



Department for
Communities and
Local Government

To:

The Chief Executive

Unitary, Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

The Town Clerk, City of London

The Clerk, Council of the Isles of Scilly

The Sub-Treasurer, Inner Temple

The Under Treasurer, Middle Temple

The Head of Building Control

Unitary Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

City of London

Council of the Isles of Scilly

Approved Inspectors

cc: The Chief Executive:

County Councils in England

National Park Authorities in England & Wales

The Chief Fire Officer: Fire and Rescue Authorities in England & Wales

13 March 2014

Dear Sir or Madam

The Building &c. (Amendment) Regulations 2014

Designation notice under section 49 of the Building Act 1984

I am writing to inform you of the Building &c. (Amendment) Regulations 2014 (S.I. 2014/579) (the "Amendment Regulations") which were made on 10 March 2014 and laid before Parliament on 13 March 2014. The Amendment Regulations amend the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010.

I am also writing to inform you of a notice designating CICAIR Limited as the body designated by the Secretary of State for the approval of approved inspectors.

Scope of this Circular Letter

The guidance in this Circular Letter applies to buildings and building work in England, and also to excepted energy buildings in Wales.¹

A. The Building &c. (Amendment) Regulations 2014

Publications

The Amendment Regulations are available at: <http://www.legislation.gov.uk/id/uksi/2014/579>.

DCLG Circular 01/2014, which describes the amendments more fully is available at <https://www.gov.uk/government/publications/introduction-of-third-party-certification-schemes-and-simplification-of-schedule-3-circular-0114>

Coming into force date

The Amendment Regulations come into force on 6 April 2014. There are no transitional provisions.

Third party certification schemes for electrical work in dwellings

The Amendment Regulations introduce third party certification schemes for electrical work in dwellings and set out the procedural requirements for such schemes. The process is set out in new regulation 20A and described in paragraphs 3.5 – 3.7 of Approved Document P (2013). The legislation includes the requirement for third party certifiers to notify the local authority where they are unable to satisfy themselves that the requirements of the Building Regulations have been met. This should enable local authorities to be aware of where they may need to take enforcement action, which would be against the installer. As with competent person self-certification schemes the introduction of third party certification is without prejudice to local authority's enforcement powers.

The declaration on the certificate that is issued will read as follows:

"I have inspected and tested the above work and within the limits of professional skill and care am satisfied that it complies with regulations 4 and 7 of the Building Regulations 2010".

It is the Department's intention that notice of work which has been certified by a third party will be sent electronically to local authorities (or approved inspectors) in the same way as notices of self-certificated work carried out by installers registered with competent person schemes are sent. The customer will be sent a paper certificate.

¹ Excepted energy buildings are defined in the schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019)

Competent Person Schemes

The Amendment Regulations replace the current Schedule 3 of the Building Regulations, which lists the schemes authorised for self-certification of work, with a revised and consolidated Schedule. This takes into account all the amendments made to the Schedule since 2010. Building control bodies will wish to note:

- i. the order of the types of work in the Schedule has been rationalised. In particular, the previous four types of work dealing with the installation of heating and hot water systems are now listed as just one type of work in row 4, with no specific reference to the heat source. This type of work covers the installation of both wet and dry heating systems.
- ii. the installation of insulating material to the internal walls of a building (row 18) and of hybrid wall insulation (row 20) has been qualified to exclude the installation of flexible thermal linings.

Flexible thermal linings

Flexible thermal linings are a type of insulation product, usually on a roll, that is applied directly on the inside of an existing external wall with an adhesive to hold it in place.

The application of these linings is, in the Department's opinion, the renovation of a thermal element as it consists of the addition of a layer which is not simply a decorative finish. Regulation 23 of the Building Regulations 2010 requires that when a thermal element is renovated it should meet the current requirements of Part L of the Regulations unless it is not technically, functionally or economically feasible to do so. Approved Document L1B states that reasonable provision would be for the wall to achieve a U-value of $0.30 \text{ W/m}_2\text{.K}$ after renovation.

The Department considers that in most cases it would be very unlikely that the installation of such flexible thermal linings alone could achieve this U-value and therefore could not comply with the requirements of the Building Regulations, in particular with regulation 4(2).

There are three circumstances where the installation of flexible thermal linings might be compliant:

- i. Where it would not be technically, functionally or economically feasible. Para 5.12 of Approved Document L1B gives advice on this. It would be for a building control body to decide on feasibility.
- ii. Where the building was a listed building or one in a conservation area and the installation of thicker solid wall insulation would unacceptably alter the character or appearance of the building. It would be for the local authority conservation officer to make the decision on this.
- iii. Where the installation of the flexible thermal lining was only one of the measures taken to insulate the wall and the combination of measures achieved a U-value of $0.30 \text{ W/m}_2\text{.k}$. The acceptability of this use of flexible thermal linings would be a matter for a building control body.

The Department has authorised a number of competent person scheme operators whose registered installers have the right to self-certify the installation of solid wall insulation. At the time of authorisation it was not envisaged that the authorisation might cover the installation of flexible thermal linings. In view of the doubt on the compliance of such linings with the requirements of the Building Regulations the Department has qualified the type of work descriptors for solid wall insulation in rows 18 and 20 of Schedule 3 to the Building Regulations 2010 to exclude the self-certification of the installation of flexible thermal linings in all circumstances.

This means that every intended installation of flexible thermal linings will require notification to a building control body in advance. It will be for the building control body to decide whether any of the allowable circumstances for installation apply.

Schedule 4 (work that need not be notified to a building control body)

The Amendment Regulations have amended Schedule 4, for the avoidance of doubt, to make it clear that the installation of flueless gas cookers does not need to be notified to a building control body in advance nor self-certified by the installer.

B. Designation notice under section 49 of the Building Act 1984

Under section 49 of the Building Act 1984 the Secretary of State may designate a body to carry out his functions in respect of the approval of approved inspectors. Until now the designated body has been the Construction Industry Council (CIC). The CIC has decided that it would be appropriate for it to set up a wholly owned subsidiary, CICAIR Limited, to carry out the functions of approving approved inspectors. The Secretary of State therefore designates CICAIR Limited as the body to carry out his functions of approving approved inspectors. The designation takes effect on 31 March 2014.

The formal designation notice is available at: <https://www.gov.uk/government/publications/building-act-1984-notice-of-designation>.

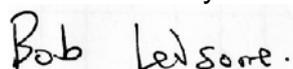
The continuing operation of the approved inspectors register is unaffected by this change and all actions carried out by the CIC as the previously designated body remain valid.

Welsh Ministers will be issuing a notice of designation in similar terms designating CICAIR Limited as the body to carry out their functions in respect of the approval of approved inspectors in Wales.

Enquiries

Telephone enquiries on this Circular Letter should be addressed to Ian Drummond on 0303 44 41791. All e-mail enquiries to enquiries.br@communities.gsi.gov.uk.

Yours faithfully



R J Ledsome

Deputy Director

Building Regulations and Standards Division