

# The Building Regulations and the Building Control System: a Brief Explanation

## Introduction

1. This section aims to give a brief explanation of the main components of the building control system and how it operates, and the reason for and scope of Building Regulations. It is not, however, comprehensive and readers should go to the Planning Portal, their Local Authority Building Control departments or the Department's website for more information.

## Building Regulations

2. Building Regulations exist to ensure that our buildings are safe, energy efficient and accessible for everyone who uses them or lives or works in and around them.
3. The regulations apply to most new buildings and many alterations of existing buildings in England and Wales, whether domestic or non-domestic. Building Regulations promote:
  - Standards for most aspects of a building's construction, including its structure, fire safety, sound insulation, drainage, ventilation and electrical safety.
  - Energy efficiency, and to some extent, the wider sustainability of buildings.
  - The needs of all people who use buildings including those with disabilities.
4. Building Regulations are made under powers provided in section 1 of the Building Act 1984 (as amended by the Sustainable and Secure Buildings Act 2004). The current regulations which set the building standards and requirements mentioned in paragraph 3 above are contained in the Building Regulations 2000 (as amended).
5. The Building Regulations contain various sections dealing with definitions, procedures, and what is required in terms of the technical performance of building work. For example, they:

- define what types of building, plumbing and heating projects amount to 'building work', which consequently must comply with the Building Regulations;
  - specify what types of buildings are exempt from control under the Building Regulations (Crown buildings etc);
  - set out the notification procedures that must be followed when starting, carrying out, and completing building work; and
  - set out the technical 'requirements' with which the individual aspects of building design and construction must comply.
6. The *requirements* with which building work must comply are contained in a schedule (Schedule 1) to the Building Regulations 2000 (as amended) and are grouped under 14 'Parts'. The Parts deal with individual aspects of building design and construction. They are listed in the table below.

<b>The 14 'Parts' of Schedule 1 to the Building Regulations</b>	
<b>A</b> Structure	<b>H</b> Drainage and waste disposal
<b>B</b> Fire safety	<b>J</b> Combustion appliances and fuel storage systems
<b>C</b> Site preparation and resistance to contaminants and moisture	<b>K</b> Protection from falling, collision and impact
<b>D</b> Toxic substances	<b>L</b> Conservation of fuel and power
<b>E</b> Resistance to the passage of sound	<b>M</b> Access to and use of buildings
<b>F</b> Ventilation	<b>N</b> Glazing – safety in relation to impact, opening and cleaning
<b>G</b> Hygiene	<b>P</b> Electrical safety

7. The requirements within each Part set out the broad objectives or functions which the individual aspects of the building design and construction must set out to achieve or deliver. They are therefore often referred to as the 'functional requirements' and are expressed in terms of what is 'reasonable', 'adequate', or 'appropriate'. Not all the functional requirements may be relevant to every building project, but all those which are relevant must be complied with as part of the overall process of complying with Building Regulations. These functional requirements

are written with the clear and specific intention of not being prescriptive (so as to preserve design freedoms and flexibilities and allow for innovation).

8. To assist people in interpreting the requirements and gaining some assurance that their approach will achieve compliance with the regulations, the requirements are supplemented by a series of 'Approved Documents'. These provide practical guidance on ways to comply with the functional requirements. Each document contains:
  - general guidance on the performance expected of materials and building work in order to comply with each of the requirements in that part of the Building Regulations; and
  - practical examples and solutions on how to achieve compliance for some of the more common building situations.
9. The guidance in the Approved Documents does not amount to a set of statutory requirements and does not have to be followed if a designer/developer wishes to design and construct the building work in some other way, providing they can show that it still complies with the relevant requirements.

## The Building Control System

10. The building control system is the system through which Building Regulations are applied and enforced.
11. Unlike the Planning system, the building control system works on a 'compliance basis' as opposed to an 'inspection basis'. This means that it is the responsibility of the person carrying out the building work to ensure that they comply with Building Regulations. That might be the person who owns the building if they are doing the work themselves or the contractor they have employed (depending on the agreement between them).
12. Anyone wanting to carry out building work which is subject to Building Regulations is required by law to make sure it complies with the regulations and, with some exceptions, to use one of the two types of Building Control Service available:
  - the Building Control Service provided by local authorities; or
  - the Building Control Service provided by private companies known as 'Approved Inspectors' (AIs).

13. If the local authority provider is chosen then there is a further choice of depositing Full Plans or giving them a Building Notice, which contains much less information. Which option is chosen depends on the type of building project – for example, Full Plans must be deposited where the Regulatory Reform (Fire Safety) Order applies (non-domestic properties and the common parts of blocks of flats). To start work without doing either is a contravention of regulation 12 of the Building Regulations 2000 for which the local authority can prosecute.
14. If an Approved Inspector is engaged to provide the service, the client and the AI must give the LA an initial notice. Once this notice has been accepted (within five days) or deemed to be accepted by the passing of five days without notice of rejection, the AI is responsible for supervising the work. The AI must have no professional or financial interest in the work he/she supervises.
15. Users are charged for both the local authority and AI services. In general, Approved Inspectors tend to be used by commercial customers (for either housing or non-housing developments) whereas local authorities are used by the full range of customers (domestic and commercial).
16. If a local authority considers that work that has been done is non-compliant and the responsible person has refused to put it right, they may bring a prosecution in a magistrates' court. Alternatively, or in addition, the local authority can serve an enforcement notice on the owner of the building requiring the alteration or removal of the offending building work. Unlike a local authority, an AI has no power to enforce the regulations. She/he is, however, obliged to inform his/her client where work contravenes the regulations and unless the works are put right can cancel the initial notice. The local authority will then be able to take forward any necessary enforcement actions.

If at any point a customer disagrees with a decision made by a building control body, the Building Act 1984 contains two procedures – determinations and appeals – which provide for the Secretary of State or the Welsh Assembly Government, as appropriate, to adjudicate. Determinations relate to questions arising regarding compliance with the Building Regulations of Full Plans applications for proposed building work; appeals are made against decisions by local authorities to refuse applications to relax or dispense with one or more requirements of the regulations.