

To:

The Chief Executive  
Unitary, Metropolitan, District and  
London Borough Councils in England and  
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 and  
County and County Borough Councils in Wales  
City of London  
Council of the Isles of Scilly

Approved Inspectors

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

cc. The Chief Executive:  
County Councils in England  
National Park Authorities in England and Wales

20 March 2008

Our ref: CI/43/19/1

**BUILDING (AMENDMENT) REGULATIONS 2008 (S.I. 2008/671)**

**BUILDING REGULATIONS 2000 (S.I. 2000/2531)**

**BUILDING ACT 1984, SECTION 35A**

I am writing to inform you about the Building (Amendment) Regulations 2008 (S.I. 2008/671) which were made on 10 March 2008 and laid in Parliament on 13 March. These Amendment Regulations come into force on 6 April 2008.

## **Publications**

### DCLG Circular 03/2008

The purpose of the Circular which is published on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)) is to explain the amendments made by the Amendment Regulations.

### **Time Limits for Prosecution of Breaches of the Building Regulations**

The principal amendment made by the Amendment Regulations is to introduce a new regulation 22A into the Building Regulations 2000.

Currently, in accordance with section 127(1) of the Magistrates Courts Act 1980, local authorities must bring prosecutions for breaches of building regulations within 6 months of the completion of the offending work. Section 35A of the Building Act, inserted by the Climate Change and Sustainable Energy Act 2006, provides for an increased time limit of 2 years from commission of an offence. This 2 year limit is subject to a requirement that any prosecution must be brought within 6 months of the date on which the local authority has sufficient evidence to justify bringing the prosecution.

However, section 35A only applies to breaches of climate change related building regulations provisions which are designated in regulations. New regulation 22A designates the provisions to which the longer time limit will apply.

Please note that the extended time limits for bringing prosecutions will apply only to breaches of those designated provisions committed on or after 6 April 2008, i.e. the extension is not retrospective.

You will also wish to note that a clause in the Housing and Regeneration Bill, which is currently being considered by Parliament, would apply the longer prosecution time limits to breaches of all building regulations to which section 35 of the Building Act 1984 applies.

### **Schedule 2A of the Building Regulations 2000**

The Amendment Regulations also amend Schedule 2A of the Building Regulations 2000 with effect from 6 April 2008 to reflect the change of ownership of the BRE Certification Limited Part P competent person self-certification scheme. It is now owned by EC Certification Limited, a wholly owned subsidiary of the Electrical Contractors' Association.

The scheme will continue to operate under the same conditions of authorisation as when the scheme was owned by BRE Certification Limited. If a building control body needs to contact EC Certification Limited, the contact details for queries on or after 6 April 2008 are:

Tel: 01276 858163

E-mail: [bob.kealey@eca.co.uk](mailto:bob.kealey@eca.co.uk)

## Enquiries

Any enquiries on this Circular Letter should be addressed to Carol Whale, Sustainable Buildings Division, Department for Communities and Local Government, Zone 2/H6, Eland House, Bressenden Place, London SW1E 5DU (Tel: 020 7944 2662, e-mail: [carol.whale@communities.gsi.gov.uk](mailto:carol.whale@communities.gsi.gov.uk)).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Shona Dunn', with a long horizontal flourish extending to the right.

**Shona Dunn**