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Agrément Certificate
04/4154
Product Sheet 1 Issue 7

SURECAV CAVITY WALL SYSTEM

SURECAV CAVITY WALL SPACER SYSTEM

This Agrément Certificate Product Sheet(1) relates to the SureCav Cavity Wall Spacer System, a panel, injection moulded from recycled polypropylene, with spacer protrusions and joining strips. The system is used to form a consistent cavity width in new, steel-frame, masonry or timber-frame constructed cavity walls with height restrictions, in domestic and non-domestic buildings. The system is installed during construction in conjunction with a natural stone outer leaf.

(1) Hereinafter referred to as 'Certificate'.

The assessment includes

Product factors:

- compliance with Building Regulations
- compliance with additional regulatory or non-regulatory information where applicable
- evaluation against technical specifications
- assessment criteria and technical investigations
- uses and design considerations

Process factors:

- compliance with Scheme requirements
- installation, delivery, handling and storage
- production and quality controls
- maintenance and repair

Ongoing contractual Scheme elements†:

- regular assessment of production
- formal 3-yearly review

KEY FACTORS ASSESSED

Section 1. Mechanical resistance and stability
Section 2. Safety in case of fire
Section 3. Hygiene, health and the environment
Section 4. Safety and accessibility in use
Section 5. Protection against noise
Section 6. Energy economy and heat retention
Section 7. Sustainable use of natural resources
Section 8. Durability

The BBA has awarded this Certificate to the company named above for the system described herein. This system has been assessed by the BBA as being fit for its intended use provided it is installed, used and maintained as set out in this Certificate.

On behalf of the British Board of Agrément

Date of Seventh issue: 24 May 2023

Originally certificated on 18 November 2004

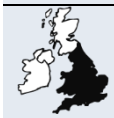
Hardy Giesler
Chief Executive Officer

SUMMARY OF ASSESSMENT AND COMPLIANCE

This section provides a summary of the assessment conclusions; readers should refer to the later sections of this Certificate for information about the assessments carried out.

Compliance with Regulations

Having assessed the key factors, the opinion of the BBA is that SureCav Cavity Wall Spacer System, if installed, used and maintained in accordance with this Certificate, can satisfy or contribute to satisfying the relevant requirements of the following Building Regulations:



The Building Regulations 2010 (England and Wales) (as amended)

Requirement:	**B3(4)**	**Internal fire spread - structure**
Comment:		The system can contribute to satisfying this Requirement. See section 2 of this Certificate.
Requirement:	**C2(b)(c)**	**Resistance to moisture**
Comment:		The system can contribute to satisfying this Requirement. See section 3 of this Certificate.
Regulation:	**7(1)**	**Materials and workmanship**
Comment:		The system is acceptable. See sections 8 and 9 of this Certificate.
Regulation:	**7(2)**	**Materials and workmanship**
Comment:		The system is restricted by this Regulation. See section 2 of this Certificate.

The Building (Scotland) Regulations 2004 (as amended)

Regulation:	**8(1)**	**Fitness and durability of materials and workmanship**
Comment:		The system is acceptable. See sections 8 and 9 of this Certificate.
Regulation:	**8(3)**	**Fitness and durability of materials and workmanship**
Comment:		The system is restricted by this Regulation. See section 2 of this Certificate.
Regulation:	**9**	**Building standards applicable to construction**
Standard	2.4	Cavities
Comment:		The system can contribute to satisfying this Standard, with reference to clause 2.4.2(1)(2). See section 2 of this Certificate.
Standard	2.6	Spread to neighbouring buildings
Comment:		The system is restricted by these Standards, with references to clauses 2.6.5(1), 2.6.6(2). See section 2 of this Certificate.
Standard:	3.4	Moisture from the ground
Comment:		Walls incorporating the system can satisfy this Standard, with reference to clause 3.4.1(1)(2). See section 3 of this Certificate.
Standard:	3.10	Precipitation
Comment:		Walls incorporating the system can satisfy this Standard, with reference to clauses 3.10.1(1)(2), 3.10.3(1)(2), 3.10.5(1)(2) and 3.10.6(1)(2). See section 3 of this Certificate.
Standard:	3.15	Condensation
Comment:		The system can contribute to satisfying this Standard, with reference to clauses 3.15.1(1)(2), 3.15.4(1)(2) and 3.15.5(1)(2). See section 3 of this Certificate.

Standard:	7.1(a)	Statement of sustainability
Comment:		The system can contribute to meeting the relevant requirements of Regulation 9, Standards 1 to 6 and therefore will contribute to a construction meeting a bronze level of sustainability as defined in this Standard.
Regulation:	**12**	**Building standards applicable to conversions**
Comment:		Comments in relation to the system under Regulation 9, Standards 1 to 6 also apply to this Regulation, with reference to clause 0.12.1[(1)(2)] and Schedule 6[(1)(2)]. (1) Technical Handbook (Domestic). (2) Technical Handbook (Non-Domestic).

The Building Regulations (Northern Ireland) 2012 (as amended)

Regulation:	**23(1)**	**Fitness of materials and workmanship**
Comment:		The system is acceptable. See sections 8 and 9 of this Certificate.
Regulation:	**23(2)**	**Fitness of materials and workmanship**
Comment:		The system is restricted by this Regulation. See section 2 of this Certificate.
Regulation:	**28(a)(b)**	**Resistance to moisture and weather**
Comment:		The system can contribute to satisfying this Regulation. See section 3 of this Certificate.
Regulation:	**29**	**Condensation**
Comment:		The system can contribute to satisfying this Regulation. See section 3 of this Certificate.
Regulation:	**35(4)**	**Internal fire spread – Structure**
Comment:		The system can contribute to satisfying this Regulation. See section 2 of this Certificate.

NHBC Standards 2023

In the opinion of the BBA, the SureCav Cavity Wall Spacer System, if installed, used and maintained in accordance with this Certificate, can satisfy or contribute to satisfying the relevant requirements in relation to *NHBC Standards*, Chapters 6.1 *External masonry walls,* 6.2 *External timber-framed wall or 6.10 Light steel framed walls and floors*.

Fulfilment of Requirements

The BBA has judged SureCav Cavity Wall Spacer System to be satisfactory for use as described in this Certificate. The system is an injection moulded recycled polypropylene panel with spacer protrusions and joining strips. The system is used to form a consistent cavity width in new, steel-frame, masonry or timber-frame constructed cavity walls with height restrictions, in domestic and non-domestic buildings (additional requirements apply for buildings over 12 metres). The system is installed during construction in conjunction with a natural stone outer leaf.

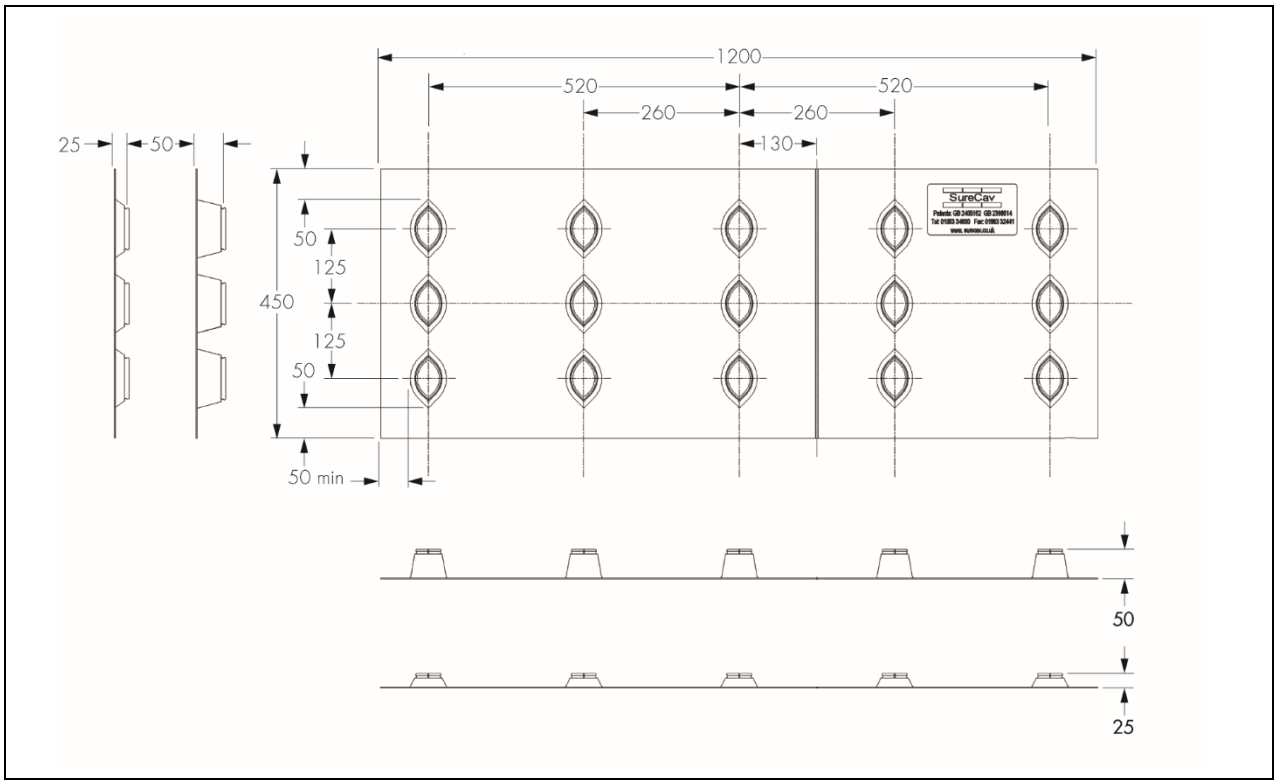
ASSESSMENT

Product description and intended use

The Certificate holder provided the following description for the system under assessment. SureCav Cavity Wall Spacer system consists of:

- black panels, injection moulded from recycled polypropylene, incorporating raised protrusions (see figure 1) and available in two thicknesses to provide nominal cavity widths of 25 or 50 mm.
- joining strips comprising H section profiles in black PVC-U, used to interlock adjacent panel edges during installation.

Figure 1 Panel detail (all dimensions in mm)



The system has the nominal characteristics given in Table 1.

Table 1 Nominal characteristics

Component	Characteristic (unit)	Value
Panel	Length (mm)	1200
	Width (mm)	450
	Total thickness (mm)	25 and 50
	Sheet thickness (mm)	2
	Spacer height (mm)	23 and 48
Joining strips	Horizontal strips length (mm)	900
	Vertical face strips length (mm)	400

Ancillary Items

The Certificate holder recommends the following ancillary items for use with the system, but these materials have not been assessed by the BBA and are outside the scope of this Certificate:

- retaining clips
- proprietary wall ties.

Applications

The SureCav Cavity Wall Spacer System is satisfactory for use in new external cavity wall constructions in domestic and non-domestic buildings. The system ensures a minimum cavity width of 25 or 50 mm when using natural or reconstituted stone outer leaves in conjunction with:

- conventional masonry inner leaves, with or without partial fill cavity wall insulation (masonry includes clay, calcium silicate, concrete and stone units)
- timber-frame inner leaf
- steel-frame inner leaf.

It is effective in maintaining a residual cavity width in new external cavity walls. However, it is essential that such walls are designed and constructed to incorporate the normal precautions to prevent moisture penetration.

The system can be used in any exposure zone; however, the use of the system does not preclude the need to apply any external render coat or other finish capable of providing the same level of protection in severe exposure zones where such application would be normal practice.

Product assessment – key factors

The system was assessed for the following key factors, and the outcome of the assessments is shown below. Conclusions relating to the Building Regulations apply to the whole of the UK unless otherwise stated.

1 Mechanical resistance and stability

Not applicable.

2 Safety in case of fire

Data were assessed for the following characteristics.

2.1 Reaction to Fire

2.1.1 The Certificate holder has not declared a reaction to fire classification for the system in accordance with BS EN 13501-1 : 2018.

2.1.2 On the basis of data assessed, the system will be restricted in use under the documents supporting the national Building Regulations in some cases.

2.1.3 In England, the system should not be used on buildings that have a storey at least 18 m above ground level and which contain: one or more dwellings, an institution, a room for residential purposes, student accommodation, care homes, sheltered housing, hospitals, dormitories in boarding schools, hotels, hostels and boarding houses.

2.1.4 In Wales and Northern Ireland, the system should not be used on buildings that have a storey at least 18 m above ground level and which contain: one or more dwellings, an institution, a room for residential purposes (excluding any room in a hostel, hotel or boarding house) student accommodation, care homes, sheltered housing, hospitals or dormitories in boarding schools, and additionally in Northern Ireland, nursing homes and places of lawful detention.

2.1.5 In Scotland, the system does not achieve the minimum Class F reaction to fire classification to BS EN 13501-1 : 2018 required by relevant Technical Handbooks, and so designers should seek guidance on the proposed use of the system from the relevant building control body. The system should not be used 1 m or less from a boundary.

2.1.6 Designers must take into account the absence of a reaction to fire classification of the system and must refer to the relevant national Building Regulations and guidance for detailed conditions of use, particularly in respect of requirements for substrate fire performance, cavity closers and barriers, fire stopping of service penetrations and combustibility limitations for other materials and components used in the overall wall construction.

3 Hygiene, health and the environment

Data were assessed for the following characteristics.

3.1 Weathertightness

3.1.1 Results of weathertightness are given in Table 2.

Table 2 Weathertightness

Product assessed	Assessment method	Requirement	Result
SureCav Cavity Wall Spacer System	Water penetration to a BBA method	No significant leakage	Pass

3.1.2 On the basis of data assessed, the system can be used in situations where it bridges the damp-proof course (DPC) in walls; dampness from the ground will not pass through to the inner leaf provided the wall is detailed in accordance with the requirements and provisions of the national Building Regulations.

3.1.3 When the system is properly installed in accordance with this Certificate, it will resist water transfer across the cavity to the inner leaf.

3.1.4 For NHBC sites with timber frame construction, the 50 mm cavity width version must be used.

3.2 Resistance to mechanical damage

3.2.1 Results of resistance to mechanical damage tests are given in Table 3.

Table 3 Mechanical damage tests

Product assessed	Assessment method	Requirement	Result
SureCav Cavity Wall Spacer System	Tensile strength to BS EN ISO 527-1 : 1996 unaged Longitudinal direction Transverse direction	Value achieved	27.16 N per mm^2 27.52 N per mm^2
SureCav Cavity Wall Spacer System	Flexibility – Unaged to BBA Method	Result achieved	No damage

3.3 Condensation

3.3.1 Walls incorporating the system will limit the risk of interstitial condensation adequately when they are designed and constructed in accordance with BS 5250 : 2021.

3.3.2 It is essential that the cavity behind the panel is drained and well-ventilated to the outside with openings equivalent to 1500 $mm^2 \cdot m^{-1}$. This ventilation can be provided by air bricks, air vents, open brick perpends and weepholes at cavity trays. The panels must be cut accordingly to accommodate these openings, but care must be taken to minimise the risk of rain ingress. For timber-frame walls, the openings must be below the lowest timber. Timber-frame walls must also include an air vapour control layer (AVCL) and a breather membrane. Sheathing to a timber or steel-frame must also include a breather membrane.

3.3.3 If the system is to be used in the external walls of rooms expected to have high humidity, care must be taken to ensure adequate ventilation is available to avoid possible problems from the formation of interstitial condensation in the internal wall leaf.

4 Safety and accessibility in use

Not applicable.

5 Protection against noise

Not applicable.

6 Energy economy and heat retention

Not applicable

7 Sustainable use of natural resources

The system components are made from polypropylene and PVC-U, which can be recycled.

8 Durability

8.1 The potential mechanisms for degradation and the known performance characteristics of the materials in this product were assessed.

8.2 Specific test data were assessed for the following.

Table 4 Results of durability tests

Products assessed	Assessment method	Requirement	Result
SureCav Cavity Wall Spacer System	Tensile strength to BS EN ISO 527-1 : 1996 Heat aged 28 days at 80^{0}C Longitudinal direction Transverse direction	No significant loss of properties following ageing	 Pass Pass
SureCav Cavity Wall Spacer System	Flexibility to BBA Method Low temperature at 0^{0}C for 15 hours	No significant loss of properties following ageing	Pass

8.3 Service Life

Under normal service conditions, the product will have a life of at least equivalent to the structure in which it is incorporated], provided it is designed, installed and maintained in accordance with this Certificate and the Certificate holder's instructions.

PROCESS ASSESSMENT

Information provided by the Certificate holder was assessed for the following factors:

9 Design, installation, workmanship and maintenance

9.1 Design

9.1.1 The design process was assessed and the following requirements apply in order to satisfy the performance assessed in this Certificate.

9.1.2 Buildings subject to the national Building Regulations must be constructed in accordance with the relevant recommendations of:

- BS 8000-3 : 2020
- BS EN 1996-1-1 : 2005, BS EN 1996-1-2 : 2005, BS EN 1996-2 : 2006 and BS EN 1996-3 : 2006, and their UK National Annexes.

9.1.3 Where applicable, construction must be in accordance with the relevant clauses of *NHBC Standards* 2023.

9.1.4 As with all cavity walls, the construction and detailing must comply with good practice as described in the Standards given in section 9.1.2.

9.1.5 The use of the 25 mm panel is restricted to a maximum height of 12 metres. Additional height restrictions apply based on the reaction to fire performance and the national Building Regulations (see section 2 of this Certificate).

9.2 Installation

9.2.1 Installation instructions provided by the Certificate holder were assessed and judged to be appropriate and adequate.

9.2.2 Installation must be carried out in accordance with this Certificate and the Certificate holder's instructions. A summary of instructions and guidance are provided in Annex A.

9.2.3 The panel must always be placed lengthways with the flat face outermost and the protrusions in contact with the inner leaf.

9.2.4 It is essential that the spacing of the wall ties/clips allows the long edge of each panel to be secured at a minimum of two points.

9.2.5 The panels must be sawn to fit around openings and corners.

9.2.6 In all situations it is important to ensure during installation that:

- wall ties and fixings are installed correctly and are clean
- excess mortar is cleaned from the cavity face of the leading leaf and debris removed from the cavity
- installation is carried out to the highest level on each wall, or the top edge of the panel is protected by a cavity tray
- at lintel level, a cavity tray, stop ends and weepholes are provided (see Figure 2). The cavity tray is fitted with stop ends to prevent water being discharged into the cavity.

9.2.7 It is essential that all wall ties slope downwards towards the outer leaf and do not cut through protrusions.

9.2.8 For masonry leaves, the horizontal spacing of wall ties must be 900 or 600 mm, depending on the thickness of the thinner leaf. Additional ties may be required to satisfy the structural requirements of PD 6697 : 2019 and/or to ensure adequate retention of the panels. Spacing of wall ties for timber or steel frame must be in accordance with the relevant design criteria.

9.2.9 At the vertical edges of openings and at vertical unreturned or unbonded edges, additional ties must be used at a rate of one tie per 300 mm height or equivalent, and placed not more than 225 mm from the edge. Slots are cut into the panels at every 230 mm and the ties inserted. However, where this would involve piercing the product, and introducing an unacceptable risk of water penetration an additional wall tie must be included within 225 mm of the opening on each board course level to satisfy the structural requirements of the wall.

9.3 Workmanship

Practicability of installation was assessed by the BBA on the basis of the Certificate holder's information. To achieve the performance described in this Certificate, installation of the system must be carried out by a competent general builder, or a contractor, experienced with this type of system.

9.4 Maintenance and repair

As the system is confined within the wall and has suitable durability, maintenance is not required.

10 Manufacture

10.1 The production processes for the system have been assessed, and provide assurance that the quality controls are satisfactory according to the following factors:

10.1.1 The manufacturer has provided documented information on the materials, processes, testing and control factors.

10.1.2 The quality control operated over batches of incoming materials has been assessed and deemed appropriate and adequate.

10.1.3 The quality control procedures and product testing to be undertaken have been assessed and deemed appropriate and adequate.

10.1.4 The process for management of non-conformities has been assessed and deemed appropriate and adequate.

An audit of each production location was undertaken, and it was confirmed that the production process was in accordance with the documented process, and that equipment has been properly tested and calibrated.

†10.1.5 The BBA has undertaken to review the above measures on a regular basis through a surveillance process, to verify that the specifications and quality control operated by the manufacturer are being maintained.

11 Delivery and site handling

11.1 The Certificate holder stated that the system is delivered to site in packs of 5 or 10, wrapped in polyethene bearing the product and manufacturer's name, and the BBA logo incorporating the number of this Certificate. Joining strips are packed in bundles of 12 and wrapped in polythene.

11.2 Delivery and site handing must be performed in accordance with the Certificate holder's instructions and this Certificate, including:

11.2.1 The panels should be stored flat.

11.2.2 The system components must be stored under cover and protected from direct sunlight, high temperatures and mechanical damage.

11.2.3 The system components must not be allowed to come into direct contact with petrol, mineral oil, turpentine, bituminous or similar products.

11.2.4 The system components must not be exposed to open flame or other ignition sources.

ANNEX A – SUPPLEMENTARY INFORMATION †

Supporting information in this Annex is relevant to the system but has not formed part of the material assessed for the Certificate.

Construction (Design and Management) Regulations 2015
Construction (Design and Management) Regulations (Northern Ireland) 2016

Information in this Certificate may assist the client, designer (including Principal Designer) and contractor (including Principal Contractor) to address their obligations under these Regulations.

Management Systems Certification for production

The management system of the manufacturer has been assessed and registered as meeting the requirements of BS EN ISO 9001 : 2015 by IMSM (QAS) (Certificate CA12956).

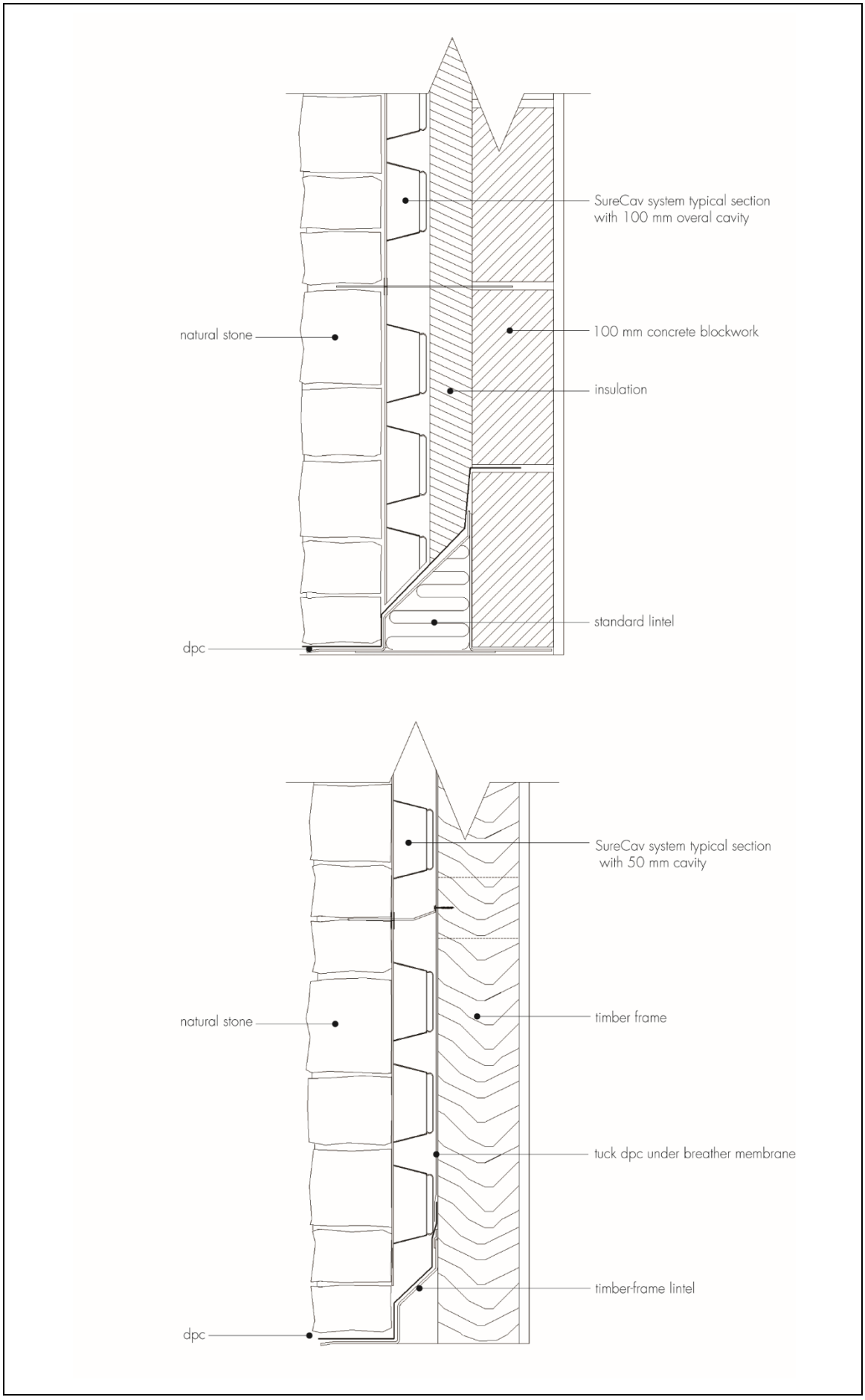
Additional information on installation

General

A.1 Walls are constructed with the SureCav Cavity Wall Spacer System panel fixed to the cavity face of the inner leaf in accordance with the Certificate holder's instructions.

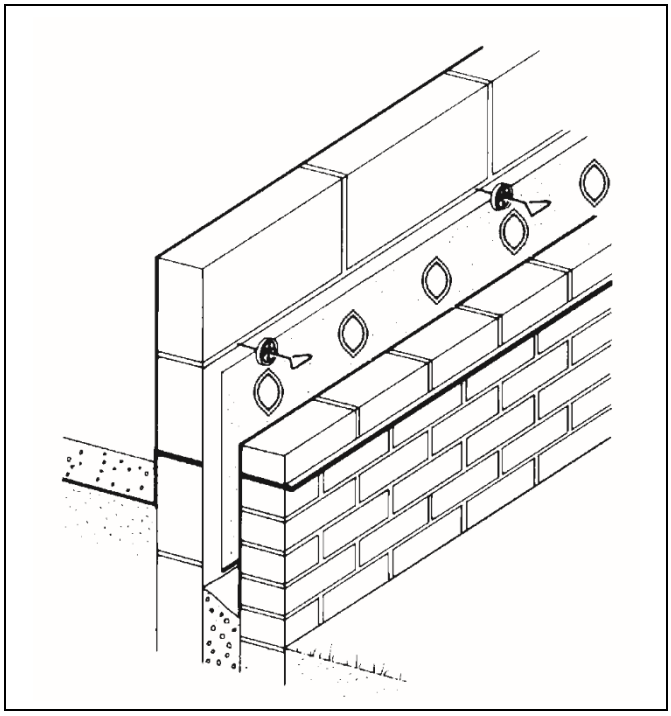
A.2 The panels are joined together horizontally and vertically with joining strips between all edges.

Figure 2 Cavity tray detail



A.3 A section of the inner leaf is built with the first row of wall ties, at approximately 900 mm horizontal spacing, where the panel is to begin. It is recommended that the wall ties are not placed directly on the dpc. The first run of panels may commence below the dpc level (see Figure 3).

Figure 3 First run of panels



A.4 The inner leading leaf is built up to the required height, with the second row of wall ties placed at a vertical spacing of 450 mm, ensuring the drip of the tie is located halfway across the residual cavity width.

A.5 Excess mortar is cleaned from the cavity face of the leading leaf, and the panels are placed between the wall ties, behind the retaining clips. Vertical joining strips lock the panels together.

A.6 The outer leaf is then built up to the level of the top of the panels.

A.7 The inner leaf is built up and the second row of panels interlocked via joining strips with the panels below. It is important to ensure that horizontal joining strips fit between ties, leaving the diameter of the tie the only space in the horizontal joint.

A.8 All panels and wall ties should be staggered as construction proceeds and carried up to the highest level of wall, except where protected by a cavity tray (see Figures 4 and 5).

Figure 4 Typical details of black and natural stone outer leaf wall with portal fill insulation

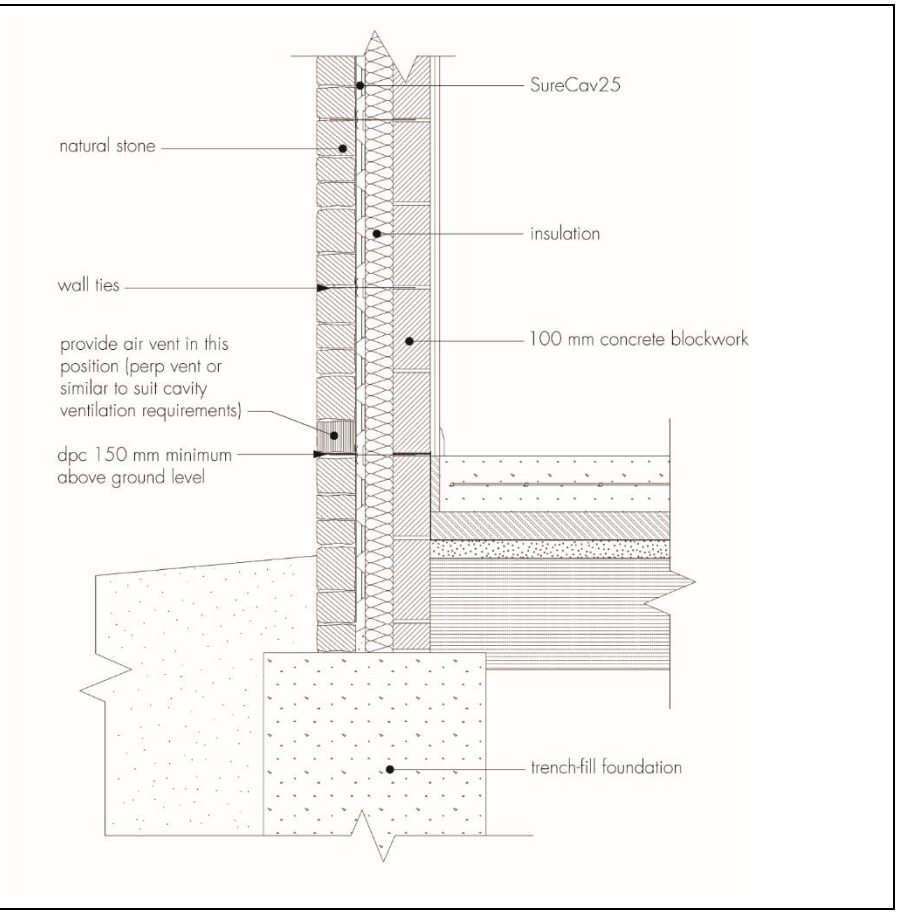
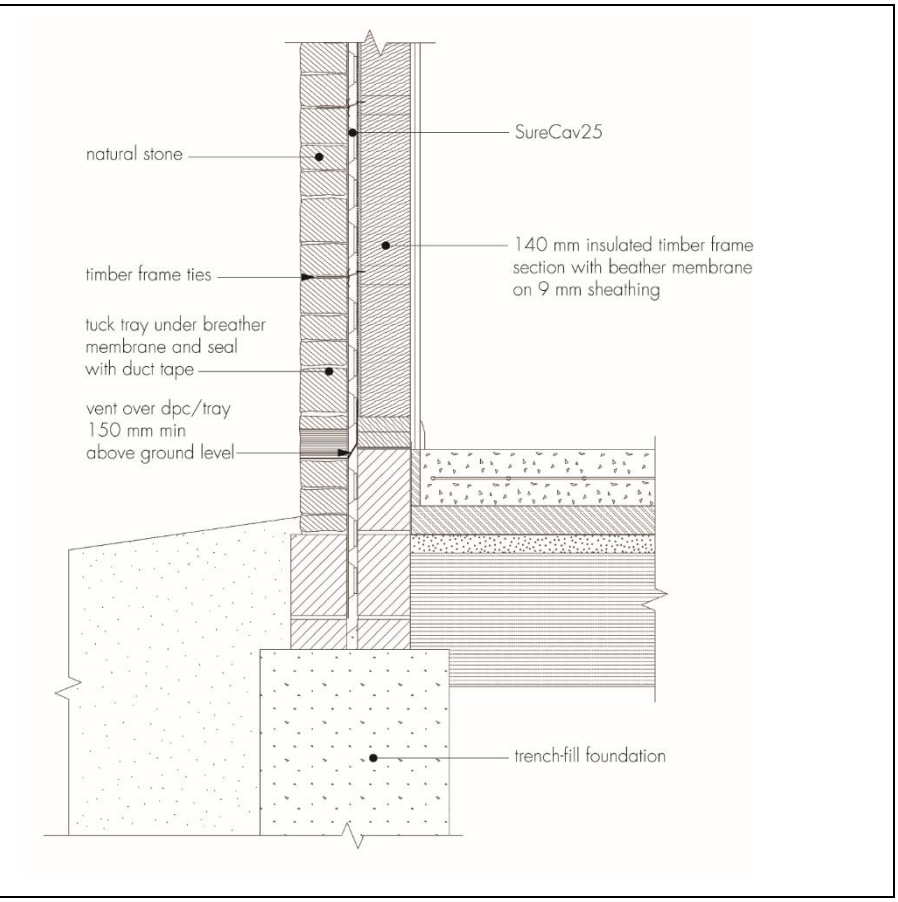


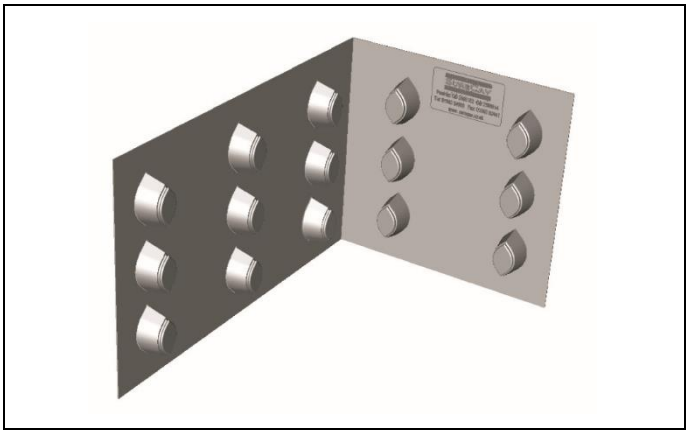
Figure 5 Typical detail of timber frame with brick or stone outer leaf wall



A.9 If a wall tie coincides with a column of protrusions, the point of penetration around the wall tie must be sealed.

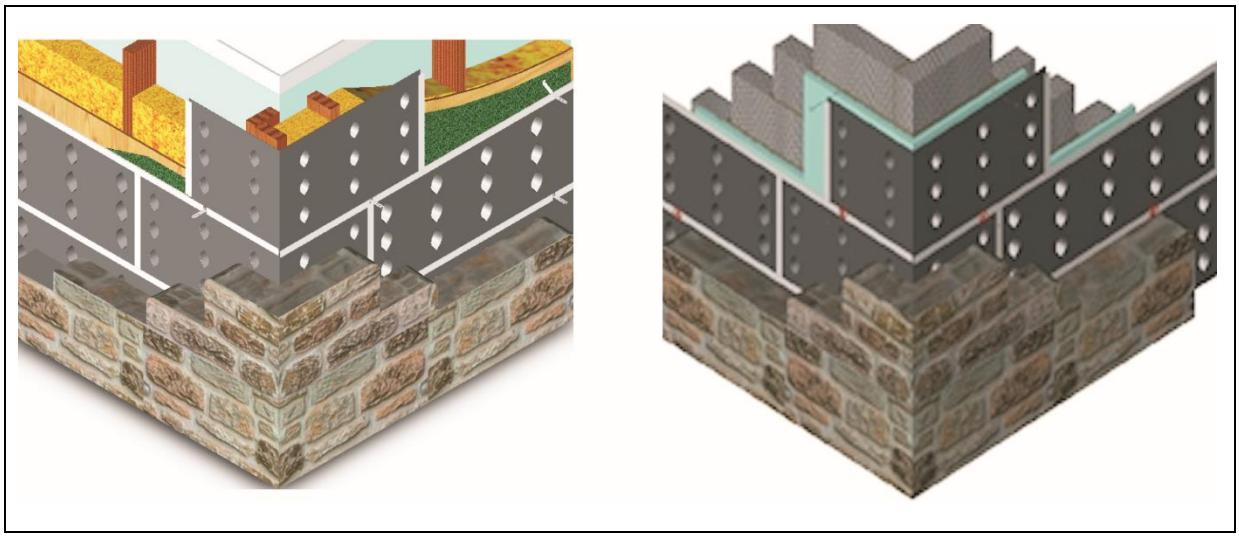
A.10 The panels can be cut to size and bent along the integral fold line to fit around corners (see Figure 6).

Figure 6 Panels bent along fold line



A.11 The outer leaf is completed by building against the panels up to the level required (see Figure 7).

Figure 7 Installed panel and strips



A.12 Where openings such as doors and windows are in close proximity, it is recommended that a continuous lintel or cavity tray is used. Individual lintels or cavity trays should have stop ends and be adequately drained.

Timber- and steel-frame walls

A.13 The installation procedure is as described in sections 9.2.7 to 9.2.9 and A.3 to A.12 except that the panels are cut and air bricks inserted if necessary below the dpc, before building the outer leaf.

A.14 Detailed guidance can be found in the documents supporting the national Building Regulations for the provisions that are applicable when the system is installed in close proximity to certain flue pipes and/or heat-producing appliances.

Bibliography

BS 5250 : 2021 *Management of moisture in buildings. Code of practice*

BS 8000-3 : 2020 *Workmanship on building sites — Code of practice for masonry*

BS EN 845-1 : 2013 *Specification for ancillary components for masonry — Ties, tension straps, hangers and brackets*

BS EN 1996-1-1 : 2005 *Eurocode 6 — Design of masonry structures — General rules for reinforced and unreinforced masonry structures*
NA to BS EN 1996-1-1 : 2005 *UK National Annex to Eurocode 6 — Design of masonry structures — General rules for reinforced and unreinforced masonry structures*
BS EN 1996-1-2 : 2005 *Eurocode 6 — Design of masonry structures — General rules — Structural fire design*
NA to BS EN 1996-1-2 : 2005 UK National Annex to *Eurocode 6 — Design of masonry structures — General rules — Structural fire design*
BS EN 1996-2 : 2006 *Eurocode 6 — Design of masonry structures — Design considerations, selection of materials and execution of masonry*
NA to BS EN 1996-2 : 2006 *UK National Annex to Eurocode 6 — Design of masonry structures — Design considerations, selection of materials and execution of masonry*
BS EN 1996-3 : 2006 *Eurocode 6 — Design of masonry structures — Simplified calculation methods for unreinforced masonry structures*
NA to BS EN 1996-3 : 2006 UK National Annex to *Eurocode 6 — Design of masonry structures — Simplified calculation methods for unreinforced masonry structures*

BS EN 13501-1 : 2018 *Fire classification of construction products and building elements — Classification using data from reaction to fire tests*

BS EN ISO 527-1 : 1996 *Determination of tensile properties*

BS EN ISO 9001 : 2015 *Quality management systems —Requirements*

PD 6697 : 2019 *Recommendations for the design of masonry structures to BS EN 1996-1-1 and BS EN 1996-2*

Conditions of Certificate

Conditions

1 This Certificate:

- relates only to the product that is named and described on the front page
- is issued only to the company, firm, organisation or person named on the front page – no other company, firm, organisation or person may hold or claim that this Certificate has been issued to them
- is valid only within the UK
- has to be read, considered and used as a whole document – it may be misleading and will be incomplete to be selective
- is copyright of the BBA
- is subject to English Law.

2 Publications, documents, specifications, legislation, regulations, standards and the like referenced in this Certificate are those that were current and/or deemed relevant by the BBA at the date of issue or reissue of this Certificate.

3 This Certificate will be displayed on the BBA website, and the Certificate Holder is entitled to use the Certificate and Certificate logo, provided that the product and its manufacture and/or fabrication, including all related and relevant parts and processes thereof:

- are maintained at or above the levels which have been assessed and found to be satisfactory by the BBA
- continue to be checked as and when deemed appropriate by the BBA under arrangements that it will determine
- are reviewed by the BBA as and when it considers appropriate.

4 The BBA has used due skill, care and diligence in preparing this Certificate, but no warranty is provided.

5 In issuing this Certificate the BBA is not responsible and is excluded from any liability to any company, firm, organisation or person, for any matters arising directly or indirectly from:

- the presence or absence of any patent, intellectual property or similar rights subsisting in the product or any other product
- the right of the Certificate holder to manufacture, supply, install, maintain or market the product
- actual installations of the product, including their nature, design, methods, performance, workmanship and maintenance
- any works and constructions in which the product is installed, including their nature, design, methods, performance, workmanship and maintenance
- any loss or damage, including personal injury, howsoever caused by the product, including its manufacture, supply, installation, use, maintenance and removal
- any claims by the manufacturer relating to UKCA marking and CE marking.

6 Any information relating to the manufacture, supply, installation, use, maintenance and removal of this product which is contained or referred to in this Certificate is the minimum required to be met when the product is manufactured, supplied, installed, used, maintained and removed. It does not purport in any way to restate the requirements of the Health and Safety at Work etc. Act 1974, or of any other statutory, common law or other duty which may exist at the date of issue or reissue of this Certificate; nor is conformity with such information to be taken as satisfying the requirements of the 1974 Act or of any statutory, common law or other duty of care.

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