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GUERNSEY STATUTORY INSTRUMENT

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1992 No. 27

The Building (Guernsey) Law 1956  
The Building Regulations, 1992

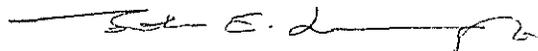
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Made ... .. 23rd November 1992

Laid before the States ...

Coming into operation ... 1st March 1993  
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THE ISLAND DEVELOPMENT COMMITTEE, in exercise of the powers conferred upon it by section 1 of the Building (Guernsey) Law, 1956, and in exercise of all other powers enabling it in that behalf, has this day made these Building Regulations which shall come into operation on the 1st March 1993.

Dated this 23rd day of November 1992



John E Langlois  
President of the Island Development Committee  
for and on behalf of the said Committee

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## THE BUILDING REGULATIONS 1992

### EXPLANATORY NOTE

These Regulations made under the Building (Guernsey) Law 1956 replace the Building Regulations 1957. They follow as closely as possible the current Building Regulations in force in England and Wales. They include - control of matters concerning conservation of fuel and power, facilities for disabled people, toxic substances, hygiene, sound insulation, stairways and safety glazing. The range and type of buildings exempt from some or all of the regulations has been extended.

They differ from the 1957 Regulations by imposing less detailed control. The Island Development Committee is empowered to issue or approve documents (Approved Documents) containing practical guidance with respect to the requirements of building regulations. Such documents provide the details formerly contained in building regulations.

These regulations will not come into force until 1 March 1993 to allow designers and builders to become familiar with them and will then only apply to applications submitted to Building Control after 1 March 1993. Any work/or applications approved before that date will continue to be dealt with under the existing Regulations.



THE BUILDING REGULATIONS, 1992

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## THE BUILDING REGULATIONS, 1992

The Island Development Committee, in exercise of the powers conferred upon it by Section 1 of the Building (Guernsey) Law, 1956, as amended, and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

### PART 1: GENERAL

#### Title and commencement

1. These regulations may be cited as the Building Regulations 1992 and shall come into force on the 1st March 1993.

#### Interpretation

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

"Approved Document" has the meaning given by Regulation 3 (2);

"authorised officer" means an officer of the Committee authorised by it under Section 3 of the Law;

"Committee" means the Island Development Committee or such other Committee of the States as may from time to time be appointed to perform the functions of the Committee under the Law;

"basement" means a storey of which the floor is at any point more than 1.2 metres below the finished surface of the ground adjacent to it;

"building" includes any well, cistern, cesspit, cellar or other excavation below surface level whether containing structure or not, and also any wall or permanent hoarding;

"building work" has the meaning given in Regulation 5;

"Construction Products Directive" means the Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the member States relating to construction products;

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly;

"controlled service or fitting" means a service or fitting in relation to which paragraph C3, F1, G1 to G5, or G7, Part H, J, or L, or paragraph M3 or P2 of Schedule 1 imposes a requirement;

"demolition" has the meaning given in Regulation 9;

"Department" means the Building Control Department of the Committee;

"drain" means a drain used for the drainage of buildings or yards appurtenant to buildings within the same curtilage, and includes any manholes, ventilation shafts, pumps or other accessories belonging to the drain;

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

"erection of a building" has the meaning given in paragraph (2) of this regulation;

"estate road" means any road, path or way, other than a service road, which is laid out or constructed for the purpose of providing access or improved access to buildings when sites are developed for such buildings;

"European technical approval" means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a member State to issue European technical approvals for those purposes and notified by that member State to the European Commission;

"extension" means a part of a building added to an existing building to make it longer, wider or larger;

"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 and, or vertically;

"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;

"full plans" means plans which conform with Regulation 15;

"guest house" means an establishment with a boarding permit from the States Tourist Board and classified by the said Board under Section 13 of the Tourist Law, 1946 as a guest house;

"harmonized standard" means a standard established as mentioned in the Construction Products Directive by the European standards organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;

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

"hotel" means an establishment with a boarding permit from the States Tourist Board and classified by the said Board under Section 13 of the Tourist Law, 1946 as an hotel;

"independent engineer" has the meaning given by Regulation 15 (10);

"industrial building" means a factory within the meaning of Section 81 of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952;

"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;

"the Law" means the Building (Guernsey) Law 1956;

"lodgings" means sleeping accommodation provided for reward for two or more people at any one time whose length of stay, in the case of each such person, exceeds three weeks, provided that for the purpose of this definition no account shall be taken of

(a) persons engaged in full time domestic duties directly connected with the premises in which they sleep,

(b) persons accommodated in a private dwelling in respect of an occupation directly concerned with the care of sick or mentally affected persons,

(c) persons under the age of 18 years in full time education living in a private dwelling, or

(d) persons accommodated in such circumstances that the Authority shall deem it unreasonable to apply the provisions of these regulations;

"material alteration" has the meaning given by paragraph (3) of this regulation;

"material change of use" has the meaning given in Regulation 7;

"office" includes premises used for the purposes of administration, clerical work (including writing, book keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication), handling money or telephone and telegraph operating;

"plans" includes drawings of any other description, and also specifications or other information in any form;

"public building" means a building consisting of or containing-

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

(b) a school or other educational establishment,

(c) a place of public worship,

(d) a building which is a salle publique within the meaning of Section 8 of the Loi ayant rapport aux licences pour les Salles Publiques of 1914, or

(e) a building which is a public building within the meaning of Article 34 of the Ordonnance relative à La Construction de Maisons, Salles Publiques et Bâtiment et au Tracement de Routes et Chemins of 25 April 1931 and the Ordonnance supplémentaire of 3 February, 1936,

but a building is not to be treated as a public building by reason only of the fact that it consists of or contains a restaurant, shop, store or warehouse or is a private house to which members of the public are occasionally admitted;

"relevant requirement", in relation to buildings or building work of any description, means any provision of Schedule 1 which imposes requirements in respect of or which relates or applies to buildings or building work of that description;

"sanitary convenience" means a closet, watercloset or urinal;

"service road" means any road, path or way not maintained at public expense which is laid out or constructed for the purpose of giving access or improved access to two or more dwelling houses;

"sewer" includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and any manholes, ventilating shafts, pumps or other accessories belonging to the sewer, but does not include a drain as defined above;

"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;

"watercloset" means a closet that has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

(2) For the purposes of these regulations "erection of a building" includes any of the following operations -

(a) the re-erection of any building or part of a building when an outer wall of that building or, as the case may be, that part of a building has been pulled down, or burnt down, to within 3 metres of the surface of the ground adjoining the lowest storey of the building or of that part of the building;

(b) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the frame work of the lowest storey of the building or of that part of the building;

(c) the roofing over of any open space between walls or buildings;

(d) the erection of chimney shafts which are structurally independent and erected in connection with furnaces or boilers or of any other independent structure of whatever kind erected on, around, in or in connection with a building;

and cognate expressions shall be construed accordingly.

(3) 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;

(b) in a building or controlled service or fitting complying with a relevant requirement less satisfactorily than it did before work commenced; or

(c) 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 compliance with that requirement.

(4) In considering whether -

(a) any requirement of Schedule 1 applies to and would be complied with by a building, service or fitting; or

(b) a building, service or fitting would be more unsatisfactory as respects compliance with such a requirement than it was before work commenced;

regard shall be had to the use to which it is intended that the building, or the building in connection with which the service or fitting is provided, will be put after the work has been carried out or the use has been materially changed.

(5) For the purpose of any provision of these regulations, which requires that a date before or after a period of 24 or 48 hours or 5 days notice be given, no account shall be taken in calculating that period, which commences at midnight, of a Saturday, Sunday, Christmas Day, Good Friday, bank holiday or day appointed as a public holiday or for public thanksgiving or mourning.

(6) 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.

(7) The Interpretation (Guernsey) Law, 1948 shall apply to the interpretation of these regulations as it applies to the interpretation of any enactment.

(8) Any reference in these regulations to an enactment or statutory instrument or Directive is a reference thereto as from time to time amended, re-enacted, extended or applied.

## PART II: APPROVED DOCUMENTS

### Approval of documents for purposes of Building Regulations

3. (1) For the purpose of providing practical guidance in relation to any provision of these regulations, the Committee may -

(a) issue any document or part of a document (whether or not prepared by the Committee); or

(b) approve any document or part of a document issued or proposed to be issued otherwise than by the Committee;

if in the opinion of the Committee the document or part of the document is suitable for that purpose.

(2) A document or a part of a document issued or approved by the Committee under paragraph (1) shall be known as an Approved Document.

(3) Any reference in these regulations to an Approved Document is a reference thereto as from time to time amended or rescinded under paragraph (4) or (5).

(4) The Committee may amend an Approved Document or any part thereof -

(a) by issuing a revision of it; or

(b) by approving any revision or proposed revision of it.

(5) The Committee may rescind an Approved Document or any part thereof.

(6) An Approved Document, or any amendment or rescission under paragraph (4) or (5) of an Approved Document or any part thereof, shall not have effect for the purposes of these regulations until a notice is published in La Gazette Officielle which -

(a) describes the Approved Document, amendment or rescission in question;

(b) states the date on which the Approved Document, amendment or rescission is to have effect (not being earlier than the date of publication); and

(c) in the case of an Approved Document or an amendment thereof, specifies the provisions of these regulations in relation to which the Approved Document or amendment is issued or approved.

#### Contravention of Approved Documents

4. (1) A contravention by a person of an Approved Document does not of itself render him liable to any civil or criminal proceedings; but if in any civil or criminal proceedings it is alleged that a person has contravened a provision of these regulations in relation to which an Approved Document has been issued or approved under Regulation 3 -

(a) a contravention of the Approved Document may be relied upon as tending to establish the contravention of the provision of these regulations; and

(b) compliance with the Approved Document may be relied upon as tending to establish compliance with the said provision.

(2) In any proceedings, whether civil or criminal, a document purporting to be -

(a) a notice under Regulation 3(6);

(b) an Approved Document or an amendment or rescission thereof;

(c) the Approved Document, amendment or rescission described in a notice under Regulation 3(6);

shall be deemed to be such unless the contrary is proved.

## PART III CONTROL OF BUILDING WORK

### Meaning of building work

5. 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 Regulation 2.(3);
  - (d) work required to be carried out by Regulation 8;
  - (e) the provision or extension of an estate road or a service road, being a road other than one provided by the Public Thoroughfares Committee;
  - (f) the insertion of insulating material into the cavity wall of a building;
  - (g) work involving the underpinning of a building; or
  - (h) work required to be carried out by Regulation 10.

### Requirements relating to building work

6. (1) Building work shall be carried out so that -
- (a) it complies with any relevant requirement of Schedule 1, and
  - (b) in complying with any such requirement there is no failure to comply with any other such a 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;
  - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; and
  - (c) any controlled service or fitting;

complies with the relevant requirements of Schedule 1 and (where applicable) complies with any such requirement as satisfactorily in relation to compliance with that requirement as it did before work commenced.

#### Meaning of material change of use

7. For the purposes of Section 1 (1)(d) of the Law and of these regulations, there is a material change of use of a building where -

- (a) the building is used for the purposes of 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 institution, where previously it was not;
- (d) the building is a public building, where previously it was not;
- (e) the building is not described in classes I to IV in Schedule 2, where previously it was;
- (f) the building contains lodgings, where previously it did not;
- (g) the building contains an office, where previously it did not;
- (h) the building is used as an hotel or guest house, where previously it was not;
- (i) the building is an industrial building, where previously it was not; or
- (j) the building contains a shop, where previously it did not.

#### Requirements relating to material change of use

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

- (a) in all cases - paragraph A1, Part B, paragraph C4, Part F, paragraphs G1 to G5, Part H, J, K and N;

(b) in the case of a material change of use described in Regulation 7(c)(d)(e)(h) or (i) - paragraph A2, A3, A4 and C3;

(c) in the case of a material change of use described in Regulation 7(b), (c), (d), (g), (h), (i) or (j) - Part M;

(d) in the case of a material change of use described in Regulation 7(a), (b) or (h) - Part E;

(e) in the case of a material change of use described in Regulation 7(a), (b), (c), (f), or (h) - paragraph G6;

(f) in the case of a material change of use described in Regulation 7(c), (d), (g), (h), (i) or (j) - paragraph G7; and

(g) in the case of a material change of use described in Regulation 7(a), (b), (c), (d), (h) or (i) - Part P.

(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 thereafter that part complies with any relevant requirements referred to in paragraph (1)(a), (b), (c), (d), (e) and (f).

#### Meaning of demolition

9. In these regulations "demolition" means the structural alteration of any building so that -

(a) the site of the building is at a level with, or below the level of, the finished surface of the ground adjacent to it where previously it was not; or

(b) any part of the building or any adjoining building is external to the building or exposed where previously it was not.

#### Requirements relating to demolition

10. (1) No person shall carry out any demolition (other than the demolition of a building which is described in any of Classes I to IV of Schedule 2 which is exempt from these regulations by virtue of Regulation 13) unless:-

(a) notice of intention to carry out the demolition, containing the details in respect of the demolition set out in sub-paragraphs (a) and (c) of Regulation 15(4), is given to the Department not less than 48 hours before demolition is commenced; and

(b) in a case where work is required to be executed under paragraph (2) of this regulation -

(i) full plans in respect of the work have been deposited with the Department; and

(ii) Regulation 14 has been complied with in all respects.

(2) A person carrying out demolition shall execute such work as is necessary to ensure that the building in relation to which the demolition is carried out and any adjoining building will, upon completion of the demolition, comply with any relevant requirements of paragraphs A1, C4(2) and H7 of Schedule 1.

#### Materials and workmanship

11. (1) So much of any building work as is required to comply with any relevant requirement of Schedule 1 shall be carried out-

(a) with proper materials which are appropriate for the circumstances in which they are used; and

(b) in a workmanlike manner.

(2) Subject to paragraph (1) "proper materials" shall include materials which-

(a) bear an appropriate EC mark in accordance with the Construction Products Directive; or

(b) conform to an appropriate harmonized standard or European technical approval; or

(c) conform to an appropriate British Standard or British Board of Agreement certificate; or

(d) conform to some other national technical specification of any EEC member State which provides, in use, an equivalent level of protection and performance, with respect to the relevant requirements of Schedule 1, as an appropriate British Standard or British Board of Agreement certificate.

#### Use of materials unsuitable for permanent building

12. (1) Where plans of any proposed work are, in accordance with these regulations, deposited with the Department, and the plans show that the proposed work would include or consist of controlled work, the Committee may, notwithstanding that the plans conform with these regulations -

(a) reject the plans; or

(b) in approving the plans -

(i) fix a period on the expiration of which the relevant building or part of such building must be removed; and

(ii) impose with respect to the use of the relevant building or part of such building, or with respect to the controlled work, such conditions as it considers appropriate.

(2) If, in the case of any building work in respect of which plans ought, by virtue of these regulations, to have been deposited with the Department but have not been so deposited, the work appears to the Committee to include or consist of controlled work, the Committee, without prejudice to the taking of proceedings in respect of any contravention of these regulations, may -

(a) fix a period on the expiration of which the relevant building or part of such building must be removed; and

(b) impose any conditions that might have been imposed under paragraph (1)(b) in passing plans for the work;

and where it fixes such a period or imposes any such conditions it shall forthwith give notice thereof to the owner of the relevant building.

(3) If in the case of any controlled work appearing to the Committee to fall within paragraph (8)(b), plans of the work were not required by these regulations to be deposited, the Committee may at any time within 12 months from the date of completion of the work -

(a) fix a period on the expiration of which the work must be removed; and

(b) impose any conditions that, if plans of the work had been required to be, and had been, deposited, might have been imposed under paragraph (1)(b) in approving the plans;

and where it fixes such a period or imposes any such conditions it shall forthwith give notice thereof to the owner of the relevant building.

(4) The Committee may from time to time extend any period fixed, or vary any conditions imposed, under this regulation; but, unless an application in that behalf is made to it by the owner of the relevant building, it shall not exercise its power of varying conditions except where granting an extension or further extension of the period fixed with respect to the work or building as the case may be.

(5) Where a period has been fixed under paragraph (1)(b), (2)(a) or 3(a) with respect to any controlled work or relevant building -

(a) the owner of the relevant building shall, on the expiration of that period, or, as the case may be, of that period as extended, remove the work or building with respect to which the period was fixed; and

(b) if he fails to do so, the Committee may remove the work or building and may recover from him as a civil debt the expenses reasonably incurred by it in doing so.

(6) Where conditions have been imposed under paragraph (1)(b), (2)(b) or (3)(b) with respect to the use of a relevant building or part of such building, or with respect to any controlled work, the owner of the relevant building or (as the case may be) of the building in relation to which the controlled work is being carried out shall not contravene or cause or permit any contravention of such conditions or (where appropriate) such conditions as varied.

(7) In this regulation "the relevant building" means the building mentioned in paragraph (8)(a) or (b) in relation to which the controlled work is being carried out.

(8) In this regulation "controlled work" means -

(a) any work consisting of a part of a building in the construction of which there is used any material or component of a type that is, in the opinion of the Committee, likely to be unsuitable for use in the construction thereof in the absence of conditions with respect to the use of the building, or with respect to the use of the material or component;

(b) any work provided in or in connection with a building, being work consisting of a service, fitting or item of equipment of a type that is in the opinion of the Committee likely to be unsuitable for provision in or in connection with that building in the absence of conditions with respect to the use of the building or with respect to the service, fitting or equipment.

#### Exempt buildings and work

13. (1) Subject to paragraphs (2) and (3), these regulations do not apply to -

(a) the erection of any building described in any of Classes I to IV in Schedule 2;

(b) the carrying out of any work to, or in connection with, such a building, if, after the carrying out of that work, it is still a building described in one of those Classes;

(c) any work described in Class V in Schedule 2; or

(d) building work to which the Committee in its sole discretion shall deem it unreasonable to apply the provisions of these regulations.

(2) The exemptions conferred by paragraph (1) shall not apply to any work unless, before the work is begun, notice is submitted to the Department containing the details in respect of the work set out in sub-paragraphs (a) to (c) of Regulation 15(4).

(3) The requirements of Regulation 10 shall apply to demolition of a building described in Class V of Schedule 2.

#### PART IV: PLANS

##### Deposit of plans

14. No person shall carry out any building work or make a material change of use -

(a) unless he has deposited full plans with the Department and has complied or has ensured compliance in all other respects with Regulation 15; and

(b) except under the authority of and in accordance with the conditions of a licence granted under Regulation 16 below.

#### Full plans

15. (1) Full plans shall be accompanied by a statement that they are deposited in accordance with Regulation 14.

(2) Full plans shall be deposited in duplicate and the Department may retain one copy of such plans; and further copies of the full plans shall be deposited at the request of the Department.

(3) Full plans shall consist of -

(a) the particulars, statements and plans required by paragraphs (4) to (7); and

(b) such other plans of sufficient clarity and detail as are necessary to show that the work to be carried out complies with these regulations.

(4) Full plans shall contain or be accompanied by -

(a) a statement of the name and address of the individual intending to carry out the work and the signature of that individual or of another duly authorised individual acting on his behalf or (where the work is intended to be carried out by a body corporate) a statement of the name and registered office of the body corporate and the signature of one of its officers or of an individual acting on his behalf;

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

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

(d) where relevant the particulars of -

(i) the water supply provided or to be provided to the building;

(ii) the provision to be made for the drainage of the building or the building as altered or extended as required by Section 10 of the Sewerage (Guernsey) Law, 1974;

(iii) the provision to be made for matters described in paragraph B1 of Schedule 1;

(iv) the precautions to be taken in building over sewers shown on the map of sewers kept at the Greffe under Section 14(1) of the Sewerage (Guernsey) Law, 1974, in cases where consent has been given under Section 15(1) of that Law to erect a building over the sewers or where it is proposed to build over the sewers; and

(v) a report on site investigations undertaken.

(5) In the case of the erection or extension of a building, full plans shall, in addition to the matters specified in paragraph (4) contain or 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 plot or site on which the building, or the building as extended, will be and the size, position and use of every other building or proposed building within those boundaries;

(iii) the width and position of any street on or within those boundaries;

(b) a statement of the number of storeys in the building to which the proposal relates.

(6) In the case of building work which involves the insertion of insulating material into cavity walls of a building, full plans shall contain or be accompanied by a statement as to -

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

(b) whether or not the insulating material is approved by the British Board of Agrément or conforms to a British Standard specification; and

(c) whether or not the installer is a person who is the subject of a British Standards Institution Certificate of Registration or has been approved by the British Board of Agrément for the insertion of that material.

(7) Where building work involves the provision of a hot water storage system in relation to which paragraph G4 of Schedule 1 imposes requirements, full plans shall contain or 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 G4 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.

(8) Survey plans or as-built drawings containing the existing details required shall be provided if requested by the Department.

(9) Calculations and details shall be provided if requested by the Department.

(10) The report of an independent engineer, approved by the Department, stating he has checked that the design of the proposed structure or service complies with the relevant requirements of these regulations shall be provided if requested by the Department; and for the purposes of these regulations -

(a) "independent engineer" means a Chartered Engineer who has been actively associated with a relevant discipline of engineering for at least 5 years since qualifying and has no professional or financial interest in the work he has been asked to check; and

(b) a person shall be regarded as having a professional or financial interest in the work if -

(i) he has been responsible for the design or construction of any of the work in any capacity;

(ii) he, or any nominee of his, is a member, officer or employee of a company, firm or other body which has a professional or financial interest in the work; or

(iii) he is a partner of or is the employer or employee of a person who has a professional or financial interest in the work.

(11) The total floor area of the building to be erected and the estimated cost of building works shall be provided if requested by the Department.

(12) In a case where work is required to be executed under Regulation 10(2), full plans shall, in addition to the relevant matters specified in paragraph (4)(a) and (c), contain or be accompanied by such other plans as are necessary to show whether or not Regulation 10(2) will be complied with.

#### Approval or rejection of plans

16. (1) Where in accordance with these regulations full plans of any proposed works are deposited with the Department, the Committee may -

(a) approve such plans with or without modifications and subject or not to conditions as to the execution of the works or the use to which the building in question or part of it is to be put; or

(b) reject such plans if in the Committee's opinion they are defective or show that the proposed works would contravene any of these regulations.

(2) The Department shall notify the person by whom or on whose behalf full plans were deposited of the decision of the Committee with regard to such plans.

(3) Where the Committee approves full plans it shall grant a licence to execute the proposed works subject to any modifications made by the Committee to such plans and subject to any conditions imposed by the Committee as to the execution of the works or the use to which the building or part of it is to be put.

(4) Notice of the rejection of full plans shall specify the defects on account of which, or the regulation for non conformity with which, the plans have been rejected.

(5) No person shall execute any building work or make a material change of use otherwise than in accordance with -

(a) approved and valid full plans;

(b) any modifications made by the Committee to such plans; and

(c) any conditions imposed by the Committee as to the execution of the works or the use to which the building or part of it is to be put.

(6) A licence to carry out any works in respect of which full plans have been approved by the Committee shall be valid for a period of 3 years from the date of the approval of such plans by the Committee.

(7) Where building work has commenced, whether or not in compliance with Regulation 17, but has ceased for a period of more than one year, the Committee may at any time before work is recommenced give notice to the person to whom the licence was granted that it is no longer valid.

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

17. (1) A person who proposes to carry out building work shall not commence that work unless he has given the Department notice, in writing or by such other means as it may agree, of -

(a) the date of commencement of the work, at least 48 hours before that date;

(b) the date of the covering up of any excavation for a foundation, any foundation, any damp proof course or any concrete or other material laid over a site, at least 24 hours before that date;

(c) the date of the haunching or covering up in any way of any drain or sewer, at least 24 hours before that date;

(d) the date of any work of laying a drain or sewer, including any necessary work of haunching or surrounding the drain or sewer with concrete or other material and back filling the trench, not more than five days after the work has been completed;

(e) the date of the covering up in any way of roof timbers, floor joists or other structural timberwork, being part of building work in relation to which Schedule 1 imposes a relevant requirement, at least 24 hours before that date;

(f) the date of the covering up in any way of any structural steelwork, reinforcing steel or other material intended to perform a similar function, being part of building work in relation to which Schedule 1 imposes a relevant requirement, at least 24 hours before that date;

(g) the date of the covering up in any way of disused drains described in paragraph H7 of Schedule 1, at least 24 hours before that date;

(h) the date of the erection of a building, not more than five days after completion thereof or (if the building or any part of the building is occupied before completion) not less than five days before occupation commences as well as not more than five days after completion;

(i) the date of the completion of any other building work, not more than five days after such completion.

(2) A person who fails to comply with paragraph (1) shall comply with any notice in writing from the Chief Building Control Officer requiring him to cut into, lay open or pull down so much of the work as prevents authorised officers from ascertaining whether or not any of these regulations has been contravened.

(3) If the Chief Building Control Officer has given notice in writing specifying the manner in which any work contravenes these regulations, a person who has carried out any further work to secure compliance with these regulations shall, not more than five days after the further work has been carried out, give notice in writing to the Department of its completion.

#### PART V: MISCELLANEOUS

##### Testing of structure, services and fittings

18. (1) Authorised officers may make tests or require tests to be made of:-

(a) any drain or sewer, in order to establish whether or not it complies with any relevant requirement of Part H of Schedule 1;

(b) any prefabricated chimney, ventilation system, emergency lights, alarms, automatic fire detection systems, or any other structure, system, service or fitting, in order to establish whether or not it complies with any provision of these regulations.

(2) No person shall impede or obstruct, or shall without reasonable excuse fail to comply with any requirement of, an authorised officer acting or purporting to act in the exercise of his functions under paragraph (1).

### Sampling of material

19. (1) Authorised officers may take such samples of the materials to be used in the carrying out of building work, and may require such tests to be made thereof by a person approved by them, as they consider necessary to enable them to ascertain whether or not such materials comply with the provisions of these regulations.

(2) No person shall impede or obstruct, or shall without reasonable excuse fail to comply with any requirement of, an authorised officer acting or purporting to act in the exercise of his functions under paragraph (1).

### Revocations

20. The Building Regulations, 1957 (G.S.I. 1957, No. 24) are revoked.

### Transitional provisions

21. These Regulations shall not apply in relation to -

(a) valid plans deposited before 1st March 1993;

(b) building work carried out in accordance with such plans, with or without any departure or deviation therefrom;

and the regulations revoked by Regulation 20 shall continue to apply in relation to any such plans or work as if they had not been revoked.

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PART A STRUCTURE

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Loading

A1. - (1) The building shall be so constructed that the combined dead, imposed and wind loads are sustained and transmitted to the ground-

(a) safely, and

(b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of that or another building.

(2) In assessing whether a building complies with sub-paragraph (1) regard shall be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.

Ground movement

A2. - The building shall be constructed so that ground movement caused by-

(a) swelling, shrinkage or freezing of the subsoil; or

(b) land-slip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen,

will not impair the stability of any part of the building.

Disproportionate collapse

A3. - The building shall be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.

Limits on application of A3.

Requirement A3 applies only to a building having five or more storeys (each basement level being counted as one storey) excluding a storey within the roof space where the slope of the roof does not exceed 70° to the horizontal.

A4. - The building shall be constructed so that in the event of failure of any part of the roof, including its supports, the building will not suffer collapse to an extent disproportionate to that failure.

Limits on application of A4.

Requirement A4 applies only to those parts of an industrial building, a public building, shop or a shopping mall which have a roof with a clear span exceeding nine metres between supports.

#### Swimming Pools and Reservoirs

A5. - Swimming pools and reservoirs shall be so constructed so that -

- (a) they are impervious to liquid; and
- (b) they will not damage the structure of any other building or any road.

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### PART B FIRE SAFETY

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#### Means of escape

B1. - The building shall be designed and constructed so that there are means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.

#### Internal fire spread (linings)

B2. - (1) To inhibit the spread of fire within the building the internal linings shall-

- (a) resist the spread of flame over their surfaces; and
- (b) have, if ignited, a rate of heat release which is reasonable in the circumstances.

(2) In this paragraph "internal linings" mean the materials lining any partition, wall, ceiling or other internal structure.

#### Internal fire spread (structure)

B3. - (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.

(2) A wall common to two or more buildings shall be designed and constructed so that it resists the spread of fire between those buildings. For the purposes of this sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.

(3) To inhibit the spread of fire within the building, it shall be sub-divided with fire resisting construction to an extent appropriate to the size and intended use of the building.

(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabrics is inhibited.

#### External fire spread (walls and roofs)

B4 - (1) The external walls of the building shall resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

(2) The roof of the building shall resist the spread of fire over the roof and from one building to another having regard to the use and position of the building.

#### Access and facilities for the fire service

B5. - (1) The building shall be designed and constructed so as to provide facilities to assist fire fighters in the protection of life.

(2) Provision shall be made within the site of the building to enable fire appliances to gain access to the building.

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PART C SITE PREPARATION AND RESISTANCE TO MOISTURE

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Preparation of the site

C1. - The ground to be covered by the building shall be reasonably free from vegetable matter.

Dangerous and offensive substances

C2. - Precautions shall be taken to avoid danger to health and safety caused by substances found on or in the ground to be covered by the building or in the proximity of the site.

Subsoil drainage

C3. - Subsoil drainage shall be provided if it is needed to avoid -

(a) the passage of ground moisture to the interior of the building; or

(b) damage to the fabric of the building.

Resistance to weather and ground moisture (walls, floors and roofs)

C4. - (1) The walls, floor and roof of the building shall adequately resist the passage of moisture to the inside of the building.

(2) The walls of a building exposed by the demolition of an adjoining building shall adequately resist the passage of moisture to the inside of the building.

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PART D TOXIC SUBSTANCES

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Cavity insulation (walls)

D1. - If insulating material is inserted into a cavity in a cavity wall reasonable precautions shall be taken to prevent the subsequent permeation of any toxic fumes from that material into any part of the building occupied by people.

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PART E RESISTANCE TO THE PASSAGE OF SOUND

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Airborne sound (walls)

E1. - A wall which -

(a) separates a dwelling from another building or from another dwelling;

(b) separates a habitable room or kitchen within a dwelling from another part of the same building which is not used exclusively as part of the dwelling; or

(c) separates a unit of accommodation in an hotel, guest house or lodgings from any other part of the same building;

shall resist the transmission of airborne sound.

Airborne sound (floors and stairs)

E2. - A floor or a stair which separates -

(a) a dwelling from another dwelling, or from another part of the same building which is not used exclusively as part of the dwelling; or

(b) a unit of accommodation in an hotel, guest house or lodgings from any other part of the same building;

shall resist the transmission of airborne sound.

Impact Sound (floors and stairs)

E3. - A floor or a stair above -

(a) a dwelling which separates it from another dwelling, or from another part of the same building which is not used exclusively as part of the dwelling; or

(b) a unit of accommodation in an hotel, guest house or lodgings which separates it from any other part of the same building;

shall resist the transmission of impact sound.

## Interpretation

E4. - In this Part "unit of accommodation" in an hotel, guest house or lodgings means a room, an ensuite room, family room or a suite which is let as one unit and where separate rooms contained in a family room or suite cannot be let separately.

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## PART F VENTILATION

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### Means of ventilation (buildings)

F1. - There shall be adequate means of ventilation provided to all parts of the building.

### Condensation in roofs and roof voids

F2. - Adequate provision shall be made to prevent excessive condensation -

- (a) in a roof; and
- (b) in a roof void above an insulated ceiling.

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## PART G HEALTH AND HYGIENE STANDARDS

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### Sanitary conveniences and washing facilities

G1. - (1) Adequate sanitary conveniences shall be provided in rooms provided for that purpose, or in bathrooms, and shall be provided with an efficient supply of water for the flushing of water closets and urinals where such installations exist. Any such room or bathroom shall be separated from places where food is stored or prepared.

- (2) Adequate washbasins shall be provided in -
- (a) rooms containing water closets; or
  - (b) rooms or spaces adjacent to rooms containing water closets.

Any such room or space shall be adequately separated from places where food is stored or prepared.

(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with sub-paragraph (2).

(4) Sanitary conveniences and washbasins required to be provided by sub-paragraphs (1) and (2) shall be designed and installed so as to allow effective cleaning.

#### Bathrooms

G2. - Adequate bathroom facilities shall be provided containing either a fixed bath or shower bath, and there shall be a suitable installation for the provision of hot and cold water to the bath or shower bath.

#### Limits on application of G2.

This requirement applies only to dwellings, guest houses, hotels, lodgings, institutions and any other building containing sleeping accommodation.

#### Hot water storage

G3.- A hot water storage system that has a hot water storage vessel which does not incorporate a vent pipe to the atmosphere shall be installed by a person competent to do so, and there shall be precautions-

(a) to prevent the temperature of stored water at any time exceeding 100°C; and

(b) to ensure that the hot water discharged from safety devices is safely conveyed to where it is visible but will not cause danger to persons in or about the building.

#### Limits on application of G3.

This requirement does not apply to -

(a) a hot water storage system that has a storage vessel with a capacity of 15 litres or less;

(b) a system providing space heating only;

(c) a system which heats or stores water for the purposes only of an industrial process.

## Kitchens

G4. - Adequate kitchen facilities shall be provided containing a fixed sink unit and suitable provision of hot and cold water.

Limits on application of G4.

This requirement applies only to dwellings, guest houses, hotels, lodgings, institutions and any other building containing sleeping accommodation.

## Water Supply

G5. - A sufficient wholesome and potable water supply shall be provided for the building.

## Habitable Rooms

G6. - The layout, size and arrangement of habitable rooms shall be adequate.

Limits on application of G6.

This requirement applies only to dwellings, guesthouses, lodgings, institutions and any other building containing sleeping accommodation.

## Sinks in Workplaces

G7. Adequate sinks shall be provided in buildings used as places of work in which at least 10 persons are employed to work at any time.

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PART H DRAINAGE AND WASTE DISPOSAL

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Foul water drainage

H1. - (1) A system which carries foul water from appliances within the building to a sewer, a cesspool, or an effluent, septic or settlement tank shall be provided and shall be adequate.

(2) "Foul water" in sub-paragraph (1) and paragraph H7 means waste water which comprises or includes -

- (a) waste from a sanitary convenience or other soil appliance;
- (b) water which has been used for cooking or washing.

Cesspools, septic tanks, settlement tanks and effluent tanks

H2. - Any cesspool, septic tank, settlement tank or effluent tank shall be -

- (a) of adequate capacity and so constructed that it is impermeable to liquids;
- (b) adequately ventilated;
- (c) so sited and constructed that -
  - (i) it is not prejudicial to the health of any person,
  - (ii) it will not contaminate any stream, surface water drain, pond or underground water or water supply, and
  - (iii) there are adequate means of access for emptying;
- (d) adequately covered or fenced in.

Rainwater drainage

H3.- A system which carries rainwater from the roof of the building, or paved, asphalted or flagged areas to a sewer, a soakaway, a water course or some other suitable rainwater outfall shall be provided and shall be adequate. Wherever practicable the outfall shall be situated within the States Water Board Catchment Area as shown on the map lodged at the Greffe.

Solid waste storage

H4. - (1) Adequate means of storing solid waste shall be provided.

(2) Adequate means of access shall be provided -

(a) for people in the building to the place of storage, and

(b) from the place of storage to a street.

Overflow drainage

H5. - Any reservoir shall be provided with adequate drainage to take off excess water.

Farm drainage

H6. - (1) Any farm building or yard for use by animals (including a poultry run) shall -

(a) be so sited and constructed so that it will not contaminate any stream, surface water drain, pond or underground water supply, by reason of the use of the building or yard;

(b) have a floor, in the case of the building, or a surface, in the case of the yard, impermeable to liquids;

(c) have all drains, other than drains for rainwater, connected to an adequate watertight tank or other adequate watertight receptacle.

(2) "Farm building" in this paragraph means a building intended for use in connection with the keeping of any cattle, horses, goats, swine or poultry or any other animals.

Disused drains, cesspools, septic tanks, settlement tanks or effluent tanks.

H7. - (1) Any system which carried foul water from appliances within the building to a sewer, a cesspool, or an effluent, septic or settlement tank, and which has been disconnected from the appliances, shall be capped off or otherwise sealed.

(2) Any cesspool, septic tank, settlement tank or effluent tank which has become disused shall be adequately cleansed and rendered innocuous.

(3) The requirements of (1) and (2) of this paragraph shall apply to any drainage work required to be carried out under Section 11 and 13 of the Sewerage (Guernsey) Law, 1974.

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PART J HEAT PRODUCING APPLIANCES AND OIL TANKS

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Air Supply

J1. - Heat producing appliances shall be so installed that there is an adequate supply of air to them for combustion and ventilation, and for the efficient working of any flue pipe or chimney.

Discharge of products of combustion

J2. - Heat producing appliances shall have adequate provision for the discharge of the products of combustion to the outside air.

Protection of building

J3. - Heat producing appliances and flue-pipes shall be so installed, and fireplaces and chimneys shall be so constructed, as to reduce to a reasonable level the risk of the building catching fire in consequence of their use.

Limits on application of J1., J2., and J3.

The requirements in these paragraphs apply only to fixed heat producing appliances which -

- (a) are designed to burn solid fuel, oil or gas; or
- (b) are incinerators.

Protection of fuel storage tanks

J4. - Any oil, gas or petroleum spirit storage tank or vessel shall be sited in relation to a building or boundary, or be provided with adequate protection so constructed, as to reduce to a reasonable level the risk of such structure being adversely affected in the event of fire occurring in or on any adjacent building or property.

Protection against pollution

J5. - (1) Any oil or gas fired boiler, internal combustion engine or any storage tank, pipes or other apparatus intended to be used for or in conjunction with the consumption, storage or supply of petroleum spirit, oil or gas, or heating by oil or gas shall be:-

(a) so manufactured or constructed that it is impermeable to liquids;

(b) so sited and constructed that-

(i) it is not prejudicial to the health or safety of any person; and

(ii) it will not contaminate any stream, surface water drain, pond or underground water or water supply.

(2) Any petroleum spirit, or oil storage tank shall be provided with, and situated in an adequate secondary containment vessel or catchpit which itself shall meet the requirements of subparagraph (a) and (b) of paragraph (1).

J6 - (1) Furnaces and boilers shall be installed so as to operate, as far as practicable, without emitting -

(a) smoke; or

(b) grit and dust.

(2) "Furnace" in this paragraph means any furnace except -

(a) one designed solely or mainly for a single family dwelling, or

(b) one used for heating a boiler with maximum heating capacity of less than 45 kilowatts.

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*PART K SAFE MEANS OF ACCESS AND EGRESS*

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Stairs, steps, ladders and ramps

K1. - Fixed stairs, steps, ladders and ramps which form part of the building shall offer safety to users moving between levels in a building.

## Protection from falling

K2. - Stairways, ramps, floors and balconies, and any roof to which people normally have access, shall be guarded with barriers where they are necessary to protect users from the risk of falling.

## Vehicle barriers

K3. - Vehicle ramps, and any floor and roof to which vehicles have access, shall be guarded with barriers where they are necessary to provide protection for people in about the building.

## Reservoirs and water retaining structures

K4. - Reservoirs and water retaining structures which are not covered shall -

- (a) be enclosed by a fence; and
- (b) have adequate means of egress in case of accidental entry.

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## PART L CONSERVATION OF FUEL AND POWER

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L1. - Reasonable provision shall be made for the conservation of fuel and power in buildings.

Limits on application of PART L.

This requirement applies to -

- (a) dwellings; and
- (b) other buildings whose floor area exceeds 30m<sup>2</sup>.

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## PART M ACCESS AND FACILITIES FOR DISABLED PEOPLE

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Interpretation

M1. - In this Part "disabled people" means people who have -

- (a) an impairment which limits their ability to walk or which requires them to use a wheelchair for mobility, or
- (b) impaired hearing or sight.

#### Access and use

M2. - Reasonable provision shall be made for disabled people to gain access to and to use the building.

#### Sanitary conveniences

M3. - If sanitary conveniences are provided in the building reasonable provision shall be made for disabled people.

#### Audience or spectator seating

M4. - If the building contains audience or spectator seating, reasonable provision shall be made to accommodate disabled people.

#### Limits on application of PART M.

The requirements of this Part do not apply to a dwelling occupied solely by a single family.

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### PART N GLAZING - MATERIALS AND PROTECTION

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N1. - Glazing, with which people are likely to come into contact while in passage in or about the building, shall-

- (a) if broken on impact, break in a way which is unlikely to cause injury; or
- (b) resist impact without breaking; or
- (c) be shielded or protected from impact.

N2. - Transparent glazing, with which people are likely to collide while in passage in or about the building, shall incorporate features which make it apparent.

Limits on application of N2

Requirement N2 does not apply to dwellings.

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*PART P ESTATE ROADS AND SERVICE ROADS*

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Layout, design and construction

P1. - Estate and service roads shall be of a suitable layout, including arrangement for the safety of pedestrians and provision for turning, and shall be of an adequate width and gradient provided with a suitable surface and adequately constructed

Drainage

P2. - Estate and service roads shall be provided with adequate drainage.

Limits on application of PART P.

The requirements of this Part apply only to roads defined as estate roads or service roads.

## SCHEDULE 2 - EXEMPT BUILDINGS AND WORK

### CLASS I

#### Greenhouses

A building used as a greenhouse unless it, or any part of it, is used for any purpose other than for horticulture. This exemption does not apply to any controlled services or fittings installed in the greenhouse, nor disposal of surface water which shall satisfy the requirements of H3, of Schedule 1.

### CLASS II

#### Temporary buildings

A building which is not intended to remain where it is erected for more than 28 days except buildings to which the public are admitted or which are intended for use as, or to include, sleeping accommodation.

### CLASS III

#### Ancillary buildings

(1) A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.

(2) A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation.

### CLASS IV

#### Small detached buildings

A detached single<sup>2</sup> storey building, having a floor area which does not exceed 15m<sup>2</sup>, which contains no sleeping accommodation and is a building-

- (a) no point of which is less than one metre from the boundary of its curtilage; or
- (b) which is constructed substantially of non-combustible material.

CLASS V

Extensions

The extension of a building by the addition at ground level of-

(a) a single storey greenhouse, conservatory, sun lounge, porch, covered yard or covered way, which is not intended for use as sleeping accommodation;

(b) a car port open on at least two sides;

where the floor area of that extension does not exceed  $15\text{m}^2$ , it does not affect the ventilation of the building, the disposal of rainwater satisfies the requirements of H3 of Schedule 1 and any glazing satisfies the requirements of Part N of Schedule 1.

