



Jersey

## **BUILDING BYE-LAWS (JERSEY) 2007**

### **Official Consolidated Version**

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## BUILDING BYE-LAWS (JERSEY) 2007

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## BUILDING BYE-LAWS (JERSEY) 2007

**THE MINISTER FOR PLANNING AND ENVIRONMENT**, in pursuance of Articles 30 and 124 of the [Planning and Building \(Jersey\) Law 2002](#) and after publicizing his proposals and seeking comments and input from the public, orders as follows –

Commencement [[see endnotes](#)]

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### PART 1

#### GENERAL

#### 1 Interpretation

(1) In these bye-laws, unless the context otherwise requires –

“basement” means a storey of a building the floor of which is at any point more than 1.2 m below the finished surface of the ground adjacent to the building at that point;

“boundary” means the boundary of the corpus-fundi upon which a building is built or is proposed to be built;

“building” means –

- (a) a permanent or temporary structure with a roof;
- (b) a part of a building;
- (c) a covered area; and
- (d) for the purposes of requirement 1.1 and 1.2, a retaining wall;

“building permit” means a permit that authorizes work to be carried out for which authority is required in pursuance of a provision of these bye-laws;

“building work” means any of the following –

- (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) a material alteration in relation to a building;
- (d) work required by bye-law 5A, 5B, 6, or 17C, in relation to a building;
- (e) work involving the underpinning of a building;
- (f) the provision, alteration or extension of an electrical installation in a building, including, where such an installation is altered or extended, any work on the existing electrical installation of the building;
- (g) the removal from a building of a fixed gas burning appliance provided for the purpose of space heating, water heating or cooking;

“change to a building’s energy status” means a change to a building, being a change that has the result that the building becomes one to which any of the energy efficiency requirements applies where previously the requirement did not so apply;

“combustion appliance” means a fixed heat producing appliance designed to burn solid fuel, oil or gas;

“controlled service or fitting” means a service or fitting in relation to which Part 3, Part 6 or Part 11 of Schedule 2 imposes a requirement;

“covered area” means a roofed structure that is open on at least 2 sides except for roof supports;

“dwelling” means a dwelling-house, flat or other private residential accommodation and whether or not it is used –

- (a) on a permanent basis; or
- (b) as tourist accommodation;

“electrical installation” means, in relation to a building, the fixed electrical cables, and fixed electrical equipment, located on the consumer’s side of an electricity supply meter in the building;

“energy efficiency requirements” means the requirements of –

- (a) bye-laws 5A and 5B;
- (b) Part 3A; and
- (c) Part 11 of Schedule 2;

“erection of a building” includes the re-erection of –

- (a) a building; or
- (b) part of a building,

that has been substantially demolished so as to leave only the external walls;

“fixed building service” means –

- (a) a fixed internal or external lighting system (other than an emergency escape lighting system or a specialist process lighting system); or
- (b) a fixed system for heating, providing hot water, providing air conditioning or providing mechanical ventilation;

“flat” means a separate dwelling that forms part of a building and is divided horizontally from some other part of the building and whether or not –

- (a) it is a single-storey dwelling; or

(b) it forms part of a lodging house;

“floor area”, in respect of a building or an extension of a building, means the aggregate of the areas of all the floors in the building or the extension, the area of each floor being 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;

“habitable room” means a room used or intended to be used for living, sleeping, dining or cooking purposes;

“independent access”, in respect of a part of a building (including an extension to a building), means, a route of access to the part that does not require the user to pass through any other part of the building;

“institution” means an institution (whether described as a hospital, home, school or other similar establishment) that is used as living accommodation for, or the treatment, care or maintenance of persons –

(a) suffering from disabilities due to illness, old age or physical incapacity, or a lack of capacity within the meaning of Article 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#); or

(b) under the age of 5 years,

where the persons sleep on the premises;

“Law” means the [Planning and Building \(Jersey\) Law 2002](#);

“lodging house” has the meaning given to that expression by Article 1 of the [Lodging Houses \(Registration\) \(Jersey\) Law 1962](#);

“material alteration” means any work done to a building, or to a controlled service or fitting, or to the fixed electrical installation of a building so that at any stage it could result in –

(a) it no longer complying with requirements 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.5, 3.6, 6.1, 6.2, 6.5, 8.1, 8.2, 8.3, 8.4, or 12.1 where previously it did so; or

(b) where it previously failed so to comply, its falling further short of compliance with such requirements;

“material change of use” means a change of use of a building in accordance with bye-law 2;

“public building” means a building consisting of or containing –

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

(b) a school or other educational establishment;

(c) a place of public worship,

but a building is not a place of public resort solely because –

(d) it is, or it contains, a shop, storehouse or warehouse; or

(e) it is a dwelling to which members of the public are occasionally admitted;

“published”, in respect of any matter, means published in a manner that is likely to bring the matter to the attention of those affected by it;

“retaining wall” means a wall, not forming part of a permanent building –

- (a) that confines, or is intended to confine, earth or other material on 1 side only; and
- (b) where the difference in height between the ground on each side of the wall is at least 1 metre;

“room for residential purposes” means a room, or suite of rooms –

- (a) that is not a dwelling house or flat; and
- (b) that is used by one or more persons to live and sleep in,

and includes rooms in hotels, hostels, guest houses, halls of residence and residential homes but does not include rooms in hospitals, or similar establishments, used for patient accommodation;

“shop” includes premises –

- (a) used for the sale to the public of food or drink for consumption on or off the premises;
- (b) used for retail sales by auction to the public;
- (c) used by the public as a barber or hairdresser;
- (d) used by the public to hire items;
- (e) where the public may take goods for repair or other treatment;

“storey”, in respect of a building, means that part of the building that is situated between the top of a floor of the building and the top of the floor next above it, or if there is no floor above it, the internal surface of the roof;

“technical guidance document” means a technical guidance document published under Article 32 of the Law;

“thermal element” has the meaning set out in bye-law 2A;

“thermally conditioned” means capable of being maintained at or near a given temperature by the use of one or more mechanical devices.<sup>1</sup>

- (2) References in these bye-laws to the distance from a building to the nearest part of the boundary must, if that part of the boundary abuts on a public road, be construed as the distance from the building to the centre of the road.
- (3) For the purposes of these bye-laws the height of a building is its height measured from the lowest level of the ground adjoining the outside of its external walls to –
  - (a) its roof line, provided that where the roof is pitched, the height is measured vertically to a level midway between the top and the bottom of its roof; or
  - (b) the top of its walls or of its parapet, if any,whichever is the higher.
- (4) A reference by number to a requirement is a reference to the requirement so numbered in Schedule 2.

## **2 Material change of use defined**

A material change of use of a building occurs if there is a change in the purposes for which or the circumstances in which a building is used, so that after that change –



- (a) the building is used as 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 hotel or guest house, where previously it was not;
- (d) the building is used as an institution, where previously it was not;
- (e) the building is used as a public building, where previously it was not;
- (f) the building is not a building described in Classes 1 to 7 in Schedule 1, where previously it was;
- (g) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously;
- (h) the building contains a room for residential purposes, where previously it did not;
- (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously;
- (j) the building is used as a shop, where previously it was not;
- (k) the building is used as an office, where previously it was not; or
- (l) in the case of a building that is or contains a dwelling or garage, part of the building is used as a habitable room where previously the part was not so used.<sup>2</sup>

## **2A Thermal element defined<sup>3</sup>**

- (1) In these bye-laws, “thermal element” means a wall, floor, or roof, that separates a thermally-conditioned part of a building from –
  - (a) part or all of the external environment; or
  - (b) in the case of a wall or floor, another part of the building, being a part that is –
    - (i) not thermally conditioned,
    - (ii) an extension falling within Class 6 in Schedule 1, or
    - (iii) where this clause applies, thermally conditioned to a different temperature,and includes all parts of the wall, floor, or roof, between the surface bounding the thermally-conditioned part of the building and the surface exposed to the external environment or to the other part of the building.
- (2) Paragraph (1)(b)(iii) only applies if –
  - (a) the relevant building is not a dwelling; and
  - (b) the other part of the relevant building is used for a purpose that is not similar or identical to the purpose for which the thermally-conditioned part is used.
- (3) In this bye-law –
  - (a) a reference to the external environment includes the ground;
  - (b) a reference to a wall, floor or roof does not include a window, door, roof-window or roof-light.

### **3 Exempt buildings, extensions and structures**

These bye-laws do not apply to –

- (a) the erection of a building, an extension or a structure of a kind described in Schedule 1; or
- (b) the carrying out of work not involving the installation of a controlled service or fitting or the provision or extension of a fixed electrical installation to or in connection with such a building, extension or structure, if after the carrying out of that work it is still a building, extension or structure of a kind described in that Schedule.

## **PART 2**

### **CONTROL OF BUILDING WORK**

#### **4 Application of Part**

Except as provided by bye-law 3 this Part applies to any building work or material change of use.

#### **5 Requirements relating to building work**

- (1) Building work must be carried out so that –
  - (a) it complies with each relevant requirement of Schedule 2; and
  - (b) in complying with any such requirement there is no failure to comply with any other such requirement.
- (2) Building work must be carried out so that after it has been completed any building or controlled service or fitting to or in connection with which the work was done –
  - (a) complies with each relevant requirement of Schedule 2; or
  - (b) if it did not so comply before the building work was carried out, does not fall further short of compliance with any such requirement.
- (3) Despite paragraph (2)(b), if the building work consists of the provision, alteration or extension of a fixed electrical installation in a building the work must be carried out so that after it has been completed –
  - (a) the installation, the installation as altered or the extension to the installation; and
  - (b) where an installation is extended, any work carried out on the existing installation to ensure that the extension to it complies with Part 12 of Schedule 2,complies with Part 12 of Schedule 2.
- (4) Despite paragraphs (1) and (2) and without affecting the operation of paragraph (3), if building work is only of a kind required by bye-law 5A, 5B or 17C and does not constitute a material alteration to a building, paragraphs (1) and (2) shall not apply to or in relation to the building work so long as the requirements of bye-law 5A, 5B or 17C (as the case requires) are met in relation to the work.<sup>4</sup>

**5A Requirements relating to the renovation or replacement of thermal elements<sup>5</sup>**

- (1) Where the renovation of an individual thermal element –
  - (a) constitutes a major renovation; or
  - (b) amounts to the renovation of more than 50% of the element's surface area, the renovation must be carried out so as to ensure that the whole of the element complies with requirement 11.1(a)(i), in so far as it is technically, functionally and economically feasible to do so.
- (2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement –
  - (a) constitutes a major renovation; or
  - (b) (in the case of part replacement) amounts to the replacement of more than 50% of the thermal element's surface area, the whole of the thermal element must be replaced so as to ensure that it complies with requirement 11.1(a)(i), in so far as it is technically, functionally and economically feasible to do so.
- (3) In this bye-law –

“building envelope” means the integrated elements of a building that separates its interior from the outdoor environment;

“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation;

“renovation”, in relation to a thermal element, means the provision of a new layer in the thermal element or the replacement of an existing layer, but excludes decorative finishes.

**5B Requirements relating to a change to energy status<sup>6</sup>**

- (1) Where there is a change to a building's energy status, such building work shall be carried out as is necessary to ensure that the building complies with the requirements of Part 11 of Schedule 2.
- (2) However, if the change concerns the energy status of only part of the building, being a part designed, or altered, to have fixed building services that are separate from those of other parts of the building, then it shall be sufficient compliance with paragraph (1) if the building work that is carried out ensures that the part complies with the requirements of Part 11 of Schedule 2.

**6 Requirements in relation to material change of use**

- (1) Where there is a material change of use of the whole of a building, such work, if any, must be carried out as is necessary to ensure that the building complies with the applicable requirements of Schedule 2, being –
  - (a) in all cases – requirements –
    - 2.1 (means of warning and escape);
    - 2.2 (internal fire spread – linings);

- 2.3 (internal fire spread – structure);
  - 2.4 (2) (external fire spread – roofs);
  - 2.5 (access and facilities for the fire service);
  - 3.1 to 3.3 (combustion appliances);
  - 5.1 (ventilation);
  - 6.1 (foul water drainage);
  - 6.2 (packaged wastewater treatment works and cesspools);
  - 6.4 (sanitary facilities);
  - 11.1 (conservation of energy);
  - 12.1 (electrical safety);
  - (b) in the case of a material change of use described in bye-law 2(c), bye-law 2(d), bye-law 2(e) or bye-law 2(f) – requirements 1.1 to 1.3 (structure);
  - (c) in the case of a building exceeding 15 metres in height – requirement 2.4(1) (external fire spread – walls);
  - (d) in the case of a material change of use described in bye-law 2(a), bye-law 2(b), bye-law 2(c), bye-law 2(d), bye-law 2(g), bye-law 2(h), bye-law 2(i), bye-law 2(1) or, where the material change provides new residential accommodation, bye-law 2(f) – requirement 4.2 (precautions in relation to contaminants);
  - (e) in the case of a material change of use described in bye-law 2(a) or bye-law 2(1) – requirement 4.4 (resistance to moisture);
  - (f) in the case of a material change of use described in bye-law 2(a), bye-law 2(b), bye-law 2(c), bye-law 2(g), bye-law 2(h) or bye-law 2(i) – requirements 9.1 to 9.3 (resistance to the passage of sound);
  - (g) in the case of a material change of use described in bye-law 2(e), if the public building consists of or contains a school – requirement 9.4 (acoustic conditions in schools);
  - (h) in the case of a material change of use described in bye-law 2(c), bye-law 2(d), bye-law 2(e) or bye-law 2(j) – requirement 8.1 (access and use).<sup>7</sup>
- (2) Where there is a material change of use of part only of a building, such work, if any, must be carried out as is necessary to ensure that –
- (a) the part complies in all cases with any applicable requirements referred to in paragraph (1)(a);
  - (b) in a case in which paragraph (1)(b), paragraph (1)(d), paragraph (1)(e), paragraph (1)(f) or paragraph (1)(g) applies, the part complies with the requirements referred to in that sub-paragraph;
  - (c) in a case to which paragraph (1)(c) applies, the whole building complies with the requirement referred to in that sub-paragraph; and
  - (d) in a case to which paragraph (1)(h) applies –
    - (i) the part and any sanitary conveniences provided in or in connection with the part comply with the requirements referred to in the sub-paragraph, and

- (ii) the building complies with requirement 8.1(a) to the extent that reasonable provision is made to provide either suitable independent access to the part or suitable access through the building to the part.<sup>8</sup>

## **7 Materials and workmanship**

Building work that is required to comply with a relevant requirement of Schedule 2 must be carried out –

- (a) with materials that are appropriate; and
- (b) in a workmanlike manner.

## **8 Limitation on requirements**

Except for requirements 3.6 and 6.2, Parts 1 to 7, 10 and 12 of Schedule 2 are not to be taken as requiring anything to be done except to secure reasonable standards of health and safety for persons in or about buildings and for others who may be affected by buildings or matters connected with buildings.

## **9 Testing and sampling**

- (1) To ascertain whether these bye-laws have been complied with the Chief Officer may make tests or require a person carrying out building work to make tests in the presence of an authorized representative of the Chief Officer –
  - (a) of a drain or sewer;
  - (b) of the sound insulation provisions of a building; or
  - (c) in order to check compliance with Part 11 of Schedule 2, of a building's fabric, and on services and fittings.<sup>9</sup>
- (2) The Chief Officer may take a sample of any material to be used in the carrying out of building work as may be necessary to ascertain whether the material complies with these bye-laws.<sup>10</sup>

# **PART 3**

## **AUTHORIZATION, COMMENCEMENT AND COMPLETION OF WORK**

## **10 Application for building permit**

- (1) Except as provided by bye-laws 14 and 15, a person who proposes –
  - (a) to carry out building work;
  - (b) to replace or renovate a thermal element that forms part of a building in relation to which any of the energy efficiency requirements apply;
  - (c) to make a change to a building's energy status; or
  - (d) to make a material change of use,must apply to the Chief Officer for a building permit.<sup>11</sup>

- (2) The application must be made in accordance with Article 34 of the Law.

## **11 Particulars and plans**

In accordance with Article 34(2)(b) of the Law, an application for a building permit must contain or be accompanied by such particulars as may be reasonably required to determine the application.<sup>12</sup>

## **12 Design certificates**

- (1) If required to do so, a person must supply a design certificate –
- (a) with an application for a building permit; or
  - (b) to discharge a condition attached to a building permit.
- (2) The design certificate –
- (a) must certify that if the work specified in the certificate is carried out in accordance with the plans and calculations accompanying the certificate the work will comply with the relevant requirements in Part 1 of Schedule 2; and
  - (b) must be signed by an approved Certifier of Design.
- (3) A person is an approved Certifier of Design if his or her name appears on a list published by the Minister of persons who are considered, in accordance with a scheme approved by the Minister, to be persons who have the experience and qualifications required to be competent to issue design certificates.

## **13 Notice of start and completion of certain stages of work**

- (1) Unless the Chief Officer directs otherwise, a person to whom a building permit has been granted must not start the work permitted by the permit unless at least 2 working days' written notice of the intention to do so has been given to the Chief Officer.<sup>13</sup>
- (2) A person carrying out building work must, unless otherwise directed, give at least 2 working days' written notice of the date on which the person intends to –
- (a) start work in relation to a damp-proof course; or
  - (b) cover up any of the works referred to in paragraph (3).<sup>14</sup>
- (3) Those works are –
- (a) an excavation for a foundation;
  - (b) foundation concrete;
  - (c) concrete or other material laid over a site;
  - (d) a drain or private sewer;
  - (e) any part of a roof structure.
- (3A) Notice does not satisfy paragraph (2) in relation to an intention to cover up foundation concrete referred to in paragraph (3)(b) unless, at the time when the notice is given, the positions of any planned walls have been set out on the foundation concrete.<sup>15</sup>

- (4) The Chief Officer may specify in a building permit –
  - (a) a date by which the building work permitted by the permit must have started; and
  - (b) what started means for the purpose of sub-paragraph (a).<sup>16</sup>
- (5) If the work is not started by the specified date the building permit ceases to have effect.
- (6) A person carrying out building work must, within 2 working days after its completion, give written notice of the completion to the Chief Officer.<sup>17</sup>
- (7) If –
  - (a) a building is being erected; and
  - (b) the building (or a part of it) is to be occupied before completion,the person carrying out the work must give the Chief Officer at least 2 working days' written notice of any intention to occupy the building or any part of it.<sup>18</sup>
- (8) A person who has failed to comply with paragraph (1) or (2) must, within a reasonable time of being required to do so by the Chief Officer by written notice, cut into, lay open or pull down so much of the work as, in the opinion of the Chief Officer, prevents the Chief Officer from ascertaining whether these bye-laws have been complied with.<sup>19</sup>
- (9) If the Chief Officer has given a person written notice specifying the manner in which any work carried out by the person contravenes the requirements of these bye-laws, the person carrying out the work necessary to secure compliance with these bye-laws must –
  - (a) give the Chief Officer written notice of the person's intention to carry out the work not less than 2 working days before the start of the work; and
  - (b) give the Chief Officer written notice of the completion of the work not more than 2 working days after its completion.<sup>20</sup>
- (10) In this bye-law "working day" means any continuous period of 24 hours commencing at midnight and excluding any Saturday, Sunday, bank holiday or public holiday.

#### **14 Certain work may be started before determination of application**

- (1) A person who has applied for a building permit in respect of the provision, extension or material alteration of a controlled service or fitting may start the work before the application has been determined.<sup>21</sup>
- (2) Paragraph (1) does not prejudice any power of the decision-maker under the [Planning and Building \(Jersey\) Law 2002](#).<sup>22</sup>
- (3) In this bye-law "decision-maker" has the meaning given by Article 22(3) of the Law.<sup>23</sup>

#### **15 Certifiable building work**

- (1) This bye-law applies to the carrying out of –

- (a) work in respect of which Part 12 of the Schedule 2 imposes a requirement; and
  - (b) certifiable building work carried out by a person who is registered under an appropriate approved scheme.
- (2) In the case of work mentioned in paragraph (1)(a) that is not exempt electrical certifiable work, building permission is to be taken to have been given for the work to be carried out if, within 30 days of the completion of the work, a person registered under an appropriate approved scheme –
- (a) gives the Chief Officer, through the registering authority under the relevant approved scheme, a certificate or a notice that contains the information mentioned in paragraph (5); and
  - (b) gives to the person who required the work to be carried out a copy of the certificate or notice.<sup>24</sup>
- (3) In the case of work mentioned in paragraph (1)(a) that is exempt electrical certifiable work, building permission is to be taken to have been given for the work to be carried out if, within 30 days of the completion of the work, a person registered under an appropriate approved scheme gives to the person who required the work to be carried out a copy of a certificate that contains the information mentioned in paragraph (5).<sup>25</sup>
- (4) In the case of work mentioned in paragraph (1)(b), building permission is to be taken to have been given for the work to be carried out if, within 30 days of the completion of the work, the person who carried out the work –
- (a) gives the Chief Officer, through the registering authority under the relevant approved scheme, a certificate or a notice that contains the information mentioned in paragraph (5); and
  - (b) gives to the person who required the work to be carried out a copy of the certificate or notice.<sup>26</sup>
- (5) The certificate or notice must –
- (a) describe the work carried out;
  - (b) confirm that the requirements of bye-laws 5 and 7 were complied with;
  - (c) state the address of the property where the work was carried out;
  - (d) state the name of the person providing the certificate and, if different, the name of the person who carried out the work.
- (6) In this bye-law –
- “appropriate approved scheme”, in respect of work mentioned in paragraph (1)(a) or certifiable building work, means a scheme that has been specifically developed for certifying that type of work where the Minister has published his or her approval of the scheme for the purpose of this bye-law;
- “certifiable building work” means –
- (a) the installation or removal of a heat-producing gas appliance;
  - (b) the installation of a heating or hot water service system connected to a heat producing gas appliance;



- (c) the installation of an oil-fired combustion appliance with a rated heat output of 100 kilowatts or less;
- (d) the installation of an oil storage tank and the pipes connecting it to a combustion appliance;
- (e) the installation of a heating or hot water service system connected to an oil-fired combustion appliance;
- (f) the installation of a solid fuel burning combustion appliance with a rated heat output of 50 kilowatts or less that is installed in a building with no more than 3 storeys (excluding any basement);
- (g) the installation of a heating or hot water service system connected to a solid fuel burning combustion appliance;
- (h) the installation in an existing dwelling and as a replacement, of a window, a roof-light, a roof-window or door (being a door that together with its frame has more than half of its internal face area glazed);
- (i) the provision, alteration or extension of a fixed electrical installation in or in respect of any building;

“exempt electrical certifiable work” means work that consists of –

- (a) the provision of additional lighting points (light fittings and switching) on an existing circuit where –
  - (i) the existing circuit protective device is suitable and provides protection for the modified circuit, and
  - (ii) any other safety provisions are satisfactory;
- (b) the adding of socket outlets to an existing ring or radial circuit where –
  - (i) the existing circuit protective device is suitable and provides protection for the modified circuit, and
  - (ii) any other safety provisions are satisfactory;
- (c) the replacement of individual accessories including socket outlets, control switches, other than the circuit protective device, in a like-for-like manner for a single circuit;
- (d) the replacement of accessories such as socket outlets and ceiling roses on a like-for-like basis;
- (e) the installation or upgrading or both and testing of main equi-potential bonding;
- (f) the upgrading and testing of supplementary bonding;
- (g) the replacement of the cable for a single circuit but only where damaged (for example. by fire, rodent or impact) if the replacement cable –
  - (i) is identical in manufactured specification,
  - (ii) follows the same route, and
  - (iii) does not serve more than one sub-circuit through a distribution board;
- (h) the fixing or repairing or both of the enclosure of an existing wiring system if the circuit’s protective measures are unaffected;

- (i) the provision of additional mechanical protection to existing electrical equipment if the circuit's protective measures and current-carrying capacity of conductors are unaffected.<sup>27</sup>

## 16 Unauthorized building work

- (1) This bye-law applies if building work to which these bye-laws apply has been carried out without a building permit.
- (2) The owner of the premises to which the building work relates –
  - (a) may make a written application to the Chief Officer for a certificate under bye-law 17; or
  - (b) must do so if so required by the Chief Officer.<sup>28</sup>
- (3) The application must be accompanied by –
  - (a) a statement that the application is made in accordance with this bye-law; and
  - (b) plans and descriptions of the work; and of any additional work required to be carried out to ensure that the work complies with each relevant requirement of Schedule 2; and
  - (c) the prescribed fee.
- (4) Where the Chief Officer receives an application in accordance with this bye-law, the Chief Officer may require the applicant to take such reasonable steps, including –
  - (a) laying open the work for inspection by the Chief Officer; and
  - (b) arranging for the making of tests and the taking of samples,as the Chief Officer thinks appropriate to ascertain what additional work, if any, is required to ensure that each relevant requirement of Schedule 2 has been complied with.<sup>29</sup>
- (5) Where the applicant has taken the steps, if any, required by the Chief Officer under paragraph (4), the Chief Officer may notify the applicant –
  - (a) of the work that in the Chief Officer's opinion is required to comply with each relevant requirement of Schedule 2 or such a requirement as dispensed with or relaxed; or
  - (b) any further requirement under paragraph (4) that the Chief Officer thinks appropriate to determine what work, if any, is required to comply with each relevant requirement of Schedule 2 or such a requirement as dispensed with or relaxed.<sup>30</sup>

## 17 Completion certificates

- (1) The Chief Officer may issue a certificate to the effect that, in so far as the Chief Officer has been able to ascertain, the work described in the certificate has been completed and that each relevant requirements of Schedule 2 has been complied with.<sup>31</sup>

- (2) If a certificate issued under this bye-law relates to work done in respect of which an application has been made under bye-law 16, the certificate must indicate that it is issued in respect of unauthorized building work.
- (3) If –
  - (a) building work has been carried out in respect of which a building permit has been issued; and
  - (b) the building has been occupied or partly occupied before completion,the Chief Officer may issue an interim certificate to the effect that the work described in the certificate has been carried out to the extent so described.<sup>32</sup>
- (4) A certificate given in accordance with this bye-law is evidence but not conclusive evidence that each requirement of Schedule 2 specified in the certificate has been complied with.

## **PART 3A<sup>33</sup>**

### **ENERGY EFFICIENCY REQUIREMENTS<sup>34</sup>**

#### **17A Application of energy efficiency requirements<sup>35</sup>**

- (1) The energy efficiency requirements set out in this Part apply to such buildings that use energy to condition the indoor climate as are specified in the following bye-laws in this Part, subject to the exceptions specified in paragraph (2).
- (2) The following buildings (and the carrying out of any work in connection with them) are exempt from those requirements –
  - (a) buildings that are included in the List of Sites of Special Interest maintained by the Chief Officer under Article 51(1) of the Law where compliance with the requirements would unacceptably alter their character or appearance;
  - (b) buildings that are used primarily or solely as places of worship;
  - (c) temporary buildings with a planned time of use of 2 years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
  - (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50 square metres.
- (3) In this byelaw –
  - (a) a reference to industrial sites and workshops with low energy demand is a reference to buildings used to accommodate industrial activities in spaces where the air is not habitually heated or cooled other than by the industrial activity itself;
  - (b) a reference to non-residential agricultural buildings with low energy demand is a reference to buildings designed to be used separately that are heated only for specific purposes of short duration (such as plant germination or egg hatching);
  - (c) “place of worship” means a building used for formal public worship and any adjoining space the function of which is directly linked to that use;

- (d) “stand-alone building” means a building entirely detached from any other building;
- (e) “temporary building” includes a portable or modular building;
- (f) “total useful floor area” means the total area of all enclosed spaces measured to the internal face of the external walls.

### **17B Energy performance rates for new buildings<sup>36</sup>**

- (1) This bye-law applies where a new building is constructed.
- (2) The energy performance rate of the building, once constructed, must not exceed the target rate of the energy performance for the building specified in the relevant technical guidance document.
- (3) If the building is a dwelling, its fabric energy efficiency rate, once the dwelling is constructed, must not exceed the target fabric energy efficiency rate specified in the relevant technical guidance document.
- (4) For the purposes of this bye-law –
  - (a) energy performance rates and fabric energy efficiency rates must be calculated in accordance with the relevant technical guidance document;
  - (b) the relevant technical guidance document is one concerning minimum energy performance requirements for buildings and setting out a methodology of calculation for the energy performance of buildings.

### **17C Consequential improvements to energy performance**

- (1) This bye-law applies to –
  - (a) an existing building with a total useful floor area (as defined by bye-law 17A(3)) over 1,000 square metres in respect of which building work is proposed if the proposed building work consists of or includes –
    - (i) an extension of the building, or
    - (ii) the initial provision of any fixed building services, or an increase to the installed capacity of any fixed building services, in relation to the building; and
  - (b) an existing dwelling where it is proposed to construct an extension to it.<sup>37</sup>
- (2) Subject to paragraph (3), such work, if any, shall be carried out as is necessary to ensure that the building complies with Part 11 of Schedule 2.
- (3) Nothing in paragraph (2) requires work to be carried out if it is not technically, functionally and economically feasible.

### **17D Notice of energy performance<sup>38</sup>**

- (1) This bye-law applies where a new building is constructed and to any dwelling the construction of which results in a material change of use of a building.<sup>39</sup>
- (2) The person carrying out the relevant building work must calculate a rating of the energy performance of the building, once constructed, in accordance with the

relevant technical guidance document and give notice of that rating to the owner of the building.<sup>40</sup>

- (3) For the purposes of this bye-law, the relevant technical guidance document is one concerning minimum energy performance requirements for buildings and setting out a methodology of calculation for the energy performance of buildings.
- (4) The notice shall be given not later than –
  - (a) the date on which the notice required by bye-law 13(6) is given in relation to the building work; and
  - (b) at least 5 days before occupation of the building.<sup>41</sup>

#### **17E Information about use of fuel and power<sup>42</sup>**

- (1) This bye-law applies where requirement 11.1 applies in relation to building work.
- (2) The person carrying out the work must, not later than 5 days after the work has been completed, provide to the owner sufficient information about the building, the fixed building services and their maintenance requirements, for the building to be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.

#### **17F Pressure testing<sup>43</sup>**

- (1) This bye-law applies to a building in relation to which requirement 11.1(a)(i) applies.
- (2) A person carrying out building work to construct the building shall ensure that pressure testing is carried out on the building in such circumstances, and in accordance with such procedures, as are set out in the relevant technical guidance document.
- (3) The person carrying out the building work shall give notice of the results of the pressure testing to the Chief Officer not later than 7 days after the testing is completed.<sup>44</sup>
- (4) The notice shall set out the results of the testing and the data on which they are based in the manner set out in the relevant technical guidance document.
- (5) For the purposes of this bye-law, the relevant technical guidance document is one concerning pressure testing in a building in order to determine heat gains and losses in the building from its thermal elements and other parts of its building fabric.

#### **17G Commissioning**

- (1) This bye-law applies to a building in relation to which requirement 11.1(b) applies and building work is carried out, but does not apply where the building work consists only of exempt electrical certifiable work (within the meaning of bye-law 15).
- (2) The person carrying out the building work shall give to the Chief Officer a notice confirming that the relevant fixed building services have been commissioned in

accordance with the procedure set out in the relevant technical guidance document.<sup>45</sup>

- (3) The notice shall be given not later than –
  - (a) in every case, the date on which the notice required by bye-law 13(6) in relation to the building work is given; and
  - (b) in the case of certifiable building work (within the meaning of bye-law 15), not more than 30 days after completion of the work.
- (4) For the purposes of this bye-law, the relevant technical guidance document is one concerning pressure testing in a building in order to determine heat gains and losses in the building from its pipes, ducts, and vessels, used for space heating, space cooling and hot water services.

### **17H Energy rate calculations<sup>46</sup>**

- (1) This bye-law applies where a new building is constructed.
- (2) The person carrying out the work must provide a notice with the application for a building permit that specifies –
  - (a) the target energy rate for the building;
  - (b) in the case of a dwelling, the target fabric energy efficiency rate for the dwelling;
  - (c) the calculated energy rate for the building as designed;
  - (d) in the case of a dwelling, the calculated fabric energy efficiency rate for the dwelling as designed; and
  - (e) a list of specifications to which the building is to be constructed.
- (3) Not later than 5 days after the work has been completed, the person carrying out the work must give the Chief Officer a notice that specifies –
  - (a) the target energy rate for the building, and in the case of a dwelling, the target fabric energy efficiency rate;
  - (b) the calculated energy rate for the building as constructed;
  - (c) in the case of a dwelling, the calculated fabric energy efficiency rate for the dwelling as constructed; and
  - (d) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(e), and if not, a list of the changes from them.
- (4) For the purposes of this bye-law –
  - (a) a reference to a rate of energy is a reference to that rate as defined or explained in the relevant technical guidance document;
  - (b) “specifications” means specifications used for the calculation of the energy rate in accordance with the relevant technical guidance document;
  - (c) the relevant technical guidance document is one concerning minimum energy performance requirements for buildings and setting out a methodology of calculation for the energy performance of buildings.

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**PART 4<sup>47</sup>****MISCELLANEOUS****171 Transitional provision where these bye-laws are changed**

For the purposes of –

- (a) any prescribed building work undertaken in respect of which building permission has been granted under Chapter 2 of Part 4 of the Law; or
- (b) any building permission granted under Chapter 2 of Part 4 of the Law,

these bye-laws shall apply as they were in force at the time when the building permission was granted.

**18 Citation**

These bye-laws may be cited as the Building Bye-laws (Jersey) 2007.

**SCHEDULE 1<sup>48</sup>**

(Bye-law 3(a))

**EXEMPT BUILDINGS, EXTENSIONS AND STRUCTURES**

A building, extension or structure specified in this Schedule is exempt from the operation of these bye-laws.

**Class 1 – small detached buildings**

- (1) A detached single storey building that has a floor area not exceeding 20 square metres, that does not contain any sleeping accommodation and that is a building –
  - (a) so sited that no part of it is closer than 1 metre to the boundary; or
  - (b) that has external walls constructed substantially of non-combustible material, and a roof covering that would achieve an A.A. designation if tested in accordance with B.S. 476: part 3.
- (2) A detached single storey building that has a floor area that does not exceed 10 square metres and that does not contain sleeping accommodation.

**Class 2 – buildings not frequented by people**

A detached building –

- (a) into which people do not normally go or go only intermittently and then only to inspect or maintain fixed plant or machinery; and
- (b) that is so located that no part of it is closer than a distance equivalent to 1½ times its height to the boundary or to any other building that is not in Class 2 of this Schedule.

**Class 3 – agricultural buildings**

- (1) A detached building –
  - (a) that is used for agriculture or to keep animals;
  - (b) that is not used as sleeping accommodation or to retail, pack or exhibit produce;
  - (c) that is so sited that no part of it is closer than a distance equivalent to 1½ times its height to the boundary or to any part of any other building that contains sleeping accommodation; and
  - (d) that is so constructed that no part of its interior is more than 18 metres from a fire exit.
- (2) A detached glasshouse or polytunnel building that is used to grow plants or crops.
- (3) In this paragraph –



“agriculture” includes horticulture, fruit growing, the growing of plants for seed and fish farming;

“polytunnel building” means a lightweight structure mainly of polythene or similar material affording protection to plants or crops that is not less than 1 metre above ground level at its highest point.

#### **Class 4 – temporary buildings**

A building that does not contain sleeping accommodation and is not intended to, and that does not remain on the site where it is erected for more than 28 days following its erection.

#### **Class 5 – works buildings**

A building on the site of construction or civil engineering works that is used exclusively in connection with those works and that does not contain sleeping accommodation.

#### **Class 6 – extensions**

- (1) A single storey extension of a dwelling consisting of the addition at ground level of a conservatory, veranda or covered area that, in each case, has a floor area of 20 square metres or less where –
  - (a) any of its walls within 1 metre of the boundary is constructed substantially of non-combustible material;
  - (b) its roof covering is of a type that would achieve an A.A. designation if tested in accordance with B.S. 476: part 3;
  - (c) its glazing satisfies requirement 10.1;
  - (d) it does not cause a contravention of these bye-laws in respect of the dwelling or any service or fitting; and
  - (e) in the case of an extension that is a conservatory –
    - (i) the extension is thermally separated from the dwelling with construction that achieves a maximum U-value of  $2.0 \text{ W/m}^2\text{K}$  (where U represents how much thermal energy in watts (W) is transmitted through one square metre ( $\text{m}^2$ ) of the construction at a temperature difference of one degree Kelvin (K) between the dwelling and the extension), and
    - (ii) the extension is constructed so that its external fabric achieves a maximum U-value of  $2.0 \text{ W/m}^2\text{K}$  (where U represents how much thermal energy in watts (W) is transmitted through one square metre ( $\text{m}^2$ ) of the external fabric at a temperature difference of one degree Kelvin (K) between the extension and the outside).
- (2) A single storey extension of a dwelling consisting of the addition at ground level of a carport that is open on at least 2 sides and that has a floor area of 20 square metres or less.
- (3) A single storey extension of a dwelling consisting of the addition at ground level of a porch that has a floor area of 5 square metres or less.

**Class 7 – movable structures**

A movable structure to which the Planning and Building (Movable Structures) (Jersey) Order 2006 applies.

## **SCHEDULE 2<sup>49</sup>**

(Bye-laws 1(4) and 5)

### **REQUIREMENTS**

#### **PART 1 – STRUCTURE**

##### **1.1 Loading**

- (1) A building must be constructed so that the combined dead, imposed and wind loads to which it may be subjected 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 the building or any part of another building.
- (2) In assessing whether a building complies with sub-paragraph (1) regard must 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.

##### **1.2 Ground movement**

A building must be constructed so that, in so far as the risk can reasonably be foreseen, movement of the subsoil caused by landslip, swelling or freezing will not impair the stability of any part of the building.

##### **1.3 Disproportionate collapse**

- (1) Subject to paragraph (2), a building must be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.
- (2) This paragraph does not apply to a building with less than 5 storeys.
- (3) In counting those storeys –
  - (a) each basement level is to be counted as 1 storey; and
  - (b) if the roof pitch does not exceed 70 degrees to the horizontal and there is a single storey within the roof space, that storey is not to be counted.

#### **PART 2 – FIRE SAFETY**

##### **2.1 Means of escape**

A building must be designed and constructed so that –

- (a) there are appropriate provisions for the early warning of fire; and
- (b) in the case of a fire in the building, there is an appropriate means of escape from the building to a place of safety outside the building that is capable of being safely and effectively used at all material times.

## **2.2 Internal fire spread (linings)**

To inhibit the spread of fire within a building, any material used to line a partition, wall, ceiling or other internal structure of the building must –

- (a) be capable of adequately resisting the spread of fire over its surfaces; and
- (b) if ignited, have a rate of heat release that is reasonable in the circumstances.

## **2.3 Internal fire spread (structure)**

- (1) A building must be designed and constructed so that –
  - (a) in the event of fire its stability is maintained for a reasonable period; and
  - (b) the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.
- (2) A wall common to 2 or more buildings must be designed and constructed so that it adequately resists the spread of fire between the buildings.
- (3) For the purpose of paragraph (2) a house in a terrace and a semi-detached house are separate buildings.
- (4) To inhibit the spread of fire within a building, the building must be sub-divided with fire resisting construction to the extent appropriate to the size and intended use of the building.

## **2.4 External fire spread**

- (1) The external walls of a building must adequately 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 a building must adequately resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.

## **2.5 Access and facilities for the fire service**

- (1) A building must be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.
- (2) Reasonable provision must be made within the site of a building to enable fire appliances to gain access to the building.

## **PART 3 – COMBUSTION APPLIANCES AND FUEL STORAGE SYSTEMS**

### **3.1 Air Supply**

- (1) Combustion appliances must be so installed that there is an adequate supply of air to them for combustion, to prevent overheating and for the efficient working of any flue.
- (2) This requirement only applies to fixed combustion appliances (including incinerators).

### **3.2 Discharge of products of combustion**

- (1) Combustion appliances must have adequate provision for the discharge of products of combustion to the outside air.
- (2) This requirement only applies to fixed combustion appliances (including incinerators).

#### **3.2A Warning of release of carbon monoxide**

Where a combustion appliance is installed, appropriate provision must be made, having regard to the design and location of the appliance, to detect and give early warning of the release of carbon monoxide at levels harmful to persons.

### **3.3 Protection of Building**

- (1) Combustion appliances and fluepipes must be so installed and fire-places and chimneys must be so constructed and installed, as to reduce to a reasonable level the risk of people suffering burns or the building catching fire in consequence of their use.
- (1A) Where a fixed gas burning appliance provided for the purpose of space heating, water heating or cooking is removed from a building, adequate provision must be made to prevent gas from the gas supply pipework escaping into the building.
- (2) This requirement only applies to fixed combustion appliances (including incinerators).

### **3.4 Provision of information**

Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the performance capabilities of the hearth, fireplace, flue or chimney must be affixed in a suitable place in the building to enable combustion appliances to be safely installed.

### **3.5 Protection of liquid fuel storage systems**

- (1) Liquid fuel storage systems and the pipes connecting them to combustion appliances must be so constructed and separated from buildings and the boundary

of the premises as to reduce to a reasonable level the risk of the fuel igniting in the event of fire in adjacent buildings or premises.

- (2) This paragraph applies only to –
- (a) fixed oil storage tanks with capacities greater than 90 litres and connecting pipes; and
  - (b) fixed liquefied petroleum gas storage installations with capacities greater than 150 litres and connecting pipes,
- that are located outside the building and that serve fixed combustion appliances (including incinerators) in the building.

### **3.6 Protection against pollution**

- (1) Oil storage tanks and the pipes connecting them to combustion appliances must –
- (a) be so constructed and protected as to reduce to a reasonable level the risk of the oil escaping and causing pollution; and
  - (b) have affixed in a prominent position a durable notice containing information on how to respond to an oil escape so as to reduce to a reasonable level the risk of pollution.
- (2) This paragraph applies only to fixed oil storage tanks, and connecting oil pipes, that are –
- (a) located outside the building; and
  - (b) serve fixed combustion appliances (including incinerators) in a building.

### **3.7 Height restriction due to proximity of chimneys on an existing building**

A building must not be erected or increased in height so that any part of its roof within 2300 mm of the chimney or flue of another building –

- (a) if the roof of the other building is a pitched roof – is higher than 600 mm below the top of any chimney or flue passing through the ridge of that roof or is higher than 1000 mm below the top of any other chimney or flue on that roof; or
- (b) if the roof of the other building is not a pitched roof – is higher than 1000 mm below the top of any such chimney or flue.

## **PART 4 – SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE**

### **4.1 Preparation of site**

- (1) The ground to be covered by a building must be reasonably free from any material that might damage that building or affect its stability, including organic matter, topsoil and pre-existing foundations.
- (2) This requirement does not apply to a building used wholly to store goods or to accommodate plant or machinery, if anybody habitually employed in the building is not employed in the building otherwise than to store, to care for or to remove the goods, plant or machinery.

- (3) Nor does this requirement apply to a building to be used wholly for a purpose such that –
  - (a) compliance with the requirement would not serve to increase protection to the health or safety of any person habitually employed in the building; or
  - (b) non-compliance with the requirement would not cause damage to the fabric of the building.

#### **4.2 Precautions in relation to contaminants**

- (1) Reasonable precautions must be taken to avoid danger to health and safety caused by contaminants on, or in the ground covered, or to be covered by a building and, contaminants on or in any land associated with that building.
- (2) For the purposes of this requirement, “contaminant” means any substance which is, or may become, harmful to persons or buildings including substances which are corrosive, explosive flammable, radioactive or toxic.

#### **4.3 Subsoil drainage**

- (1) Subsoil drainage must be provided if it is needed to avoid –
  - (a) the passage of ground moisture to the interior of a building; and
  - (b) damage to a building.
- (2) This requirement does not apply to a building used wholly to store goods or to accommodate plant or machinery, if anybody habitually employed in the building is not employed in the building otherwise than to store, to care for or to remove the goods, plant or machinery.
- (3) Nor does this requirement apply to a building to be used wholly for a purpose such that –
  - (a) compliance with the requirement would not serve to increase protection to the health or safety of any person habitually employed in the building; or
  - (b) non-compliance with the requirement would not cause damage to the fabric of the building.

#### **4.4 Resistance to weather and ground moisture**

- (1) The walls, floors and roof of a building must adequately protect that building and people who use it from harmful effects caused by –
  - (a) ground moisture;
  - (b) precipitation including wind-driven spray;
  - (c) interstitial and surface condensation; and
  - (d) spillage of water from, or associated with, sanitary fittings or fixed appliances.
- (2) This requirement does not apply to a building used wholly to store goods or to accommodate plant or machinery, if anybody habitually employed in the building

is not employed in the building otherwise than to store, to care for or to remove the goods, plant or machinery.

- (3) Nor does this requirement apply to a building to be used wholly for a purpose such that –
  - (a) compliance with the requirement would not serve to increase protection to the health or safety of any person habitually employed in the building; or
  - (b) non-compliance with the requirement would not cause damage to the fabric of the building.

## **PART 5 – VENTILATION**

### **5.1 Means of ventilation**

- (1) A building must have adequate ventilation for people in it.
- (2) ...
- (3) Sub-paragraph (1) does not apply to a building or space within a building that –
  - (a) people do not normally go in to;
  - (b) is used solely for storage; or
  - (c) is a garage serving a single dwelling.

### **5.2 Condensation in roofs**

Adequate provision must be made in a building to prevent excessive condensation –

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

## **PART 6 – DRAINAGE, HYGIENE AND WATER STORAGE**

### **6.1 Foul water drainage**

- (1) An adequate system of drainage must be provided to carry foul water from appliances within a building to one of the following, listed in order of priority –
  - (a) a public sewer; or, if that is not reasonably practicable;
  - (b) a private sewer communicating with a public sewer; or, where that is not reasonably practicable;
  - (c) a cesspool or an appropriate packaged wastewater treatment work, the latter being connected to an appropriate drainage field.
- (2) Sub-paragraph (1) does not apply to the diversion of water that has been used for personal washing or for the washing of clothes, linen or other articles to collection systems for reuse.
- (3) In sub-paragraph (1) –



- (a) 'foul water' means waste water that comprises or includes –
    - (i) waste from a sanitary convenience, bidet or appliance used for washing receptacles for foul waste,
    - (ii) water that has been used for food preparation, cooking or washing, or
    - (iii) trade effluent;
  - (b) 'packaged wastewater treatment work' means a wastewater treatment system constructed with minimal site work using prefabricated components, such system being constructed and tested in accordance with standards and specifications in the relevant technical guidance document;
  - (c) 'drainage field' means a system of irrigation pipes, either sub-surface or on the surface soil, allowing effluent to percolate into the surrounding soil.
- (4) For the purposes of sub-paragraph (3)(b) the relevant technical guidance document is one concerning the design and construction requirements for packaged wastewater treatment works.

## 6.2 Packaged wastewater treatment works and cesspools.

- (1) A cesspool or packaged wastewater treatment work and its drainage field, must be sited and constructed so that –
- (a) it is not prejudicial to the health of any person;
  - (b) it will not contaminate any watercourse, underground water or water supply;
  - (c) there are adequate means of access for emptying and maintenance; and
  - (d) where relevant, it will function to a sufficient standard for the protection of health in the event of a power failure.
- (2) A cesspool, packaged wastewater treatment work must be –
- (a) of adequate capacity;
  - (b) so constructed that it is impermeable to liquids; and
  - (c) adequately ventilated.
- (3) Where a foul water drainage system from a building discharges to a cesspool, or packaged wastewater treatment work, a durable notice must be affixed in a suitable place in the building containing information on any continuing maintenance required to avoid risks to health.
- (4) In this paragraph "packaged wastewater treatment work" and "drainage field" have the same meaning as in requirement 6.1.

## 6.3 Rainwater drainage

- (1) Adequate provision must be made for rainwater to be carried from the roof of a building.
- (2) Rainwater from a system provided pursuant to sub-paragraph (1) must discharge to one of the following, listed in order of priority –
- (a) an adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable;

- (b) a watercourse; or, where that is not reasonably practicable;
  - (c) a sewer.
- (3) This paragraph does not apply to the gathering of rainwater for reuse.

#### **6.4 Sanitary facilities**

A building must have adequate sanitary facilities in rooms provided for that purpose.

#### **6.5 Hot water storage and supply**

- (1) A hot water storage system with a hot water storage vessel must be designed and installed so as to operate safely, and in particular must incorporate precautions to –
- (a) prevent the temperature of stored water exceeding 100°C at any time; and
  - (b) ensure that any discharge from safety devices forming part of the system is safely conveyed to a point where it is visible but will cause no danger to persons in or about the building.
- (2) Sub-paragraph (1) does not apply to –
- (a) a hot water storage system with a hot water storage vessel having a capacity of 15 litres or less;
  - (b) a hot water storage system that provides only space heating;
  - (c) a system that heats or stores water only for an industrial process.
- (3) A system supplying hot water to any fixed bath must be designed and installed so as to operate safely, and in particular must incorporate precautions to ensure that the temperature of water delivered to the bath at any time cannot exceed 48°C.
- (4) Sub-paragraph (3) applies only when a dwelling is –
- (a) erected; or
  - (b) formed as a result of a material change of use of a building.

#### **6.6 Water efficiency**

- (1) A system supplying water to a dwelling must be designed and installed with reasonable regard to the efficient use of potable water.
- (2) Sub-paragraph (1) applies only when a dwelling is –
- (a) erected; or
  - (b) formed as a result of a material change of use of a building.

## **PART 7 – STAIRS, RAMPS AND PROTECTIVE BARRIERS**

### **7.1 Stairs and ramps**

- (1) Any stairs, ladder or ramp installed in or in connection with a building must be installed and equipped so as to enable people to move safely between levels of the building.
- (2) Sub-paragraph (1) does not apply to stairs, a ladder or a ramp used only for maintenance purposes.

### **7.2 Protective barriers**

Any stairs, ramp, floor or balcony installed in or in connection with a building, or any roof area of a building to which people normally have access, must be guarded with barriers if this is necessary to protect users from falling.

### **7.3 Vehicle barriers**

Any vehicle ramp installed in or in connection with a building, or any floor or roof area of a building to which vehicles have access, must be guarded with barriers if this is necessary to provide protection for people in or about the building.

## **PART 8 – ACCESS TO AND USE OF BUILDINGS**

### **8.1 Access and use**

- (1) Reasonable provision must be made for people –
  - (a) to gain access to; and
  - (b) to use,the building and its facilities.
- (2) This requirement does not apply –
  - (a) to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained; or
  - (b) to the material alteration or extension of a dwelling.

### **8.2 Access to extensions to buildings**

- (1) Suitable independent access must be provided to an extension of a building where reasonably practicable.
- (2) This requirement does not apply to –
  - (a) an extension to a dwelling; or
  - (b) an extension that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

- (3) Nor does this requirement apply where suitable access to the extension is provided through the extended building.

### **8.3 Sanitary Conveniences in extensions to buildings**

- (1) If sanitary conveniences are provided in a building that is to be extended, reasonable provision must be made within the extension for sanitary conveniences.
- (2) This requirement does not apply to –
  - (a) an extension to a dwelling; or
  - (b) an extension that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.
- (3) Nor does this requirement apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

### **8.4 Sanitary conveniences in dwellings**

- (1) Reasonable provision must be made for sanitary conveniences –
  - (a) in the entrance storey of dwellings; or
  - (b) if the entrance storey contains no habitable rooms, in either the entrance storey or principal storey.
- (2) In this paragraph –

“entrance storey” means the storey that contains the principal entrance;

“principal storey” means the storey nearest to the entrance storey that contains a habitable room, or if there are 2 such storeys equally near, either one.

### **8.5 Adaptability of dwellings**

Reasonable provision must be made in a dwelling to enable it to be easily adapted at a future date to enable occupants to cope better with reducing mobility.

## **PART 9 – RESISTANCE TO THE PASSAGE OF SOUND**

### **9.1 Protection against sound from other parts of the building and adjoining buildings**

Dwelling-houses, flats and rooms for residential purposes must be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

## 9.2 Protection against sound within residences, etc.

- (1) Dwelling-houses, flats and rooms for residential purposes must be designed and constructed in such a way that –
  - (a) internal walls between a bedroom or a room containing a water closet, and other rooms; and
  - (b) internal floors,provide reasonable resistance to sound.
- (2) Sub-paragraph (1) does not apply to –
  - (a) an internal wall that contains a door;
  - (b) an internal wall that separates an en-suite toilet from the associated bedroom; or
  - (c) existing walls and floors in a building that is subject to a material change of use.

## 9.3 Reverberation in the common internal parts of buildings containing flats or rooms for residential purposes

- (1) The common internal parts of buildings that contain flats or rooms for residential purposes must be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable.
- (2) Sub-paragraph (1) only applies to corridors, stairwells, hallways and entrance halls that give access to a flat or room for residential purposes.

## 9.4 Acoustic conditions in schools

- (1) Each room or other space in a school building must be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.
- (2) In sub-paragraph (1) –

“school” means an institution used for full or part time education;

“school building” means a building forming a school or part of a school.

## PART 10 – GLAZING

### 10.1 Safety and protection

Glazing that a person is likely to come into contact with while moving about a building must –

- (a) be shielded or protected from impact;
- (b) resist impact without breaking; or
- (c) be of a type that if broken on impact breaks in a way that is unlikely to cause injury.

## **10.2 Glazing liable to contact**

In the case of a building that is not a dwelling, transparent glazing that a person is likely to collide with while in passage in or about the building must –

- (a) be adequately shielded; or
- (b) be provided with features that make it noticeable.

## **PART 11 – CONSERVATION OF FUEL AND POWER**

### **11.1 Conservation of energy**

Reasonable provision must be made for the conservation of fuel and power in a building by –

- (a) limiting heat gains and heat losses –
  - (i) through thermal elements and other parts of the building fabric, and
  - (ii) from pipes, ducts and vessels used for space heating, space cooling and hot water services;
- (b) providing and commissioning energy-efficient fixed building services with effective controls; and
- (c) in a case where building work is carried out in connection with a building that is (or any component of which is) required to comply with any provision of subparagraph (a) or (b), providing to the owner of the relevant building on completion of that building work sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than are reasonable in the circumstances.

## **PART 12 – FIXED ELECTRICAL INSTALLATION WITH RESPECT TO A BUILDING**

### **12.1 Fixed electrical installation**

A fixed electrical installation in, or in respect of, a building must be designed, installed, inspected and tested so as to provide reasonable protection against the installation or any part of it being a source of a fire or a cause of injury to people in or about the building.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Building Bye-laws (Jersey) 2007	<a href="#">R&amp;O.80/2007</a>	1 July 2007
Building Bye-laws (Amendment) (Jersey) 2009	<a href="#">R&amp;O.95/2009</a>	1 January 2010
Building Bye-laws (Amendment No. 2) (Jersey) 2010	<a href="#">R&amp;O.116/2010</a>	1 January 2011
Building Bye-laws (Amendment No. 3) (Jersey) 2014	<a href="#">R&amp;O.51/2014</a>	1 July 2014
Building Bye-laws (Amendment No. 4) (Jersey) 2015	<a href="#">R&amp;O.36/2015</a>	19 March 2015
Building Bye-laws (Amendment No. 5) (Jersey) 2016	<a href="#">R&amp;O.46/2016</a>	18 July 2016
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )
Building Bye-laws (Amendment No. 6) (Jersey) 2019	<a href="#">R&amp;O.55/2019</a>	1 October 2019

### Table of Renumbered Provisions

Original	Current
18(1)	18
18(2)	Spent, omitted

### Table of Endnote References

<sup>1</sup> Bye-law 1(1)	<i>amended by R&amp;O.95/2009, R&amp;O.49/2018, R&amp;O.55/2019</i>
<sup>2</sup> Bye-law 2	<i>amended by R&amp;O.95/2009</i>
<sup>3</sup> Bye-law 2A	<i>inserted by R&amp;O.95/2009</i>
<sup>4</sup> Bye-law 5(4)	<i>added by R&amp;O.95/2009</i>
<sup>5</sup> Bye-law 5A	<i>substituted by R&amp;O.46/2016</i>
<sup>6</sup> Bye-law 5B	<i>inserted by R&amp;O.95/2009</i>
<sup>7</sup> Bye-law 6(1)	<i>amended by R&amp;O.95/2009, R&amp;O.116/2010, R&amp;O.55/2019</i>
<sup>8</sup> Bye-law 6(2)	<i>amended by R&amp;O.95/2009</i>
<sup>9</sup> Bye-law 9(1)	<i>amended by R&amp;O.36/2015</i>
<sup>10</sup> Bye-law 9(2)	<i>amended by R&amp;O.36/2015</i>
<sup>11</sup> Bye-law 10(1)	<i>amended by R&amp;O.95/2009, R&amp;O.36/2015</i>
<sup>12</sup> Bye-law 11	<i>amended by R&amp;O.36/2015</i>
<sup>13</sup> Bye-law 13(1)	<i>amended by R&amp;O.36/2015</i>
<sup>14</sup> Bye-law 13(2)	<i>amended by R&amp;O.95/2009, R&amp;O.36/2015</i>
<sup>15</sup> Bye-law 13(3A)	<i>inserted by R&amp;O.95/2009</i>
<sup>16</sup> Bye-law 13(4)	<i>amended by R&amp;O.36/2015</i>
<sup>17</sup> Bye-law 13(6)	<i>amended by R&amp;O.36/2015</i>

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- <sup>18</sup> *Bye-law 13(7)* amended by R&O.36/2015, editorial change, sub-paragraph (c) renumbered as sub-paragraph (b)
- <sup>19</sup> *Bye-law 13(8)* amended by R&O.36/2015
- <sup>20</sup> *Bye-law 13(9)* amended by R&O.36/2015
- <sup>21</sup> *Bye-law 14(1)* amended by R&O.36/2015
- <sup>22</sup> *Bye-law 14(2)* amended by R&O.36/2015
- <sup>23</sup> *Bye-law 14(3)* added by R&O.36/2015
- <sup>24</sup> *Bye-law 15(2)* amended by R&O.36/2015
- <sup>25</sup> *Bye-law 15(3)* amended by R&O.36/2015
- <sup>26</sup> *Bye-law 15(4)* amended by R&O.36/2015
- <sup>27</sup> *Bye-law 15(6)* amended by R&O.55/2019
- <sup>28</sup> *Bye-law 16(2)* amended by R&O.36/2015
- <sup>29</sup> *Bye-law 16(4)* amended by R&O.36/2015
- <sup>30</sup> *Bye-law 16(5)* amended by R&O.36/2015
- <sup>31</sup> *Bye-law 17(1)* amended by R&O.36/2015
- <sup>32</sup> *Bye-law 17(3)* amended by R&O.36/2015
- <sup>33</sup> *Part 3A* inserted by R&O.95/2009
- <sup>34</sup> *Part 3A* sub-heading substituted by R&O.46/2016
- <sup>35</sup> *Bye-law 17A* substituted by R&O.46/2016
- <sup>36</sup> *Bye-law 17B* substituted by R&O.46/2016
- <sup>37</sup> *Bye-law 17C(1)* substituted by R&O.46/2016
- <sup>38</sup> *Bye-law 17D* heading amended by R&O.36/2015
- <sup>39</sup> *Bye-law 17D(1)* substituted by R&O.46/2016
- <sup>40</sup> *Bye-law 17D(2)* substituted by R&O.46/2016
- <sup>41</sup> *Bye-law 17D(4)* amended by R&O.46/2016
- <sup>42</sup> *Bye-law 17E* substituted by R&O.46/2016
- <sup>43</sup> *Bye-law 17F* heading substituted by R&O.46/2016
- <sup>44</sup> *Bye-law 17F(3)* amended by R&O.36/2015
- <sup>45</sup> *Bye-law 17G(2)* amended by R&O.36/2015
- <sup>46</sup> *Bye-law 17H* substituted by R&O.46/2016
- <sup>47</sup> *Part 4* substituted by R&O.95/2009
- <sup>48</sup> *Schedule 1* amended by R&O.95/2009
- <sup>49</sup> *Schedule 2* amended by R&O.95/2009, R&O.116/2010, R&O.51/2014, R&O.55/2019