

# Statutory Instrument 2000 No. 2531

## **The Building Regulations 2000**

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STATUTORY INSTRUMENTS

**2000 No. 2531**

**BUILDING AND BUILDINGS ENGLAND AND WALES**

# The Building Regulations 2000

*Made  
13th  
September  
2000*

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Parliament  
22nd  
September  
2000*

*Coming into  
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1st  
January  
2001*

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The Secretary of State, in exercise of the powers conferred on him by sections 1(1), 3(1), 5, 8(2), 35 and 126 of, and paragraphs 1, 2, 4, 7 and 8 of Schedule 1 to, the Building Act 1984<sup>[1]</sup> and of all other powers enabling him in that behalf, after

consulting the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned in accordance with section 14(3) of that Act, hereby makes the following Regulations: -

## **PART I**

### **General**

#### **Citation and commencement**

1. These Regulations may be cited as the Building Regulations 2000 and shall come into force on 1st January 2001.

#### **Interpretation**

2. - (1) In these Regulations unless the context otherwise requires -

"the Act" means the Building Act 1984;

"amendment notice" means a notice given under section 51A of the Act;

"building" means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

"building notice" means a notice given in accordance with regulations 12(2)(a) and 13;

"building work" has the meaning given in regulation 3(1);

"controlled service or fitting" means a service or fitting in relation to which Part G, H or J of Schedule 1 imposes a requirement;

"day" means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday;

"dwelling" includes a dwelling-house and a flat;

"dwelling-house" does not include a flat or a building containing a flat;

"energy rating" of a dwelling means a numerical indication of the overall energy efficiency of that dwelling obtained by the application of a procedure approved by the Secretary of State under regulation 16(2) of these Regulations;

"European Technical Approval issuing body" means a body authorised by a member state of the European Economic Area to issue European Technical Approvals (a favourable technical assessment of the fitness for use of a construction product for the purposes of the Construction Products Directive[2];

"final certificate" means a certificate given under section 51 of the Act;

"flat" means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

"floor area" means the aggregate area of every floor in a building or extension, calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the outermost edge of the floor;

"fronting" has the meaning given in section 203(3) of the Highways Act 1980[3];

"full plans" means plans deposited with a local authority for the purposes of section 16 of the Act in accordance with regulations 12(2)(b) and 14;

"height" means the height of the building measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher;

"initial notice" means a notice given under section 47 of the Act;

"institution" means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons -

(a) suffering from disabilities due to illness or old age or other physical or mental incapacity, or

(b) under the age of five years,

where such persons sleep on the premises;

"material alteration" has the meaning given in regulation 3(2);

"material change of use" has the meaning given in regulation 5;

"private street" has the meaning given in section 203(2) of the Highways Act 1980;

"public body's final certificate" means a certificate given under paragraph 3 of Schedule 4 to the Act;

"public body's notice" means a notice given under section 54 of the Act;

"shop" includes premises -

(a) used for the sale to members of the public of food or drink for consumption on or off the premises,

(b) used for retail sales by auction to members of the public,

(c) used by members of the public as a barber or hairdresser, or for the hiring of any item, and

(d) where members of the public may take goods for repair or other treatment.

(2) In these Regulations "public building" means a building consisting of or containing -

(a) a theatre, public library, hall or other place of public resort;

(b) a school or other educational establishment not exempted from the operation of building regulations by virtue of section 4(1)(a) of the Act; or

(c) a place of public worship;

but a building is not to be treated as a place of public resort because it is, or it contains, a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

(3) Any reference in these Regulations to a numbered regulation, Part or Schedule

is a reference to the regulation, Part or Schedule so numbered in these Regulations.

## **PART II**

### **CONTROL OF BUILDING WORK**

#### **Meaning of building work**

**3.** - (1) In these Regulations "building work" means -

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
- (d) work required by regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building.

(2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result -

- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

(3) In paragraph (2) "relevant requirement" means any of the following applicable requirements of Schedule 1, namely -

- Part A (structure)
- paragraph B1 (means of warning and escape)
- paragraph B3 (internal fire spread - structure)
- paragraph B4 (external fire spread)
- paragraph B5 (access and facilities for the fire service)
- Part M (access and facilities for disabled people).

#### **Requirements relating to building work**

**4.** - (1) Building work shall be carried out so that -

- (a) it complies with the applicable requirements contained in Schedule 1; and

(b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) Building work shall be carried out so that, after it has been completed -

(a) any building which is extended or to which a material alteration is made;  
or

(b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or

(c) any controlled service or fitting,

complies with the applicable requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

### **Meaning of material change of use**

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change -

(a) the building is used as a dwelling, where previously it was not;

(b) the building contains a flat, where previously it did not;

(c) the building is used as an hotel or a boarding house, where previously it was not;

(d) the building is used as an institution, where previously it was not;

(e) the building is used as a public building, where previously it was not;

(f) the building is not a building described in Classes I to VI in Schedule 2, where previously it was; or

(g) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously.

### **Requirements relating to material change of use**

6. - (1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of the following paragraphs of Schedule 1 -

(a) in all cases, B1 (means of warning and escape)

B2 (internal fire spread - linings)

B3 (internal fire spread - structure)

B4(2) (external fire spread - roofs)

B5 (access and facilities for the fire service)

F1 and F2 (ventilation)

G1 (sanitary conveniences and washing facilities)

G2 (bathrooms)

H4 (solid waste storage)

J1 to J3 (heat producing appliances)

L1 (conservation of fuel and power);

(b) in the case of a material change of use described in regulation 5(c), (d), (e) or (f), A1 to A3 (structure);

(c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread - walls);

(d) in the case of a material change of use described in regulation 5(a), C4 (resistance to weather and ground moisture); and

(e) in the case of a material change of use described in regulation 5(a), (b) or (g), E1 to E3 (resistance to the passage of sound).

(2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that -

(a) that part complies in all cases with any applicable requirements referred to in paragraph (1)(a);

(b) in a case in which sub-paragraphs (b), (d) or (e) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph; and

(c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph.

### **Materials and workmanship**

7. Building work shall be carried out -

(a) with adequate and proper materials which -

(i) are appropriate for the circumstances in which they are used,

(ii) are adequately mixed or prepared, and

(iii) are applied, used or fixed so as adequately to perform the functions for which they are designed; and

(b) in a workmanlike manner.

### **Limitation on requirements**

8. Parts A to K and N of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be affected by buildings, or matters connected with buildings).

### **Exempt buildings and work**

9. These Regulations do not apply to -

(a) the erection of any building or extension of a kind described in Schedule 2;  
or

(b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.

## **PART III**

### **EXEMPTION OF PUBLIC BODIES FROM PROCEDURAL REQUIREMENTS**

#### **The Metropolitan Police Authority**

10. - (1) The Metropolitan Police Authority is hereby prescribed for the purposes of section 5 of the Act (exemption of public bodies from the procedural requirements and enforcement of building regulations).

(2) The Metropolitan Police Authority is exempt from compliance with these Regulations in so far as the requirements in these Regulations are not substantive requirements.

## **PART IV**

### **RELAXATION OF REQUIREMENTS**

#### **Power to dispense with or relax requirements**

11. - (1) The power under section 8(1) of the Act to dispense with or relax any requirement contained in these Regulations shall be exercisable by the local authority.

(2) Any notification by the local authority to an applicant that they have refused his application to dispense with or relax any requirement of these Regulations shall

inform the applicant of the effect of section 39(1) and (3) of the Act (appeal against refusal etc. to relax building regulations).

## **PART V**

### **NOTICES AND PLANS**

#### **Giving of a building notice or deposit of plans**

**12.** - (1) In this regulation "relevant use" means a use as a workplace of a kind to which Part II of the Fire Precautions (Workplace) Regulations 1997[4] applies or a use designated under section 1 of the Fire Precautions Act 1971[5];

(2) Subject to the following provisions of this regulation, a person who intends to carry out building work or to make a material change of use shall -

(a) give to the local authority a building notice in accordance with regulation 13; or

(b) deposit full plans with the local authority in accordance with regulation 14.

(3) A person shall deposit full plans where he intends to carry out building work in relation to a building put or intended to be put to a use which is a relevant use.

(4) A person shall deposit full plans where he intends to carry out work which includes the erection of a building fronting on to a private street.

(5) A person who intends to carry out building work consisting only of the installation of a heat-producing gas appliance is not required to give a building notice or deposit full plans if the appliance is to be installed by a person, or an employee of a person, approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1998[6].

(6) Where regulation 20 of the Building (Approved Inspectors etc.) Regulations 2000[7] (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

#### **Particulars and plans where a building notice is given**

**13.** - (1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by him or on his behalf, and shall contain or be accompanied by -

(a) a statement that it is given for the purpose of regulation 12(2)(a);

(b) a description of the proposed building work or material change of use; and

(c) particulars of the location of the building to which the proposal relates and the use or intended use of that building.

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by -

(a) a plan to a scale of not less than 1:1250 showing -

(i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;

(ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;

(iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;

(b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and

(c) particulars of -

(i) the provision to be made for the drainage of the building or extension;

(ii) the precautions to be taken in building over a drain, sewer or disposal main as mentioned in section 18 of the Act<sup>[8]</sup> (building over sewers etc.); and

(iii) the steps to be taken to comply with any local enactment which applies.

(3) In the case of building work which involves the insertion of insulating material into the cavity walls of a building, a building notice shall be accompanied by a statement which specifies -

(a) the name and type of insulating material to be used;

(b) the name of any European Technical Approval issuing body which has approved the insulating material;

(c) the requirements of Schedule 1 in relation to which any body referred to in (b) has approved the insulating material;

(d) any national standard of a member state of the European Economic Area to which the insulating material conforms; and

(e) the name of any body which has issued any current approval to the installer of the insulating material.

(4) Where building work involves the provision of a hot water storage system in

relation to which paragraph G3 of Schedule 1 (hot water storage) imposes a requirement, a building notice shall be accompanied by a statement which specifies -

(a) the name, make, model and type of hot water storage system to be installed;

(b) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of paragraph G3 of Schedule 1;

(c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.

(5) Where a building notice has been given, a person carrying out building work or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

(6) Neither a building notice nor plans which accompany it or are given under paragraph (5) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.

(7) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period -

(a) the building work to which the notice related was commenced; or

(b) the material change of use described in the notice was made.

### **Full plans**

**14.** - (1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).

(2)

(a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and

(b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.

(3) Full plans shall consist of -

(a) a description of the proposed building work or material change of use, and the plans, particulars and statements required by paragraphs (1) to (4) of regulation 13; and

(b) any other plans which are necessary to show that the work would comply with these Regulations.

(4) Full plans shall be accompanied by a statement as to whether the building is put or is intended to be put to a use which is a relevant use as defined by regulation 12(1).

(5) Full plans may be accompanied by a request from the person carrying out building work that on completion of the work he wishes the local authority to issue a completion certificate in accordance with regulation 17.

(6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

### **Notice of commencement and completion of certain stages of work**

**15.** - (1) A person who proposes to carry out building work shall not commence that work unless -

(a) he has given the local authority notice that he intends to commence work; and

(b) at least two days have elapsed since the end of the day on which he gave the notice.

(2) A person carrying out building work shall not -

(a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or

(b) cover up in any way any drain or sewer to which these Regulations apply, unless he has given the local authority notice that he intends to commence that work, and at least one day has elapsed since the end of the day on which he gave the notice.

(3) A person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.

(4) A person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected, and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) Where a person fails to comply with paragraphs (1) to (3), he shall comply within a reasonable time with any notice given by the local authority requiring him to cut into, lay open or pull down so much of the work as prevents them from

ascertaining whether these Regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

### **Energy rating**

**16.** - (1) This regulation applies where a new dwelling is created by building work or by a material change of use in connection with which building work is carried out.

(2) Where this regulation applies, the person carrying out the building work shall calculate the energy rating of the dwelling by means of a procedure approved by the Secretary of State and give notice of that rating to the local authority.

(3) The notice referred to in paragraph (2) shall be given not later than the date on which the notice required by paragraph (4) of regulation 15 is given, and, where a new dwelling is created by the erection of a building, it shall be given at least five days before occupation of the dwelling.

(4) Where this regulation applies, subject to paragraphs (6) and (7), the person carrying out the building work shall affix, as soon as practicable, in a conspicuous place in the dwelling, a notice stating the energy rating of the dwelling.

(5) The notice referred to in paragraph (4) shall be affixed not later than the date on which the notice required by paragraph (4) of regulation 15 is given, and, where a new dwelling is created by the erection of a building, it shall be affixed not later than five days before occupation of the dwelling.

(6) Subject to paragraph (7), if, on the date the dwelling is first occupied as a residence, no notice has been affixed in the dwelling in accordance with paragraph (4), the person carrying out the building work shall, not later than the date on which the notice required by paragraph (4) of regulation 15 is given, give to the occupier of the dwelling a notice stating the energy rating of the dwelling calculated in accordance with paragraph (2).

(7) Paragraphs (4) and (6) shall not apply in a case where the person carrying out the work intends to occupy, or occupies, the dwelling as a residence.

### **Completion certificates**

**17.** - (1) A local authority shall give a completion certificate in accordance with this regulation and as provided for in paragraph (2) where -

(a) they receive a notice under regulation 15(4) or (5) that building work has been completed, or, that a building has been partly occupied before completion; and

(b) they have either -

(i) been notified, in accordance with regulation 14(4), that the building is put or is intended to be put to a use which is a relevant use as defined by regulation 12(1); or

(ii) been requested, in accordance with regulation 14(5), to give a completion certificate.

(2) Where in relation to any building work or, as the case may be, to any part of a building which has been occupied before completion, a local authority have been able to ascertain, after taking all reasonable steps, that the relevant requirements of Schedule 1 specified in the certificate have been satisfied, they shall give a certificate to that effect.

(3) In this regulation "relevant requirements" mean -

(a) in a case mentioned in paragraph (1)(b)(i), the applicable requirements of Part B of Schedule 1 (fire safety); and

(b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of Schedule 1.

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

## **PART VI**

### **MISCELLANEOUS**

#### **Testing of drains and private sewers**

**18.** The local authority may make such tests of any drain or private sewer as may be necessary to establish whether it complies with any of the requirements of Part H of Schedule 1 (drainage and waste disposal).

#### **Sampling of material**

**19.** The local authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable them to ascertain whether such materials comply with the provisions of these Regulations.

#### **Supervision of building work otherwise than by local authorities**

**20.** - (1) Regulations 12, 15, 16, 17, 18 and 19 shall not apply in respect of any work specified in an initial notice, an amendment notice or a public body's notice, which is in force.

(2) Regulations 18 and 19 shall not apply in respect of any work in relation to which a final certificate or a public body's final certificate has been accepted by the

local authority.

### **Unauthorised building work**

**21.** - (1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) In this regulation, "unauthorised building work" means building work other than work in relation to which an initial notice, an amendment notice or a public body's notice has effect, which is done without -

- (a) a building notice being given to the local authority; or
- (b) full plans of the work being deposited with the local authority; or
- (c) a notice of commencement of work being given, in accordance with regulation 15(1) of these Regulations, where a building notice has been given or full plans have been deposited.

(3) Where this regulation applies, the owner (in this regulation referred to as "the applicant") may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with his application -

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as "the relevant requirements").

(4) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(5) When the applicant has taken any such steps required by the local authority as are described in paragraph (4), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant -

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the

relevant requirements or those requirements as dispensed with or relaxed, or

(c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(6) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that -

(a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or

(b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

they may give a certificate to that effect (in this regulation referred to as "a regularisation certificate").

(7) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(8) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

### **Contravention of certain regulations not to be an offence**

22. Regulation 17 is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

### **Transitional provisions**

23. - (1) Subject to paragraph (2), the Regulations specified in Schedule 3 shall continue to apply in relation to any building work as if these Regulations had not been made where -

(a) before 1st January 2001 a building notice, an initial notice, an amendment notice or a public body's notice has been given to, or full plans have been deposited with, a local authority; and

(b) building work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans.

(2) Where an initial notice given before 1st January 2001 is varied by an amendment notice given on or after that date, the Regulations specified in Schedule 3 shall continue to apply as if these Regulations had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

### **Revocations**

24. The Regulations specified in Schedule 3 are hereby revoked.

*Nick Raynsford*

Minister of State, Department of the Environment, Transport and the Regions

13th September 2000

**SCHEDULE 1**

Regulations 4 and 6

**REQUIREMENTS**

windows, skylights, or any transparent or translucent walls, ceilings or roofs to be safely accessible for cleaning.

Requirement N4 does not apply to -

(a) dwellings; or

(b) any transparent or translucent elements whose surface are not intended to be cleaned.

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