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BUILDING REGULATIONS FOR CONVEYANCERS

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ABOUT RICHARD SNAPE

Richard has been the Head of Professional Support at Davitt Jones Bould since 2002. He speaks at numerous courses for law societies all over the country, various public courses, in-house seminars within solicitors firm and has also talked extensively to local authorities and central government bodies. His areas of specialism include both commercial and residential property, in particular in relation to local government law, conveyancing issues, development land, commercial property and incumbrances in relation to land.

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OUTCOME FOCUSED TRAINING INFORMATION

Lecture is aimed at: Property professionals and fee earners involved in both contentious and non-contentious property work

Learning Outcome: To give an increased knowledge of the subject matter. To update on current issues, case law and statutory provisions and to be able to apply the knowledge gained in the better provision of a service to the client.

Satisfying Competency Statement Section: B – Technical Legal Practice

For further information please see http://www.sra.org.uk/competence

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BUILDING REGULATIONS ENFORCEMENT

Check that building regulations consent was granted.

The Building Regulations control the methods and materials to be used in the construction of a property to ensure that proper standards are maintained in all new properties. Thus, although enforcement proceedings for breach can only be brought within 2 years (Housing and Regeneration Act 2008)(s317 Housing and Regeneration Act which amended s35 Building Act 1984), dependent on the type of breach, the lack of building regulations consent in a recently constructed property may suggest that it may not have been constructed to the proper standards and that it may be sensible to advise the client to point this out to his surveyor in order that a proper check on the structure of the property is made. The two year prosecution period is only enforceable against the person who caused the breach and not subsequent purchasers.

Note: Under s36 Building Act 1984 the local authority can, within one year of the works, tell the property owner to either remove the building or build up to standards. This notice can only be served on the owner - unlike s35 prosecutions which may be brought against owner or builder.

Note: In addition, if there is a risk to health and safety, a local authority may obtain an injunction dealing with building regulations breaches without limit for the time period.

Note: The Building Safety Bill 2021-22 intends to change enforcement periods to up to ten years.

BUILDING REGULATIONS AND COMPLETION CERTIFICATES

The first instance case of **Cottingham v Attey Bower Jones [2000]** although controversial, continues to cause problems. In this case, an extension had been built on ten years prior to the conveyance in the late 1980's. The solicitor raised enquiries and was told that completion certificates were not available. This would be normal as completion certificates were not introduced until between 1992 and 1997 dependent on the locality. A surveyor had failed to spot rising damp in the premises, but at a later stage the surveyor had retired without insurance. This case stated that although local authorities were unlikely to proceed against someone with lack of completion certificates after a year, there was a theoretical possibility of an injunction under s.33 of the **Building Act 1984**. As a consequence, local authorities may be contacted to obtain retrospective completion certificates if they are available. In spite of standard enquiries such a right may be available in perpetuity.

Cottingham is also authority for the proposition that if an enquiry is made, here as to building regulations approval or lack of completion certificate, a lack of response or a response of "not available" which is not followed up, can give rise to liability for the buyer's solicitor.

Note: If Building Regulations documents are missing then this should be referred to a valuer, in particular in relation to parts of premises which are being used as habitable rooms. A surveyor and/or structural engineer may also be notified. Furthermore, if premises without Building Regulations are being used as habitable rooms any insurance policy may be vitiated.

Note: The 2011 Protocol stated that if the purchaser wished to obtain buildings regulation documentation for works more than twenty years old, then the purchaser would be responsible. This is missing from the 2019 Protocol. The new Protocol does state that original documents are not required if building regulations information shows up on searches, eg. FENSA.

EXEMPTIONS FROM BUILDINGS REGULATIONS

Certain buildings are exempt, for example those not frequented by people, greenhouses, agricultural buildings, temporary buildings, ancillary buildings, small detached buildings that with extensions are less than 30 square metres unless used for sleeping accommodation. However, Part P and H (Drainage) may be required.

Part L exemptions in relation to energy efficiency include e.g. listed buildings and buildings in conservation areas where necessary for the appearance or finish, temporary buildings and stand-alone buildings if less than 15 square metres in area.

SEPTIC TANKS

Septic tanks and treatment plants will always need building regulations. For a new installation then it is expected that the sewer be connected to a public sewer if there is a public sewer within 30 metres.

As of 1 January 2012 in Wales, all tanks must be registered with Natural Resource Wales with an exemption or permit.

In England most domestic tanks will not need to be registered. However, there are three exceptions.

If the tank is within 50 metres of a drinking supply such as a well or borehole; where there is a discharge of more than $2m^3$ a day or where the discharge is within a Zone 1 ground water protection zone. The Environment Agency will advise over the telephone whether the latter is the case. In Wales registration should occur as soon as possible, but the Environment Agency will accept registrations until 30 June 2012. The Welsh Assembly intends to send leaflets to anyone with a septic tank. In England and Wales the cost of a discharge permit is temporarily set at £125.

Note: Regardless of registration, maintenance records should be kept in relation to the tank and TA6 Enquiries ask for these to be provided to the buyer.

Note: That implementation of these provisions in England was put on hold in August 2011. However, they came into force in Wales on 1 January 2012.

On 9th October 2014 the Environment Agency announced results of their consultation and draft regulations will be produced for implementation on 1st January 2015. As of 1st January 2015 large septic tanks discharging more than $2m^3$ of waste a day will need to be registered with a discharge permit costing £125. Small tanks will not need to be registered with an exemption but will need a discharge permit if in a zone 1 water protection zone area or within 50m of a drinking supply or if the discharge is above the low water mark. Tanks in areas of outstanding natural beauty will now not need to be registered. None registration is a criminal offence although the Environment Agency intend to be lenient and educate property owners rather than prosecute.

The provisions came into force in England on 1st January 2015. New tanks in designated areas will need to be registered and obtain a permit but not existing tanks. The number of designated areas has been reduced. Larger tanks will still require a permit.

The above provisions are contained in the General Binding Rules. In addition, if a septic tank flows into a water course as opposed to a drainage field, this must be replaced on a sale of the property and by January 2020 at the latest. A treatment plant will not need to be replaced.

On November 8th 2019 the Environment Agency produced new guidance. This is nearly the same as previous guidance but there is no reference to January 1st 2020.

BUILDING REGULATIONS AND GRENFELL

Prior to the Grenfell Tower disaster the Welsh Government had already introduced a requirement for sprinkler systems in new residential buildings. In December 2018 similar requirements were introduced in England but only for residential buildings of 30 metres or more in height.

Building (Amendment) Regulations 2018

There is also a ban on various types of combustible cladding in relation to buildings more than 18 metres or more in height. This is not retrospective but is under review. The provisions came into force on 28 November 2018 in England and 10 January 2020 in Wales.
The provisions apply when the building contains one or more dwellings including student accommodation, care homes, sheltered housing, hospitals and dormitories, but excluding hostels, hotels and boarding houses.

The regulations apply to external walls and specified attachments although in ***R (on the application of the British Blind and Shutter Association) v The Secretary of State for Housing, Communities and Local Government [2019] EWHC 3162*** judicial review was successful against the Secretary of State in removing blinds, shutters, awnings and canopies from the regulations. Attached solar panels and balconies still come within the regulations.

THE EWS1 FORM AND EXTERNAL CLADDING

Following the Grenfell Tower disaster in June 2017, mortgage companies naturally became reluctant to lend on flats in blocks which might have combustible cladding. On occasion, valuers were valuing such flats at £0. There was, moreover, no standardisation between the lenders.

The industry's response was the EWS1 (external wall systems) certificate which was introduced in December 2019 after discussion between UK Finance and the Royal Institution of Chartered Surveyors. A recognised property professional with the requisite qualification would carry out an inspection where deemed appropriate and would produce an EWS1 certificate which would be required by the mortgage company. The certificate would last for five years and would only be required for multi-let residential properties of more than 18 metres (c. six storeys) in height. If the cladding was deemed safe then the mortgage company would proceed, it would require the cladding to be replaced, a process which can take a significant amount of time.

Unfortunately, in January 2020, the Ministry of Housing Communities and Local Government muddied the waters somewhat when it produced **Advice for Building Owners of Multi-Storey, Multi-Occupied Residential Buildings**. This suggested that the EWS1 may be appropriate in some multi-let premises of less than 18 metres in height and which do not have external cladding, the issue apparently being high pressure laminate which is causing some concern. This concern increased after it was found to contribute to a fire in a block of halls of residence in Bolton in November 2019. As a consequence of this, some mortgage companies have required the EWS1 on buildings with three storeys and where brick is the building material. This is surely not what was intended.

The real problem is that in early 2020 there were roughly only 300 qualified fire safety inspectors in the country and insurers are not prepared to allow other property professionals to carry out the assessments due to the potential level of liability where there is a claim. Estimates vary but at the higher end there could be up to 3 million flats which may be affected. The certificates can cost upwards of £10,000 and there are examples of landlords or agents (who commission the assessments) being quoted of up to the 10 years for one to become available.

On 28 November 2018 in England (January 2020 in Wales), cladding was finally banned in multi-let residential properties of more than 18 metres in height. If the building was completed under the **2018 Building Regulations** the mortgage company should not require the certificate.

The EWS1 is undergoing review and this cannot come too soon for many, especially at the current time when many are unable to relocate to the countryside from their small city-centre dwellings. If changes are not made soon, some estimate that the level of negative equity in such premises will be greater than during the credit crunch of 2008-2011.

Note: On 22 November 2020 the Ministry of Housing announced that they have reached agreement with the RICS and UK Finance whereby an EWS1 certificate will not be required for buildings without cladding. At the time of writing, many mortgage lenders are saying that they know nothing about this. They are also pointing out that many brick buildings may have cladding behind the brickwork.

On 8 March 2021, the Royal Institution of Chartered Surveyors produced its new guidance note on the valuation of properties in multi-storey multi-occupied residential buildings with cladding. The guidance comes into effect on 5 April 2021, but it is expected that valuers will take it into account immediately.

The guidance is as follows:

- The certificate should be required for buildings over six storeys in height where there is cladding or curtain wall glazing or where there are balconies vertically above one another and both the balustrades and decking are constructed where combustible material such as timber, or where the decking is constructed of combustible material and the balconies are directly linked by combustible material.

- If the building is of five or six storeys in height then a certificate will be required if approximately one quarter of the whole elevation estimated from a viewing at ground level is comprised of cladding, or there is aluminium or metal composite material or high pressure laminate panels on the building or fire risk in relation to balconies as above

- If the building has fewer than five storeys a certificate will be required if there are aluminium or metal composite or high pressure laminate panels on the building

The guidance also makes clear that if the building complies with the **Building (Amendment) Regulations 2018 (or 2020 in Wales)** an EWS1 certificate should not be required.

At first glance this alleviates many of the problems, in particular there are examples of EWS1 certificates being required for three or four storey buildings with brick facades. Hopefully, this will be a thing of the past. However, the original purpose of the EWS1 certificates has been expanded to include high pressure laminate and balconies and not merely combustible cladding. Buildings of less than 18 metres in height may also still require the certificates which was not what was intended when the EWS1 was introduced.

Although a step in the right direction and the guidance has solved the problems for some, do not assume that the issue has gone away.

Note: On 11 May 2020 the Government announced a Building Safety Fund. Aluminium composite material may be replaced by separate Government funding. The end date for application for the Building Safety Fund was 30 June 2021 and work must have started by 30 September 2021. It is understood that only 22% of applicants were successful. There are also waking watch fund applications which ended on 24 June 2021. This was meant to cater for 400 blocks. Unfortunately, there are 600 blocks of flats in London alone with problems. The average cost of a waking watch to be done privately is £11,000 per week. In the Budget of 27 October 2021 the Government announced that it would provide a further £5 billion to the Building Safety Fund. Unfortunately, as previously, this will only apply to buildings of 18 metres or more in height. The plan to provide loans in relation to buildings of between 11 and 18 metres was abandoned on 9 November 2021. It will be funded by a building safety levy on builder profits over £25 million.

Note: On 21 July 2021 the Ministry of Housing announced they had reached agreements with some mortgage companies that EWS1 certificates will not be required for buildings of less than 18 metres. Whether this is the case is yet to be seen.

Note: On 21 November 2020 the Government announced that they would provide £700,000 to train fire safety inspectors under the auspices of the RICS. On 21 July 2021 they announced a Government backed PI insurance scheme for qualified professionals.

Note: In addition to the above, several local authorities are either serving or looking at serving improvement notices on landlords in relation to cladding under Part 8 of the Housing Act 2004 and the Housing Health and Safety Rating System.

Note: On 10 December 2021, the RICS announced that they would not be changing their guidance on buildings of less than 18 metres in height, inspite of Government intending to withdraw their guidance of January 2020.

BUILDING SAFETY BILL 2021-2022

In the Queen's Speech on 11 May 2021, the Government announced that it would be going ahead with the Building Safety Bill 2021 whereby, amongst other things, an appropriate person would have to be appointed to oversee health and safety in residential high rise blocks. They would have ultimate responsibility to the Health and Safety Commission.

The Building Safety Bill was introduced into Parliament on 5 July 2021. It is not expected to become law for some time. The Bill is 216 pages long and runs to 147 clauses and 9 schedules. Amongst other things the Bill introduces the concept of high risk residential buildings. In England, these will be 18 metres or more or have seven or more storeys. In Wales, separate provisions made be made. In such buildings an Accountable Person must be identified. This will usually be the landlord, but may be an RTM company. They must also appoint a Building Safety Manager who is answerable to the Building Safety Regulator who is part of the Health and Safety Executive. The Building Safety Manager must listen to complaints to tenants. There are potential criminal offences and fines attached for non-compliance. Any work may be charged to the tenants via a building safety charge which may charge for services outside the service charge.

In relation to all dwellings, currently, under S.1 (6) of the **Defective Premises Act 1972** a purchaser can only bring an action in relation to a defective property within six years of becoming aware of the defect. In the case of **Sportscity v Countryside [2020] EWHC 1596** it was held that the six-year period will not be extended if defects are remedied badly and further remedial work is required later. Under the Bill there will be a 15-year limitation period in relation to defects which will be backdated when the Bill comes into force. Thus, for example, if a dwelling was completed in 2010 there would be a claim until 2025. This is subject to Human Rights claims and also developers use special purpose vehicles which means that within 15 years there will no one in existence to sue.

There is also provision whereby if a landlord does not claim off building guarantees then they cannot collect via service charge. This is probably the case already: see **Avon Ground Rents v Cowley (2019)**.

There will also be major changes to building regulations. Building control for higher risk buildings will be under the Building Safety Regulator. Also, enforcement periods for buildings regulations breaches will go up from one year to ten years and **S38 of Building Act 1984** whereby there may be damages claims for building regulation breaches, will finally come into force.

THE WATER INDUSTRY (SCHEMES FOR ADOPTION OF PRIVATE SEWERS) REGULATIONS 2011

These came into force on 1 July 2011. On 1 October 2011 all private lateral drains outside the curtilage of the premises will become adopted, as will any shared drains within private premises. The Crown may opt out.

Private pumping stations and private surface water drains which run into a watercourse will go into public ownership by 1 October 2016. The Water Authority will require a build over agreement and there must be compliance with Part H4 of the Building Regulations if a building is to be built within three metres of a public sewer.

Note: This will have implications for planning permission and building regulations as both will be required to undertake to build over a public drain.

SOLAR PANELS

Planning Permission

Solar panels on domestic premises are within General Permitted Development, as are, since April 2012, solar panels on non-domestic premises.

For commercial properties permitted development exists if the installation is connected to the business use and the external appearance of the building is not materially affected. For office buildings there will only be permitted development for the ground floor. Generally solar panels must not materially affect the amenity within the locality. Some local authorities e.g. Bury Borough Council have required removal of solar panels because of nuisance caused by glare.

Note: Exceptions to Permitted Development include where an Article 1 Paragraph 4 Direction applies or where a condition of planning permission bans Permitted Development. Listed buildings will require listed building consent as will panels within the curtilage of the listed building (which will not usually include paddocks and fields). If in a conservation area, National Park, or World Heritage Site the panels should not be visible from the highway or watercourse.

All solar installations are subject to the following conditions:

- Panels on a building should be sited, so far as is practicable, to minimise the effect on the appearance of the building.
- They should be sited, so far as is practicable, to minimise the effect on the amenity of the area.
- When no longer needed for microgeneration they should be removed as soon as possible.

Roof and Wall Mounted Solar Panels

The following limits apply to roof and wall mounted solar panels:

- Panels should not be installed above the ridgeline and should project no more than 200mm from the roof or wall surface.
- If your property is a listed building installation is likely to require an application for listed building consent, even where planning permission is not needed.
- Wall mounted only - if your property is in a conservation area, or in a World Heritage Site, planning consent is required when panels are to be fitted on the principal or side elevation walls and they are visible from the highway. If panels are to be fitted to a building in your garden or grounds, they should not be visible from the highway.

Standalone Solar Panels

The following limits apply to standalone solar panels:

- Should be no higher than four metres
- Should be at least 5m from boundaries
- Size of array is limited to 9sq m or 3m wide and 3m deep
- Should not be installed within boundary of a listed building
- In the case of land in a conservation area or in a World Heritage Site it should not be visible from the highway.
- Only one stand alone solar installation is permitted.

Solar Photo Voltaic Panels

The installation of Solar PV panels is work controlled under the Building Regulations

The following Regulations may apply to an installation:

- Part A – Structure
- Part B - Fire Safety
- Part C - Resistance to Moisture
- Part P - Electrical Installation

Method of demonstrating compliance with the Building Regulations:

Many installers of Solar PV systems are registered with a Competent Person Scheme (CPS). Provided that the installer is registered with a CPS which covers all relevant parts of the Building Regulations as detailed above (you must confirm this with your installer), then the installer can self-certify the work as complying with the Regulations. He must then notify his registered CPS body who in turn should notify the Local Authority of the installation.

If the installer is not registered with a CPS, or you are doing the work yourself, then you will need to submit an application for Building Regulation Consent (either as a Building Notice or a Full Plans Application) and show how you intend to comply with all the relevant Building Regulations. The Building Control Officer may inspect the work as it progresses and may require further information to justify what you have done or ask for work to be altered. When satisfied that the work complies with the Regulations, a Completion Certificate will be issued.

Income from Solar Panels

Solar PV, or photovoltaic, panels are a way of households generating electrical energy to run their appliances from solar power. This can be used to power the homes electrical appliances. Any excess power produced can be sold back to the national grid. Installation of residential solar panels by a MCS (Microgeneration Certification Scheme) approved supplier creates costs reductions and two revenue streams.

Firstly there is a reduction in bills for electricity as the solar electricity produced is free. The installation generates income by a government schemes known as Feed In Tariffs (FITS) and by the resale of excess electricity produced to the national grid, known as the generation tariff.

Taxation for Domestic Installations

Although the FITS and generation tariff are additional income, the government confirmed in 2009 that people who receive income in the form of tariffs will not be subject to income tax. For a basic rate tax payer, this would represent a tax saving of 20% on typical projected income of £500 a year. For higher rate tax payers, the savings could be in the region of £400 to £500. Tax is not due so long as the electricity generated is predominately used for domestic purposes. Feed in tariffs are not limited to solar power, so householders who receive tariffs for other renewable energy sources such as wind will also not pay tax on the income.

Taxation for Business Installation

For businesses that install solar panels and receive tariffs they are subject to tax on their income. The rate of tax will depend on what you pay so for business paying small profits rate the 2012 corporation tax rate is 20%. The main rate of corporation tax in 2012 is 26%. Maintenance costs are likely to be tax deductible.

Consideration will also need to be given to whether the purchase of the panels would be subject to capital allowances. VAT may also be recovered on the purchase of solar panels. Of course, the business will benefit from reduced electricity costs which should be factored in when calculating the return on investment. Your accountant will be able to advise you if solar panels are an appropriate investment for your business.

Restrictive covenants

There may be breach of consent to plans and alterations covenants and, possibly, breach of non-business user covenants especially where the roof space has been leased out. If leasehold, there may also be breach of the covenants of the lease.

Re Nos 11 and 27 Parklands View Sheffield 2011 EW LVT

The case involved a 200-year lease and whether placing solar panels on the roof was a breach of leasehold covenants. To some extent the decision depends on its facts. Installing solar panels amounted to a breach of an alteration covenants. Contrast **Bickmore v Dimmer 1903 1 Ch 158** where installation of a clock on the outside of a shop was not a breach. However, the landlord could not unreasonably refuse consent to the solar panels. See also **Mahon v Sims [2005] 3 EGLR 57**: Consent to alteration covenant is always subject to an implied test of reasonableness.

Nuisance and Annoyance

Whether there is a breach of such a covenant amounts to an objective test depending on the fact; and there was held to be no breach here. Contrast **Davies v Dennis [2009] EWCA 1081** where building of an extension which blocked river views was held to be a breach.

Non-business User

As there was no income tax payable and the business user was ancillary to the residential use, there is no breach. See also **Florent v Horez [1983] 12 HLR 1**.

Right of First Refusal - Part 1 of Landlord and Tenant Act 1987

Part 1 provides that where the landlord proposes to make a relevant disposal and its terms.

Relevant Disposals

This concept causes major problems. It consists of a disposal of any estate or interest, whether legal or equitable including a disposal of an estate or interest in the common parts.

Specifically included are contracts for sale whether conditional or unconditional, disposals by way exchange, sale by auction, options and rights of pre-emption.

Excluded are grants of a tenancy of a single flat, interests under a mortgage, sale of incorporeal hereditament, assignments by a trustee in bankruptcy or under matrimonial law, compulsory purchase orders, gifts to the landlord's family or to a charity, transfers by will or on intestacy, disposals to The Crown, disposals to an associated employer.

Mainwaring v Henry Smiths Charity Trustees [1996] 2 EGLR 267 made clear that the landlord's duty arises as soon as, or soon after, he proposes to dispose: not on actual disposal. Making the disposal conditional on the proposed purchaser serving s.18 notices (see below) will not exonerate him.

Kay-Green v Twinsectra [1996] 2 EGLR 258

Here, there were three buildings held under two separate registered titles. Part I applied on a building by building basis, i.e. even though there were not the requisite majority of qualifying tenants in one of the buildings, the other two were still subject to the rights. Moreover, mistakes in the tenants request under s.l2, see below, including the third building did not prevent them exercising their rights.

Sale also included appurtenances land, e.g. gardens, and the parts of the buildings not occupied by qualifying tenants.

Note: Note that leasing of roof space for the purpose of a solar panel on of block of flats would fall foul of Part 1 and would constitute a criminal offence unless first refusal was offered.

Buildings Insurance

Buildings insurance may be vitiated if the insurer is not notified.

PART P BUILDING REGULATIONS

The provisions came into force on 1 January 2005. The relevant provisions are thus. The provisions apply to dwellings, including common parts and shared amenities and also to mixed business/residential properties with a common supply.

Notification of work

0.6 The requirements apply to all electrical installation work.

When necessary to involve building control bodies

0.7 Except in the circumstances outlined in paragraph 0.8 below, notification of proposals to carry out electrical installation work must be given to a building control body before work begins.

When not necessary to involve building control bodies

0.8 It is not necessary to give prior notification of proposals to carry out electrical installation work to building control bodies in the following circumstances: -

a. the proposed installation work is undertaken by a person who is a competent person registered with an electrical self-certification scheme authorised by the Secretary of State. In these cases, the person is responsible for ensuring compliance with BS 7671: 2001 and all relevant Building Regulations. On completion of the work, the person ordering the work should receive a signed Building Regulations self-certification certificate, and the relevant building control body should receive a copy of the information on the certificate. The person ordering the work should also receive a duly completed Electrical Installation Certificate as or similar to the model in BS 7671. As required by BS 7671, the certificate must be made out and signed by the competent person or persons who carried out the design, construction, inspection and testing work.

OR

b. The proposed electrical installation work is non-notifiable work of the type described in Table 1 and does not include the provision of a new circuit.

i) When the non-notifiable work described in Table 1 is to be undertaken professionally, a way of showing compliance would be to follow BS 7671: 2001 and to issue to the person ordering the work a Minor Electrical Installation Works Certificate as or similar to the model in BS 7671[2]. As required by BS 7671, the certificate must be made out and signed by a competent person in respect of the inspection and testing of an installation. The competent person need not necessarily be a person registered with an electrical self-certification scheme, and may be a third party.

ii) When the non-notifiable work described in Table 1 is to be undertaken by a DIY worker, a way of showing compliance would be to follow the IEE guidance or guidance in other authoritative manuals that are based on this, and to have a competent person inspect and test the work and supply a Minor Electrical Installation Works Certificate. The competent person need not necessarily be registered with an electrical self-certification scheme but, as required by BS 7671, must be competent in respect of the inspection and testing of an installation.

iii) In any event, non-notifiable works should be drawn to the attention of the person carrying out subsequent work or periodic inspections. A way of doing this would be to supply Minor Electrical Installation Works Certificates covering the additions and alterations made since the original construction of the installation or since the most recent periodic inspection.

Table 1

Work that need not be notified to building control bodies

Work consisting of: -

I. replacing accessories such as socket-outlets, control switches and ceiling roses

II. replacing the cable for a single circuit only, where damaged, for example, by fire, rodent or impact

III. re-fixing or replacing the enclosures of existing installation components

IV. providing mechanical protection to existing fixed installations

Work that is not in a kitchen or special location and does not involve a special installation and consists of: -

I. adding lighting points (light fittings and switches) to an existing circuit

II. adding socket-outlets and fused spurs to an existing ring or radial circuit

Table 2

Special locations and installations

Special locations:

- Locations containing a bath tub or shower basin
- Swimming pools or paddling pools
- Hot air saunas

Special installations:

- Electric floor or ceiling heating system
- Garden lighting or power installations
- Solar photovoltaic (PV) power supply systems
- Small scale generators such as microCHP units
- Extra-low voltage lighting installations, other than pre-assembled, CE-marked lighting sets

Building Regulations: Dwellinghouse and Extensions

From 1 March 2003 a new central heating boiler will have needed a certificate of installation by the contractor (or a Building Control Certificate).

Since 1 January 2005 requirements that certain electrical wiring installed or added to since that date must carry a certificate from a competent electrician that it has been done in accordance with current standards. Exemptions apply to wiring or extra sockets in a dwelling as long as they are not to wet rooms, e.g. bathrooms and kitchens (nor any outside works).

The following are examples of building works which would need Building Regulations:

- Internal alterations such as the removal or part removal of a load bearing wall, joist, beam or chimney breast would need approval.
- A loft conversion.

- Installation of a new lavatory (not just a replacement) which involves a new connection into a soil pipe.
- Conversion of a house into flats.
- Insertion of cavity wall insulation.

Replacement of all or part (more than 25%) of the roof covering e.g. tiling

Other recent changes

Woodburners

The flue for a woodburner requires building regulations, and also requires a carbon monoxide detector installation nearby for new installations since October 2015.

The Building Regulations, etc, (Amendment) (England) Regulations 2021

These will change Part L and energy efficiency. They come into force on 15 June 2022. It will also change the method of assessing energy performance. Note also that residential lettings will need to have an EPC of at least a C rating. This is intended to come into force in April 2025 and become retrospective in April 2028.

Buildings Regulations (Amendment) (No 2) Regulations 2021

These come into force on 15 June 2022 and require all new residential and non-residential buildings and major renovations to have electric vehicle charging points.