

**EXPLANATORY MEMORANDUM TO THE
BUILDING (AMENDMENT) (NO.2) REGULATIONS**

2004 No. 1808

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

2. Description

The Building (Amendment) (No.2) Regulations 2004 amend the Building Regulations 2000(S.I. 2000/2531), as amended (“the Building Regulations”) by introducing a further requirement relating to building work, namely electrical safety, which forms Part P of the applicable requirements contained in Schedule 1 to the Building Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

Section 1 of the Building Act 1984, enables Building Regulations to be made with respect, amongst other matters, to the provision of services and fittings in or in connection with buildings for the purpose of securing the health, safety, welfare and convenience of building users and for other purposes not relevant to this Memorandum. The technical requirements of the Building Regulations are arranged in fourteen Parts in Schedule 1 to those regulations. Electrical safety is a new requirement which now forms Part P of Schedule 1.

5. Extent

This instrument applies to England and Wales.

6. European Convention on Human Rights

This instrument is subject to negative procedure and does not amend primary legislation. No statement as to compatibility is therefore required.

7. Policy background

7.1 The amendments contained in the Amendment Regulations have been the subject of public consultation processes. They also take account of the views of the Building Regulations Advisory Committee, appointed under section 14 of the Building Act 1984.

7.2 The Amendment Regulations introduce into the Building Regulations requirements for the safety of fixed electrical installations in dwellings and

associated gardens, greenhouses and outbuildings. Guidance on meeting the requirements is in the new Approved Document P.

- 7.3 The introduction of Part P is intended to result in a significant reduction in the number of deaths, injuries and fires caused by defective fixed electrical installations. It is also intended to raise the competence of electrical installers.
- 7.4 To minimise the impact of Part P on building control bodies (see below), and at the same time encourage more electrical installers to register with inspection bodies, the Amendment Regulations list five authorised competent person self-certification schemes for electrical work covered by Part P. Persons registered with the schemes will not need to submit plans or give a building notice to a building control body, but instead will be able to self-certify compliance with the Building Regulations. To reduce impact further, certain types of minor electrical work, mainly involving existing circuits, will not be notifiable.

8. Impact

- 8.1 A Regulatory Impact Assessment is attached to this memorandum
- 8.2 The impact on the public sector is believed to be negligible.

9. Contact

Simon Barnes at the Office of the Deputy Prime Minister tel: 020 7944 5709 or e-mail: energy.br@odpm.gsi.gov.uk can answer any queries regarding the instrument.

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