

Factsheet 3 – Building Regulations

What you need to do

Anyone wanting to carry out Building Work is required by law to make sure that it complies with the Building Regulations. The following is considered to be Building Work:

- building a new building or extending an existing building
- installing or extending a service or fitting which is controlled under the Regulations (for example drainage)
- work which affects the structure, fire safety or access to and use of a building
- putting insulation into a cavity wall
- supporting the foundations of a building

The publication *Building Regulations – Explanatory Booklet*, published by the old Office of the Deputy Prime Minister, gives examples of things that count as Building Work. It is available from the website www.communities.gov.uk.

The person carrying out the Building Work is responsible for making sure that it complies with the Building Regulations. If you are carrying out the work personally, you will be responsible. If you are employing a builder the responsibility will usually be that firm's, but you should clarify this at the beginning. However, you need to bear in mind that if you are the owner or manager of the building,

it is ultimately you who may be served with an enforcement notice if the work does not comply with the Regulations.

The 14 Parts of the Building Regulations

There are 14 Parts to the Building Regulations:

- 1 Part A – Structure
- 2 Part B – Fire safety
- 3 Part C – Site preparation and resistance to moisture
- 4 Part D – Toxic substances
- 5 Part E – Resistance to the passage of sound
- 6 Part F – Ventilation
- 7 Part G – Hygiene
- 8 Part H – Drainage and waste disposal
- 9 Part J – Combustion appliances and fuel storage systems
- 10 Part K – Protection from falling, collision and impact
- 11 Part L – Conservation of fuel and power
- 12 Part M – Access to and use of buildings
- 13 Part N – Glazing – safety in relation to impact, opening and cleaning
- 14 Part P – Electrical safety

Approved Documents

Each Part of the Regulations comes with one or more Approved Documents that contain general guidance, practical examples and solutions on how to achieve compliance with the Part. For example, Part M1 states:

'Access and Use

M1. Reasonable provision shall be made for people to –
gain access to; and
use
the building and its facilities'

The Approved Document M – Access to and Use of Buildings (AD M) then provides guidance on how to comply with this broad requirement.

The guidance given in the Approved Documents is not compulsory, but simply *one way* of complying with the Regulations. If you can show that you are complying with the Regulations in some other way, your proposed Building Work may still be approved. However, it is assumed that if you have followed the guidance in the Approved Documents you have complied with the Building Regulations. The Approved Documents can be downloaded from the Department for Communities and Local Government (DCLG) website www.communities.gov.uk.

Building Control Services

To make sure that you are complying with the Building Regulations you have to submit your building plans to a Building Control Service for approval. There are two types of Building

Control Service:

- your local authority Building Control Service
- an approved inspector's Building Control Service

You can contact your local authority Building Control Service through your district or borough council. Approved inspectors are private companies who are licenced to carry out Building Control Services. They have to be registered with the Construction Industry Council (CIC) who can provide a list of members. Their website address is www.cic.org.uk.

1 Your local authority Building Control Service

You can submit either a full plans application or a building notice. A full plans application should contain plans and other information showing all construction details and should be submitted well in advance of when work is going to start. Your local authority will check the proposal and make a decision within five weeks. If the application is approved they will also carry out inspections of the Building Work when it has begun and issue you with a completion certificate when it is finished.

The building notice procedure does not require the submission of detailed plans and is designed to enable small work to get under way quickly. If you decide to use this procedure you need to be sure that your work does comply with the Building Regulations before you begin. Otherwise you will risk having to correct any work already carried out. There are also some instances when a building notice may not be used.

You can start work as soon as you have submitted your plans or have given a building notice and you have given your local authority a 'commencement notice' (told them that work is starting) at least two working days previously.

If your plans are rejected, the easiest way to move on is to resubmit your full plans application with the suggested changes. If you feel that your plans do in fact comply with the Regulations you can ask for a 'determination' (investigation). Note that you can only do so if you have submitted a full plans application and if the work has not yet begun.

2 An approved inspector's building control service

When you use an approved inspector they will take on responsibility for plan checking and inspection of your building work. The procedure requires that you and the approved inspector both tell your local authority about the Building Work. Once you have done so and the local authority has accepted it, the approved inspector will be responsible for checking the work.

The approved inspector will tell you what plans and information they need in order to check that the proposed work will comply with the Regulations. If the approved inspector is not satisfied with the plans for your work, the procedure is the same as for a full plans application outlined above. If the approved inspector is not satisfied with work in progress on site, and this cannot be resolved with

discussion, the approved inspector will have to terminate his or her responsibility for your project. The Building Control Service function will then revert to your local authority who will charge you a reversion charge.

Contravening the Building Regulations

The Building Regulations can be violated by not following the Building Control procedures that are set out for handling your building work. They can also be violated by carrying out Building Work which does not comply with the requirements set out in the Building Regulations. Local authorities have a general duty to make sure that all work follows the Building Regulations in their areas and will try to do so by informal means whenever possible.

If a person carrying out building work contravenes the Building Regulations, the local authority, or another person, can take them to a magistrates' court. The local authority can also force the owner to change or remove work that does not comply. If the owner does not do so, the local authority has the power to carry out the correction work itself and claim back the costs of doing so from the owner.

For more information about Building Regulations or to download Approved Documents, visit the Building Regulations section of the Department for Communities and Local Government website www.communities.org.uk.