FAQ NOTE: HOW REGS & STANDARDS WORK

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1 IMPORTANT CONTEXT – HOW REGS AND GUIDANCE WORK!

This 'context' is important for lots of the FAQ answers as many questions from members are asking if something 'should' be done. Effectively incorporating if the item in question is mandatory; best practice; MNZH recommended etc.

The context (outlined here) is probably more useful in framing the answers than the technical detail of what is, or is not, or might be, mandatory! Most of what we would think of as 'clear rules' in Building Regulations are in fact not absolutely mandatory as there are escape routes. In practice this probably makes the weight of guidance, and regulatory pointers more relevant than anything else. In other words you might say that things become 'effectively mandatory'.

There are levels of guidance and regulations. For example PAS 2035 is not 'mandatory', it is guidance. However, meeting the guidance is required by the funder. This elevates the standing of PAS 2035 for the DESNZ retrofit projects. It becomes mandatory for funding. However, in day to day operational practice TrustMark's interpretation and requirements effectively trump the words in the PAS2035 document. This means that what is effectively enforced is not necessarily what might be expected from the words written in the document. This begs a question: "*Should you be following the words in PAS 2035, or should you just be making sure that you have ticked all the TrustMark boxes?*"

The Building Regulations *are* mandatory. However exactly what is mandated is often less clear. If we take Part F (Ventilation) for example. The Part F doc is *c.* 62 pages long. Most of the document details what you must do in order to be deemed to have met the requirements – in detail. However there are three routes or approaches. The document details the first two.

The third option though is effectively a 'back door' to just do something else. This is contained in two paragraphs (a general one, and one for retrofit specifically) containing a total of 6 lines of text. This is done so the Regs are not a restrictive straight jacket that prevents any other solutions. However, it does provide a back door which can be used to arguably avoid the details set out in the document and deploy a lesser solution.

The contextual challenge is that it isn't always easy to be crystal clear about exactly what is mandatory. But whilst it may be possible to do something that it might be possible to argue is not 'mandated' – the further away that solution is from what is clear in the various docs, the higher your exposure to risk if something does go wrong (or there is a complaint) and you are left trying to explain why your solution is an allowable 'complicated explain', rather than a simple following of the guidance / regs.

This means that what AECL will recommend for MNZH consortia members will typically be driven by what we think you should do, for a combination of clear compliance and good practice.

2 THE REGULATORY AND GUIDANCE 'FRAMEWORK'

2.1 PRIMARY DOCS

Regulations and guidance documents generally work as an interconnected 'framework'. All such documents will refer to other documents. For example in PAS 2035 it says:

"*The following documents are referred to in the text in such a way that some or all of their content constitutes provisions, or limits the application, of this document.*"

It then lists 23 such documents – and this does not include building regulations.

For any FAQ we will refer to some 'Primary' reference docs. These will be some of the most pertinent docs to the particular question. There will often be other docs that could also be considered 'primary', that we may not refer to. Typically the primary docs listed will answer the question – but a full review of all relevant docs would need to be much deeper! The question is normally resolved because something will point to a requirement so strongly that we can use that as a basis for why something is recommended, it isn't necessary to review other docs and double-up on the reasons why.

If you have specific questions from an FAQ – just ask. We will try to resolve those follow-on questions too.