STATUTORY INSTRUMENTS

2015 No. 767

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Regulations &c. (Amendment) Regulations 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force in accordance with regulation 1(4)	

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1, 2B(1), (3) and (6), 3, 16(9), 17(1) and (6), 34, 35, 47(1), (2) and (5), 50(1), (4) and (6), 51(1) and (2), 51A(2) and (3), 52(1), (3) and (5), and 54(1), (2), (5) and (6) of, and paragraphs 1, 4, 4A, 7, 8(1) and 10 of Schedule 1 to, and paragraphs 2(1) to (4) and 3(1) and (2) of Schedule 4 to, the Building Act 1984(**1**), having consulted the Building Regulations Advisory Committee for England and such other bodies as appear to the Secretary of State to be representative of the interests concerned in accordance with section 14(3)(**2**) of that Act.

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Building Regulations &c. (Amendment) Regulations 2015.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply in relation 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(**3**).

(4) These Regulations come into force on the following dates—

(a) this regulation and regulation 2(10)(a) and (12) on 18th April 2015;

(b) all remaining regulations, except regulation 2(10)(b), on 1st October 2015; and

(c) regulation 2(10)(b) on 31st December 2015.

(**1**) 1984 c.55. Section 1 was amended by section 1(1) to (3) of the Sustainable and Secure Buildings Act 2004 (c.22). Section 2B was inserted by section 42 of the Deregulation Act 2015 (c.20). Paragraph 4A of Schedule 1 was inserted by section 8(1), paragraph 7 was amended by section 3(1) to (5), and paragraph 8(1) amended by section 3(6) of the Sustainable and Secure Buildings Act 2004. Paragraph 7(a)(xxiie) of Schedule 1 was inserted by section 11 of the Climate Change and Sustainable Energy Act 2006 (c.19).

(**2**) Section 14(3) was amended by article 8(3) of S.I. 2009/3019.

(**3**) S.I. 2009/3019.

Amendments to the Building Regulations 2010

2.—(1) The Building Regulations 2010(**4**) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)—

(a) after the definition "microgeneration" insert the following definitions—

""new dwelling" includes, except in Parts 6 and 7, a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(a), (b) or (g);

"optional requirement" means an optional requirement as described in regulation 4(1A)(b) or in regulation 36(2)(b);"; and

(b) after the definition "payment period" insert the following definition—

""planning permission" has the meaning given in section 336(1) (interpretation) of the Town and Country Planning Act 1990(**5**);".

(3) In regulation 4 (requirements relating to building work)—

(a) in paragraph (1)(b) after "other such requirement" insert ", except as may be provided for in paragraphs (1C) and (1D)";

(b) after paragraph (1) insert the following paragraphs—

"(1A) The applicable requirements contained in Schedule 1 are—

(a) the applicable requirements contained in Schedule 1 that apply in all cases, subject to paragraph (1C); and

(b) any applicable requirement contained in Schedule 1, and described in the first column of that Schedule as an optional requirement, that applies in relation to the building work in question by virtue of paragraphs (1B), (1C) and (1D).

(1B) An optional requirement as described in paragraph (1A)(b) shall apply to building work in any case where the planning permission under which the building work is carried out—

(a) specifies that optional requirement by reference to these Regulations; and

(b) makes it a condition that the requirement must be complied with.

(1C) An optional requirement shall apply in substitution for a requirement of Schedule 1 to the extent that the terms of the optional requirement in the second column of Schedule 1 so provide.

(1D) An optional requirement shall apply, and another optional requirement shall not apply, to the extent that the terms of the first-mentioned optional requirement in the second column of Schedule 1 so provide.".

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

(a) in subparagraph (1)(i) for "M1 (access and use)" substitute "M1 (access to and use of buildings other than dwellings)";

(b) after subparagraph (1)(i) insert a semicolon and the following subparagraph—

"(j) in the case of a material change of use described in regulation 5(a), (b) or (g), Q1 (security)"; and

(**4**) S.I. 2010/2214, as amended as described in the footnotes on specific provisions below. There are other amendments, but they are not relevant.
(**5**) 1990 c.8, as amended by section 84(6) of and Part 1 of Schedule 19 to the Planning and Compensation Act 1991, and article 5(d) of S.I. 2006/1281.
(**6**) As amended by S.I. 2011/1515.

(c) in paragraph (2)—

(i) after subparagraph (c) omit "and", and

(ii) after subparagraph (d) insert a semicolon and the following subparagraph —

"(e) in a case to which subparagraph (j) applies in respect of a material change of use described in regulation 5(b) or (g), that part complies with the requirement referred to in that subparagraph;".

(5) In regulation 13 (particulars and plans where a building notice is given)—

(a) in paragraph (1)—

(i) after subparagraph (b) omit "and", and

(ii) after subparagraph (c) insert—

"; and

(d) in the case of a new dwelling—

(i) a statement whether or not any optional requirement applies to the building work, and if so which, or

(ii) a statement that planning permission has not yet been granted for the work, and that the information required by subparagraph (i) will be supplied before the end of a period of twenty eight days beginning on the day after that permission is granted"; and

(b) after paragraph (1) insert the following paragraph—

"(1A) In the case of a new dwelling, where a statement under paragraph (1)(d)(ii) has accompanied the building notice, a statement in the terms required by paragraph (1)(d)(i) must be provided to the local authority before the end of a period of twenty eight days beginning on the day after planning permission is granted for the building work, and the statement must state that it is supplementary to the information given in respect of the work pursuant to paragraph (1)(d).".

(6) In regulation 14(3)(a) (full plans) after "(1)" insert ", (1A)".

(7) In regulation 35(**7**)((interpretation of Part 6)—

(a) after the definition "major renovation" omit "and"; and

(b) after the definition "nearly zero-energy building" insert a semicolon and the following definition—

""new dwelling" does not include a dwelling that is formed by a material change of use of a building".

(8) For the text of regulation 36 (water efficiency of new dwellings) substitute—

"(1) The potential consumption of wholesome water by persons occupying a new dwelling must not exceed the requirement in paragraph (2).

(2) The requirement referred to in paragraph (1) is either—

(a) 125 litres per person per day; or

(b) in a case to which paragraph (3) applies, the optional requirement of 110 litres per person per day,

as measured in either case in accordance with a methodology approved by the Secretary of State.

(3) This paragraph applies where the planning permission under which the building work is carried out—

(**7**) As amended by S.I. 2012/3119.

(a) specifies the optional requirement in paragraph (2)(b); and

(b) makes it a condition that that requirement must be complied with.

(4) In this Part, "new dwelling" does not include a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(g).".

(9) For the text of regulation 37(1) (wholesome water consumption calculation) substitute—

"(1) Where regulation 36 applies, the person carrying out the work must give the local authority a notice which specifies—

(a) which of the requirements in regulation 36(2)(a) or (b) applies to the dwelling; and

(b) the potential consumption of wholesome water per person per day in relation to the completed dwelling.".

(10) In regulation 43(4)(**8**)—

(a) after "the British Institute of Non-Destructive Testing" add ", the Independent Air Tightness Testing Scheme Limited(**9**)"; and

(b) omit "the British Institute of Non-Destructive Testing,".

(11) In Schedule 1(**10**) (requirements)—

(a) in part H (drainage and waste disposal), in subparagraph (a) of the second column of requirement H3(2) (rainwater drainage)—

(i) for "M1 (access and use), or" substitute "M1 (access to and use of buildings other than dwellings),", and

(ii) at the end of the subparagraph insert ", or requirement M4(1), (2) or (3) (access to and use of dwellings)".

(b) for Part M (access to and use of buildings) substitute the following Part—

"**PART M ACCESS TO AND USE OF BUILDINGS**

Access to and use of buildings other than dwellings	Requirement M1 does not apply to
M1. Reasonable provision must be made for people to—	any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.
(a) gain access to; and	Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.
(b) use, the building and its facilities.	
Access to extensions to buildings other than dwellings	Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.
M2. Suitable independent access must be provided to the extension where reasonably practicable.	
Sanitary conveniences in extensions to buildings other than dwellings	Requirement M4(1) does not apply to:

(**8**) As amended by S.I. 2012/3119.
(**9**) A company formed and registered under the Companies Acts with the registration number 09309058.
(**10**) As amended by S.I. 2012/3119.

M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.

Access to and use of dwellings

Category 1- visitable dwelling

M4(1). Reasonable provision must be made for people to—

(a) gain access to; and

(b) use, the dwelling and its facilities

Category 2- accessible and adaptable dwellings

M4(2) optional requirement

(1) Reasonable provision must be made for people to—

(a) gain access to; and

(b) use, the dwelling and its facilities.

(2) The provision made must be sufficient to —

(a) meet the needs of occupants with differing needs, including some older or disabled people; and

(b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.

Category 3- wheelchair user dwellings

M4(3) optional requirement

(1) Reasonable provision must be made for people to—

(a) gain access to; and

(b) use, the dwelling and its facilities.

(2) The provision made must be sufficient to —

(a) an extension to a dwelling; or

(b) any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Optional requirement M4(2)—

(a) may apply only in relation to a dwelling that is erected;

(b) will apply in substitution for requirement M4(1);

(c) does not apply where optional requirement M4(3) applies;

(d) does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Optional requirement M4(3)—

(a) may apply only in relation to a dwelling that is erected;

(b) will apply in substitution for requirement M4(1);

(c) does not apply where optional requirement M4(2) applies;

(d) does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Optional requirement M4(3)(2)(b) applies only where the planning permission under which the building work is carried out specifies that it shall be complied with.”