

Warnings issued and Non-Compliance to Building Regulations

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If you have been informed that your Oil-Fired appliance/flue, Oil supply line/components or Oil storage tank is N.C.R. (Not to Current Recommendations), or you have been notified there is a problem or you have been issued with a warning or a warning label has been attached then please read this; (if you are a tenant you should also contact your landlord or letting agent):

BS5410-part1:2019 which came into effect on 30th June 2019 has confirmed that during an appliance Service we have a duty of care to inspect and inform you of any issues or potential issues that may occur in your Oil storage system, Oil supply line or Oil-fired appliance and to comply with this duty of care we have to notify you and issue warnings and provide information of any Potential or Immediate risks or issues. **It is possible that at the time of Installation items did meet the Regulations or Manufacturers Requirements, but all checks must be carried out and information given with regards to CURRENT STANDARDS, regardless of the date of Installation; which can be confusing!** CURRENTLY, our duty of care is only to notify YOU (OR YOUR TENANT) of these issues and in certain cases fix a Warning Sticker to the appliance or oil tank; it is the householders choice whether they do anything about it or not, but we are also told in BS 5410 part 1 2019 to notify you that failure to address any concerns identified, recorded and reported may invalidate any insurance policy you may rely on. It is therefore advisable to check with your Insurers with regards to these matters. You may also have problems when trying to sell the property if things are not compliant. The Installation Checklist on our Job Sheets will highlight in Red **N.C.R.** anything that does not comply with **Current Recommendations or Standards** but also somethings that may be recommended in general guidance or by a manufacturer of an appliance will also be highlighted in red.

If a Compliance certificate has been issued by OFTEC or Building Control, it is based on the information they have received from the Installer; if the Installer has filled in the paperwork saying something is compliant when it is not, it does not overrule the Building Regulations and this matter should be taken up with the Installer. If for some reason Building Control have relaxed a Regulation or allowed an Installation to be "signed off" when it does not meet the Regulations, they must supply you with an Exemption Certificate or a letter that states they have relaxed a Regulation and for what reason; you must keep a copy of this and possibly supply your Insurance Company with the details also.

TYPES OF WARNINGS

There are four categories of Warning used and each one may be relevant to the Oil storage system, Oil supply line and components, Oil-fired appliance and flue and ventilation, or general safety. Sometimes a warning may have no relation to an actual regulation or standard, but if there is a potential risk to Safety or Environmental Pollution, they should be highlighted:

1. PSR - Potential Safety Risk
2. **ISR - Immediate Safety Risk**
3. PER - Potential Environmental Risk
4. **IER - Immediate Environmental Risk**

In certain cases, where there may be an Immediate Safety or Environmental Risk an appliance may have been (or advised to be) temporarily disabled by isolating the fuel supply and/or turning off the power to the appliance. **Please note that these actions are advisory as we have no legal authority to permanently disable an installation without prior consent of the home owner or client.** Although the following information relates more to Oil Tank Installations it also applies to Boilers as well; additional information on Oil Tanks and Warnings for other non-compliant issues will be given on other relevant factsheets.

1. Any Oil Storage Installation that is on a "Non-Domestic" site must bring the Installation up to Current Standards (regardless of the date of Installation) and should have done so by 1st September 2005 in accordance with "The Control of Pollution (Oil Storage) Regulations (England) 2001"; failure to do so can lead to a fine of up to £20,000.

2. Domestic Installations carried out prior to the introduction of the 2002 Building Regulations cannot have current regulations or standards forced upon them (until the oil tank/appliance is either re-located or replaced) but some Buildings Insurances may be void if an installation does not meet Current Regulations or Standards; it is therefore advisable to check with your Insurers with regards to these matters.

3. Domestic Oil Tank Installations carried out between 1st April 2002 and 31st December 2014 allowed the Installation of a single skinned Oil tank providing it passed a risk assessment. If the Installation did not pass the risk assessment then either an integrally banded Oil Tank should have been used, or a masonry bund or catch pit should have been constructed in compliance with CIRIA Report 163. All current guidance with regards to Fire Protection and Fire Separation Distances are still the same as they were in 2002. Some Buildings Insurances may be void if an installation does not meet Current Regulations or Standards; it is therefore advisable to check with your Insurers with regards to these matters.

4. Domestic Oil Tank Installations carried out since 1st January 2015 had to either be integrally banded Oil Tanks or incorporate a masonry bund in accordance with CIRIA Report 163. All current guidance with regards to Fire Protection and Fire Separation Distances are still the same as they were in 2002. Some Buildings Insurances may be void if an installation does not meet Current Regulations or Standards; it is therefore advisable to check with your Insurers with regards to these matters.

The storage of Kerosene and Gas Oil in their liquid state is considered safe, providing that the tank and its contents are protected from the effects of a fire or a heat source that originates nearby. Oil and LPG Fuel Storage installations including the pipework

connecting them to the combustion appliances in the buildings they serve should be located and constructed so that they are reasonably protected from fires which may occur in buildings or beyond boundaries or any other potential source of fire.

BS5410-1:2019 states a Domestic Oil tank installation capable of storing 3500 Litres of fuel or less must be positioned on or over a solid non-combustible base which extends at least 300mm to each side of the Oil tank. It must be located at least 760mm from a non-fire rated Boundary, at least 1.8m from a non-fire rated Building or Structure, at least 1.8m from a construct opening such as a window or door in a building that is fire rated, at least 1.8m from non-fire rated eaves of a building and at least 1.8m from a flue terminal, or any other potential source of fire.

If the above fire separation distances cannot be achieved then a fire wall or radiation barrier (with a minimum of 30 minutes fire resistance which extends a minimum of 300mm higher and wider each side of any part of the tank) should be positioned between the tank and any of the above that is closer than the distances specified.

Fire walls or radiation barriers are imperforate non-combustible walls or screens such as masonry walls or fire-rated composite panel screens that have been tested to BS 476 Parts 20,21 and 22. They are to be installed as tested and in accordance with product manufacturers instructions. They should have at least a 20-year working lifespan and combustible materials are not to be used to create a supporting structure.

Additional distances from buildings & structures, flue terminals, construct openings, non-fire rated eaves & boundaries and/or increased dimensions and fire rated resistance of fire walls and radiation barriers will be required if storing in excess of 3500 litres of fuel in a Domestic Installation and any quantity of stored fuel in a Non-Domestic Installation.

A boundary is defined as: "a legal boundary dividing one persons property from another, which might or might not be a physical boundary in the form of a hedge, fence or wall"

A boundary is additionally a boundary line dividing property and permitted land use such as the demarcation line between agricultural, equine, livestock and domestic land such as can be found at farms, commercial and domestic land use such as can be found at schools or colleges having a caretakers dwelling house on site or campus.

A fire-rated boundary would be defined as being: A boundary that would be marked by a solid, continuous wall or fence that has a fire resistance of:

1. a minimum of 30 minutes, which extends a minimum of 300mm higher and wider than each side of the Oil Storage tank in the case of a Domestic Oil tank of 3500 L or less (or)
2. a minimum of 60 minutes, which extends a minimum of 900mm higher and wider than each side of the Oil Storage tank in the case of a Non-Domestic Oil tank of 3500 L or less (or)
3. a minimum of 120 minutes, which extends a minimum of 900mm higher and wider than each side of the Oil storage tank in the case of a Domestic or Non-Domestic Oil tank of 3501 L or more

Interpretation of a Building, Structure or Erection taken from The Building ACT 1984

The Building Act 1984 interprets a building for the purposes of Building Regulations or any other enactment that relates to Building Regulations or that mentions buildings or a building in a context from which it appears means:

1. Any permanent or temporary building and unless the context otherwise requires, it includes any other structure or erection of whatever kind of nature (whether permanent or temporary).
2. A structure or erection includes a vehicle, vessel, hovercraft, aircraft or other moveable object of any kind in such circumstances as may be prescribed (being circumstances that in the opinion of the Secretary of State justify treating it for those purposes as a building).

As is evident in the above statement, Fire risk structures are not always defined as a building nor does it mean the building has to be made of combustible material, they can include but are not limited to garages, garden sheds, greenhouses, summerhouses, outbuildings, cars, vans, mobile homes and caravans, static caravans, childrens playhouses, log stores and fixed position barbeques etc. In other words, anywhere a fire may start and spread to the Oil Storage Tank.

If installation work has been carried out on a Domestic Installation after 1st April 2002, and does not comply then you should seek further advice as **the property owner can be fined up to £5000.00 for breach of Building Regulations** and some Insurances may be void if work does not comply. You may also experience problems should you try to sell your property. Very little has changed with regards to compliance to Building Regulations since 2002. **Breach of Building Regulations is a criminal offence!**

We have also produced and will supply you with any relevant factsheets regarding the situation and further information for reference can be obtained from our Factsheets:

F/S 15 Warnings and Non-Compliance to Building Regulations, F/S 16 Installation and commissioning procedures, F/S 17 Failure to carry out work in Compliance with Building Regulations, F/S 18 Domestic or Non-Domestic Tank Installation, F/S 19 Oil Storage and Appliance Installation Regulations (England), F/S 20 Carbon monoxide poisoning, F/S 21 Appliance location, Combustion and Ventilation air supply, F/S 22 Flue Termination, F/S 32 Oil Tank Fire Separation Distances (England), F/S 33 Keeping your Oil Storage Compliant and Safe, F/S 35 Oil supply line and associated items, F/S 36 Fire Valves, F/S 37 Earth bonding and Electrical regulations and/or Building Regulations Approved Document J Combustion Appliances and Fuel Storage systems, British Standards 5410 parts 1, 2, 3, The Control of Pollution (Oil Storage) Regulations (England) 2001 and OFTEC Technical Books 3 and 4.

It is the owner/householders responsibility to ensure their system is compliant and safe.