STATUTORY INSTRUMENTS

# 1983 No. 195

# BUILDING AND BUILDINGS

## The Building (Third Amendment) Regulations 1983

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|---|---|
| *Made* - - - - | 21*st February* 1983 |
| *Laid before Parliament* | 1*st March* 1983 |
| *Coming into Operation* | 31*st March* 1983 |

The Secretary of State for the Environment, in exercise of the powers conferred—

(*a*) by sections 61 and 62 of the Public Health Act 1936(**a**);

(*b*) by section 4(2) of the Public Health Act 1961(**b**) and now vested in him (**c**); and

(*c*) by section 61(2) of, and Schedule 5 to, the Health and Safety at Work etc. Act 1974(**d**),

and of all other powers enabling him in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appeared to him to be representative of the interests concerned as required by section 9(3) of the Public Health Act 1961(**e**), hereby makes the following regulations—

*Title and commencement*

**1.** These regulations may be cited as the Building (Third Amendment) Regulations 1983 and shall come into operation on 31st March 1983.

**2.** In these regulations, unless the context otherwise requires, "the 1976 regulations" means the Building Regulations 1976(**f**).

*Transitional provisions*

**3.**—(1) The amendments made to the 1976 regulations by these regulations shall not affect the application of those regulations as respects—

(*a*) plans deposited in accordance with those regulations before the commencement of these regulations;

(**a**) 1936 c.49; sections 61 and 62 were substituted by the Health and Safety at Work etc. Act 1974 (c.37), section 61(1).

(**b**) 1961 c.64; section 4(2) was amended by the Health and Safety at Work etc. Act 1974, section 61(3) and Schedule 6, Part I, paragraph 4(*a*).

(**c**) S.I. 1970/1681.

(**d**) 1974 c.37.

(**e**) Section 9(3) was amended by the Health and Safety at Work etc. Act 1974, section 61(3) and Schedule 6, Part I, paragraph 8.

(**f**) S.I. 1976/1676, as amended by S.I. 1978/723 and 1981/1338.

(*b*) work carried out in accordance with such plans with or without any departure or deviation from those plans; or

(*c*) work completed before such commencement.

(2) For the purposes of this regulation "plans" and "work" have the same meaning as in regulation A2(1) of the 1976 regulations.

*Amendment of the 1976 regulations*

**4.** The 1976 regulations shall be amended as follows—

(a) there shall be substituted for regulation A6 (Application to erection of buildings) the following:

**"A6 Application to erection of buildings**

Subject to the provisions of regulation A5, Parts A to L and Part S of these regulations shall apply to the erection of a building.";

(b) in regulation A7 (Application to alterations and extensions) there shall be substituted for paragraph (1) the following:

"(1) Subject to the provisions of regulations A5 and FF1(2) and (3), Parts A to L and Part S except Section II of Part E shall apply to—

(a) a structural alteration or extension of an existing building and to the alteration of an existing building by the insertion of material into a cavity in a wall for the purpose of insulation (irrespective of when the building altered or extended was erected); and

(b) the existing building as affected by that alteration or extension to the extent (subject to the provisions of regulations A9 and K3) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation.";

(c) for regulation C9 (Prevention of damp in certain cavity walls) there shall be substituted:

**"C9 Prevention of damp in cavity walls**

(1) Where damp-proof courses are inserted in the leaves of any cavity wall constructed of bricks or blocks in order to satisfy the requirements of regulation C6, the cavity shall extend not less than 150 millimetres below the level of the lower damp-proof course unless the structure forming the bottom of the cavity complies with the requirements of paragraph (3) as to a bridging.

(2) Wherever there is an opening in such a wall, the jambs shall have a suitable vertical damp-proof course unless the cavity is closed in such other manner as will prevent the passage of moisture from the outer leaf to the inner leaf of the wall.

(3) Wherever a cavity occurs in any kind of wall of a building and that cavity is bridged otherwise than by—

(a) a wall tie; or

(b) a bridging which occurs at the top of a wall in such a position that it is protected by a roof,

adequate resistance to the passage of moisture from outside the building shall be provided either by the insertion of a damp proof course or by the use of flashing or by some other effective means.";

(d) there shall be inserted after Part R (Thermal insulation of pipes, ducts and storage vessels) (a) the Part S set out in the Schedule hereto;

(e) in Schedule 1 (Amendments to publications to which specific reference is made in these regulations) (b) there shall be inserted at the end of Table 1 in columns (1) to (4) the following entries:

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| BS 5617: 1978 | 1 | AMD 2979 | S3 |
| BS 5618: 1978 | 1 | AMD 2980 | S3 |
| | 2 | AMD 3489 | |
| | 3 | AMD 4130 | |

(f) in Schedule 11(c) and 11A(d) (thermal insulation) there shall in each case be substituted for Rule 2 of Part I the following:

"2. In the Tables in the following Parts of this Schedule—

(a) a minimum thickness specified under any capital letter at the head of column (5) is the required minimum thickness of the insulating material identified by that capital letter in the Table below; and

(b) the words 'insulating material' in column 1 refer only to materials in relation to which a minimum thickness is prescribed by a relevant entry in column (5):

Provided that the letter D shall only be taken to refer to urea formaldehyde cavity foam fill in circumstances in which its use is not prohibited by regulation S1.".

(a) as inserted by regulation 36 of, and Schedule 2 to, S.I. 1981/1338.
(b) as substituted by regulation 37 of, and Schedule 3 to, S.I. 1981/1338.
(c) as substituted by regulation 44 of, and Schedule 5 to, S.I. 1981/1338.
(d) as inserted by regulation 13 of, and Schedule 2 to, S.I. 1978/723.

SCHEDULE Regulation 4(d)

NEW PART TO BE INSERTED AFTER PART R OF THE 1976 REGULATIONS

# PART S

# Toxic Substances

**S1 General prohibition on use of urea formaldehyde foam for cavity insulation**

Notwithstanding anything in Schedules 11 or 11A to these regulations (deemed-to-satisfy provisions relating to thermal insulation), urea formaldehyde foam shall not be used for the filling of cavities in cavity walls other than cavity walls with an inner leaf constructed of bricks or blocks.

**S2 Limited permitted use of urea formaldehyde foam for cavity insulation**

Where the cavity of a cavity wall having an inner leaf of bricks or blocks is filled with urea formaldehyde foam all reasonable precautions shall be taken when the work is carried out to prevent the subsequent permeation of formaldehyde fumes into any internal part of a building used or intended to be used for occupation.

***S3 Deemed-to-satisfy provisions for use of urea formaldehyde foam for cavity insulation***

*The requirements of regulation S2 shall be deemed to be satisfied if the foam is inserted in accordance with BS 5617: 1978 and BS 5618: 1978.*

Signed by authority of
the Secretary of State
21st February 1983.

*John Stanley,*
Minister for Housing and Construction,
Department of the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations make further amendments to the Building Regulations 1976 which apply throughout England and Wales apart from Inner London.

The amendments apply the Building Regulations to all cavity wall insulation of both existing and new buildings. The bridging of cavities in any kind of wall is now controlled (new regulation C9). If a cavity is bridged there must be a damp-proof course to prevent moisture passing from the outer to the inner leaf of the wall.

A new Part S is introduced to control the use of urea formaldehyde foam as a cavity insulant. It may only be used in walls with an inner leaf of brick or blocks and care must be taken to prevent formaldehyde fumes from subsequently permeating into any part of the building intended or used for occupation.

British Standards 5617 and 5618 may be obtained from the British Standards Institution Sales Department, 101 Pentonville Road, London N1.

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