STATUTORY INSTRUMENTS

2016 No. 490

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Amendment) Regulations 2016

Made - - - -	*11th April 2016*
Laid before Parliament	*13th April 2016*
Coming into force - -	*9th May 2016*

The Secretary of State is a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to electronic communications.

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

The Secretary of State makes the following Regulations, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 1A, 3, 8(6), 34, 35 and 126 of, and paragraphs 7, 8, 9 and 10 of Schedule 1 to, the Building Act 1984.

Citation, application and commencement

1.—(1) These Regulations may be cited as the Building (Amendment) Regulations 2016.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply to any building in Wales other than an excepted energy building, and "excepted energy building" shall have the same meaning as in the Schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009(**4**).

(4) These Regulations come into force on 9th May 2016.

(**1**) S.I. 2001/3495.
(**2**) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**3**) 1984 c.55. Section 1 was amended by section 1(1) to (3) and section 1A inserted by section 2 of the Sustainable and Secure Buildings Act 2004. Section 14(3) was amended by Article 8(1) and (3) of S.I. 2009/3019. Section 126 is cited for the definition "prescribed". There are other amendments but none is relevant to this instrument.
(**4**) S.I. 2009/3019.

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(**5**) 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—

(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

(**5**) 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.