Regulations regulates the use of combustible materials on balcony floors in tall buildings. Regulation 2(3) adds compliance with the target primary energy rate to the list of requirements that must be met before a completion certificate may be issued by a local authority.

Regulation 2(4) amends the Building Regulations so that where work is subject to an initial notice, the requirements to give the local authority documentation on compliance with fabric energy efficiency rate calculations and target primary energy rate calculations does not apply.

Regulation 3 makes an amendment to the transitional provisions in the Building Regulations etc. (Amendment) (England) Regulations 2021 to ensure that building work in respect of multiple dwellings which benefits from a transitional provision from 2013 does not lose that transitional protection.

No impact assessment has been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen. Impact assessments were produced for the amendments made to the Building Regulations by the Building Regulations etc. (Amendment) (England) Regulations 2021 and the Building etc. (Amendment) (England) Regulations 2022. Copies of those impact assessments are available with the explanatory memorandum for those Regulations at www.legislation.gov.uk and available from the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.