

2012 No. 192

BUILDING REGULATIONS

**The Building Regulations
(Northern Ireland) 2012**

Made - - - -

15th May 2012

Coming into operation -

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The Department of Finance and Personnel, in exercise of the powers conferred by Articles 3, 5(1), (2) and (3), 5A(1), 8, 9, 12, 15, 16(1) and (2), 17(1), (2), (2A) and (5), 18(5), 18B, 18C(1) and 19 of, and paragraphs 1 to 7, 9 to 13 and 17 to 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(a), and now vested in it(b), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(c) makes the following Regulations:

PART A

Interpretation and general

Citation and commencement

1. These regulations may be cited as the Building Regulations (Northern Ireland) 2012 and shall come into operation on 31st October 2012.

Interpretation and general

2.—(1) In these regulations—

“Agriculture” includes horticulture, fruit growing, seed growing, dairy farming, breeding and keeping of livestock, fish farming, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“Boundary” means, in relation to a building, the boundary of the land to which the building belongs and, except for the purposes of Part R, such land shall be deemed to include any abutting part of any street, canal or river but only up to the centre line thereof; and “boundary of the premises” shall be construed so as to include any such part to the same extent;

“Building work” means the erection of a building, the structural alteration or extension of a building (including work in connection with the making of a material change of use) or the provision of a service or fitting;

“Conservatory” means a part or extension of a building attached to and having a door giving access from the attached building and having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material;

“Department” means the Department of Finance and Personnel;

“District council” means, in relation to any building or building work, the district council for the area in which the building is situated or the building work is carried out;

“Drain” means any pipe or drain used solely for or in connection with the rainwater or foul water drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“Dwelling” (except in Part E and Part R) means a house or flat and includes any accommodation therein of not more than 50 m² in total floor area forming part of the dwelling and used by a resident of the dwelling for the purposes of any business, profession or calling;

“Educational building” means—

- (a) a university;
- (b) a school or college of education within the meaning of the Education and Libraries (Northern Ireland) Order 1986(d); or

(a) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c.4

(b) See S.R. 1999 No. 481 Article 6 and Schedule 4, Part II

(c) S.I. 1979/1709 (N.I. 16) Article 5(4)

(d) S.I. 1986/594 (N.I. 3) Article 2 as amended by S.I. 2005/1963 (N.I. 13) Article 14(1) and Schedule 3, para. 2

(c) any other institution providing facilities for further education under Article 27 of that Order;

“Exempted building” means any building falling within one of the classes described in Schedule 2;

“Extension” in relation to a building includes, but is not limited to, the conversion of—

- (a) a roofspace; or
- (b) a garage or other enclosed space attached to a dwelling, to a room;

“Fixed building service” means any part of or any controls associated with—

- (a) fixed internal or external lighting systems, but does not include emergency escape lighting or specialist process lighting; or
- (b) fixed systems for heating (but excluding process heating), hot water service, air conditioning or mechanical ventilation;

“Flat” means a dwelling on one or more storeys forming part of a building from some other part of which it is divided horizontally and includes a maisonette;

“Floor area” means, in relation to any building or part of that building, the aggregate area of every floor in that building or part of that building, calculated by reference to the finished internal faces of the walls enclosing the building or extension, or if at any point there is no such wall, by reference to the outermost edge of the floor;

“Functional regulation” means any regulation that sets a requirement but does not prescribe in the regulation a specific standard that should be attained;

“Garage” includes a carport;

“Habitable room” means a room in any building (whether or not that building is or contains a dwelling) used or intended to be used for dwelling purposes, including any bedroom, but not any room used only for kitchen purposes;

“Institution” means—

- (a) a hospital, nursing home, home for older people or for children, school, or other similar establishment used as living accommodation for, or for the treatment or care of, people with an illness or mental or physical disability; and
- (b) a place of lawful detention,

where people sleep on the premises;

“Kitchen purposes” means the purposes of preparing, storing, treating, cooking or manufacturing food or drink intended for human consumption or the cleansing of utensils or appliances which come into contact with such food or drink;

“Material change of use” (except in regulation 3) has the meaning assigned to it by regulation 8(1);

“Materials” means any materials whether occurring naturally, recycled or manufactured, and includes products, components and fittings;

“Place of assembly or recreation” means a building consisting of or containing—

- (a) a theatre, public library, hall, place of entertainment or similar building of public resort;
- (b) a leisure centre, gymnasium, sports pavilion or similar building used for sport or recreation;
- (c) an educational building;
- (d) a place of public worship; or
- (e) a non-residential day care centre or clinic, including a crèche, nursery, health centre, dental surgery or similar building,

but a building is not to be treated as a place of assembly or recreation because it is, or it contains, a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted;

“Porch” means a single storey enclosure providing protection to an access door to a building and having an external door;

“Private sewer” means any part of a sewer, not being a public sewer, which serves two or more properties;

“Processing council” means the council identified in an application under regulation 11 as the council within which boundary the applicant intends to first use any certificate issued under Article 8 of the Building Regulations (Northern Ireland) Order 1979;

“Provision of a service or fitting” in relation to any building includes the installation of any service or fitting to which these regulations apply or the alteration or the extension of any such service or fitting;

“Regularisation certificate” shall be construed in accordance with regulation 13(2);

“Room for residential purposes” means a room, or a suite of rooms, which is not a dwelling and which is used by one or more persons to live and sleep and includes a room in a hostel, a hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital or other similar establishment, used for patient accommodation;

“School” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986;

“Sewer” includes all sewers, pipes or drains, other than a drain as defined in this regulation, and includes any apparatus used in connection with a sewer;

“Shop” means—

- (a) premises used for the retail of goods or services and includes premises—
 - (i) used for the sale to members of the public of food or drink for consumption on or off the premises;
 - (ii) used for retail sales by auction to members of the public;
 - (iii) used to provide hairdressing or similar personal services to members of the public;
 - (iv) where members of the public may take goods for repair or other treatment; and
 - (v) where members of the public may go to hire an item; and
- (b) premises used for wholesale self-selection trading;

“Single storey building” means a building consisting of one storey, only the floor of which is at or about the level of the finished surface of the ground adjoining the building;

“Site”, in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

“Statutory undertakers” means persons authorised by an enactment or statutory order to construct, work, or operate a railway, canal, inland navigation, dock, harbour, tramway or other public undertaking;

“Structural alteration” means the execution of any work (other than the erection of a building and the provision of a service or fitting) to which the requirements of these regulations would apply if the work were part of a building being newly erected and includes the replacement of windows (other than replacement by ones having essentially similar features) and the insertion of material into a cavity in a wall of an existing building for the purpose of insulation;

“Substantive requirements” means the requirements of these regulations or, if appropriate, of any of the statutory provisions referred to in regulation 3 with respect to the design and construction of buildings and the provision of a service or fitting, as distinct from procedural requirements;

“Type approval certificate” means any certificate issued in accordance with Article 8 of the Building Regulations (Northern Ireland) Order 1979;

“Window” means any sash, casement or other framing and associated glazing set in an opening in a wall or roof of a building; and

“Work of public utility” means a pipeline, gas holder, gas main, electricity supply line and supports, water main, public sewer or telephone line and supports.

(2) For the purposes of these regulations any of the following operations shall be deemed to be the erection of a building—

- (a) the re-erection of any building or part of a building when an outer wall of that building or (as the case may be) that part of a building has been pulled down or burnt down to within 3 metres of the surface of the ground adjoining the lowest storey of the building or of that part of the building;
- (b) the re-erection of any frame building or part of a frame building when that building or part of that building has been so far pulled down or burnt down as to leave only the framework of the lowest storey of the building or of that part of the building; and
- (c) the roofing over of any open space between walls or buildings.

(3) For the purposes of these regulations, the installation of a cesspool, septic tank or similar structure shall be treated as the provision of a service and not as the erection of a building.

(4) In these regulations any reference to a building shall extend to and include any part of a building, and any reference to the purpose for which a building is used shall extend to, include or mean the purpose for which it is intended to be used.

(5) Any note in a Table or Schedule shall be treated for all purposes as a substantive provision.

(6) Any reference in these regulations to a publication shall be construed as follows—

- (a) in any case where no date is included in the reference, the reference is to the edition thereof current at 15th May 2012;
- (b) in any case where a date is included in the reference, the reference is to the edition of that date, together with any amendments, supplements or addenda thereto published at that date; and
- (c) any reference to any publication is a reference to so much only thereof as is relevant in the context in which such publication is quoted.

(7) The abbreviations and symbols listed in the following Table are used in these regulations—

Abbreviation or symbol	Definitions
°	degree (angular measure)
°C	degree Celsius
m	metre
m ²	square metre
m ³	cubic metre
mm	millimetre
%	percent

Transitional provisions

3.—(1) In this regulation—

“Work” means the erection of a building, the alteration or extension of a building, the execution of works, the installation of a fitting or the making of a material change of use (within the meaning of the Building Regulations (Northern Ireland) 1990(a)).

(2) These regulations (other than regulation 13) shall not apply to—

(a) S.R. 1990 No. 59 (N.I.) as amended by S.R. 1991 No. 169 and S.R. 1993 No. 84

- (a) plans which were deposited with the district council before 31st October 2012;
- (b) work or building work and a material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
- (c) work or building work and a material change of use completed before that date.

(3) Building Regulations specified in Schedule 1 shall continue to apply in accordance with that Schedule.

Exemptions

4.—(1) These regulations shall not apply to building work for the purposes of national security.

(2) Subject to paragraph (3), these regulations shall not apply to—

- (a) building work in connection with any buildings belonging to any statutory undertakers and held or used by them for the purposes of their undertaking provided that this exemption shall not extend to dwellings or to buildings used as offices, shops, showrooms or passenger stations for air, road, rail or sea travel;
- (b) the erection of any exempted building (including the provision of any service or fitting solely in connection therewith); and
- (c) the alteration of or extension to or the provision of any service or fitting solely in connection with an exempted building, if after the carrying out of that work the building remains an exempted building.

(3) The building work in paragraph (2) shall not create a new or greater contravention of any relevant requirement of these regulations in any part of a building or in any other building to which these regulations apply.

(4) In determining for the purposes of paragraph (3) whether any building work would cause a new or greater contravention of any of these regulations, sub-paragraphs (a) and (b) of regulation 7(3) shall apply.

(5) For the purposes of paragraph (3) and Schedule 2—

- (a) a building shall not be regarded as attached to another building solely by virtue of it being attached to a fence, garden wall or similar structure; and
- (b) “building to which these regulations apply” means a building which, if it were being newly erected, would be subject to the control of any regulation in Parts C to L and Parts R and V.

Application to erection of buildings

5. Subject to the provisions of regulation 4, Parts A to L and Parts R and V shall apply to the erection of a building.

Application to services and fittings

6. Subject to any express provisions to the contrary and the provisions of regulation 4—

Part A (Interpretation and general)

Part B (Materials and workmanship)

Part E (Fire safety)

Part F (Conservation of fuel and power)

Part K (Ventilation)

Part L (Combustion appliances and fuel storage systems)

Part N (Drainage)

Part P (Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding)

shall apply to the provision of any service and fitting (whether by way of new work, alteration or replacement) to which any of those Parts respectively relate.

Application to alterations and extensions

7.—(1) Subject to the provisions of regulation 4, Parts A to L and Parts R and V shall apply to—

- (a) a structural alteration or extension of an existing building; and
- (b) the existing building as affected by that alteration or extension to the extent (subject to the provisions of regulation 8) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation.

(2) In applying the regulation under paragraph (1)(a), the alteration or extension shall be treated as if it were part of a building being newly erected identical to and to be used for the same purposes as the building as altered or extended.

(3) In determining for the purposes of paragraph (1)(b) whether the alteration or extension would cause a new or greater contravention of any regulation, the following provisions shall apply—

- (a) the regulations shall be applied in each of the following ways—
 - (i) to the building as altered or extended treated as if it were being newly erected in its proposed form for the purposes for which it will be used when altered or extended; and
 - (ii) to the existing building treated as if it were being newly erected in its existing form but for the purposes for which it will be used when altered or extended; and
- (b) the alteration or extension shall be regarded as being such as would cause a new or greater contravention if (when the regulations are applied as directed in sub-paragraph (a)) the building as altered or extended—
 - (i) contravenes any regulation which does not apply to the existing building;
 - (ii) contravenes any regulation which is satisfied by the existing building; or
 - (iii) contravenes to a greater extent any regulation which is contravened by the existing building.

Application to material change of use

8.—(1) For the purposes of these regulations a change in the purposes for which or the circumstances in which a building, or part of a building, is used shall only be regarded as a material change of use if after that change any one of the following cases applies—

- | | |
|-----------|--|
| Case I | the building is used as a dwellinghouse, where immediately prior to the change it was not; |
| Case II | the building contains a flat, where immediately prior to the change it did not; |
| Case III | the building is used as a hotel or boarding house, where immediately prior to the change it was not; |
| Case IV | the building is used as an institution, where immediately prior to the change it was not; |
| Case V | the building is used as a place of assembly or recreation, where immediately prior to the change it was not; |
| Case VI | the building is used as a shop, where immediately prior to the change it was not; |
| Case VII | the building is used as an office, where immediately prior to the change it was not; |
| Case VIII | the building is used as a store, where immediately prior to the change it was not; |
| Case IX | the building, which contains at least one dwelling, contains a greater or |

Case X	lesser number of dwellings than it did immediately prior to the change; the building contains a room for residential purposes, where immediately prior to the change it did not;
Case XI	the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did immediately prior to the change;
Case XII	the building, by virtue of its change of use, is not an exempted building where immediately prior to the change it was.

(2) Where there is a material change of use to the whole or part of a building the provisions of the regulations set out in the Table to this regulation shall apply.

(3) Where a material change of use neither involves nor is accompanied by an alteration or extension, the provisions referred to in the Table to this regulation shall apply to the building or part of the building in which the change of use occurs as if it were a new building identical to the building as it exists and to be used for the same purpose or purposes as the building will have after the change of use.

(4) Where a material change of use involves or is accompanied by an alteration or extension—

- (a) the provisions referred to in the Table to this regulation (other than regulation 6) shall apply to the building or part of the building in which the change of use occurs as if it were part of a new building identical to the building as altered or extended and to be used for the same purpose or purposes as that building will have after the change of use; and
- (b) the application of regulation 7 by paragraph (2) shall apply any requirements of that regulation which are additional to those directly applied by the Table to this regulation.

(5) Where a change of use will result in an exempted building being put to a use as described in Cases I to XI, the provisions of those regulations applicable to Case XII shall apply in precedence to those of Cases I to XI.

Table to Regulation 8 (Application to material change of use)

Part	Cases											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
A Interpretation and general	*	*	*	*	*	*	*	*	*	*	*	*
B Materials and workmanship	—	—	—	—	—	—	—	—	—	—	—	*
C Site preparation and resistance to contaminants and moisture	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1
D Structure	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*
E Fire safety	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3
F Conservation of fuel and power	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4
G Resistance to the passage of sound	*5	*6	*6	—	*7	—	—	—	*6	*6	*6	*
H Stairs, ramps, guarding and protection from impact	—	—	—	—	—	—	—	—	—	—	—	*
J Solid waste in buildings	*	*	*	*	*	—	—	—	*	*	*	*
K Ventilation	*	*	*	*	*	—	—	—	*	*	*	*
L Combustion appliances and fuel storage systems	*8	*8	*8	*8	*8	—	—	—	*8	—	—	*8
N Drainage	—	—	—	—	—	—	—	—	—	—	—	—
P Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding	*9	*9	*9	*9	*9	—	—	—	*9	*9	*9	*9
R Access to and use of buildings	—	—	*10	*10	*10	*10	—	—	—	—	—	*
V Glazing	*	*	—	—	—	—	—	—	*	—	—	—

Notes to Table to Regulation 8 (Application to material change of use)

* Denotes Parts which apply.

– Denotes Parts which do not apply.

¹ All regulations except regulation 27 in Part C.

² Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.

³ In the application of Part E the requirements of regulation 36 in that part shall only apply, in relation to external walls, when the height of a building exceeds 20 m (such height shall be measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher).

⁴ Regulation 39 only in Part F.

⁵ Regulations 49 and 50 only in Part G.

⁶ Regulations 49, 50 and 51 only in Part G.

⁷ Regulation 52 in Part G in relation to school buildings only.

⁸ Regulations 70, 71, and 73 only in Part L.

⁹ All regulations except regulation 88 in Part P.

¹⁰ In the application of Part R—

- (a) when satisfying the reasonable provision requirements for access and that access is by means of stairs and/or ramps, such stairs and/or ramps shall also satisfy the relevant requirements of Part H;
- (b) where the change of use is only to part of a building—
 - (i) Part R shall apply to that part and any sanitary accommodation provided in or in connection with that part; and
 - (ii) access to that part shall be provided by making reasonable provision for either independent access or suitable access through the building.

Giving of notices and deposit of plans

9.—(1) Subject to the provisions of paragraphs (4), (5) and (7) any person who intends to carry out any building work or make any material change of use of a building shall, if the provisions of these regulations apply to such work or such change of use—

- (a) give notices, deposit full plans, sections, specifications and written particulars in accordance with the relevant rules of Part A of Schedule 3; or
- (b) in the case of an existing single dwelling give such other documents (in this regulation known as a “building notice”) as may be necessary in accordance with Part B of Schedule 3.

(2) Subject to paragraph (3), a building notice may not be given for—

- (a) the erection of a dwelling;
- (b) a material change of use from an existing dwelling; or
- (c) building work to an existing dwelling that—
 - (i) creates a new storey—
 - (aa) with a floor area of more than 3 m²; and
 - (bb) to which the requirement of regulation 55 in Part H applies; or
 - (ii) increases the floor area of the dwelling by more than 10 m².

(3) A building notice shall only be considered to have been validly given under paragraph (1)(b) if the building work to which it relates commenced within three years of the date on which the notice was given.

- (4) The provisions of paragraph (1) shall not apply to—
- (a) the provision of a combustion appliance to which Part L relates, by way of replacement of an existing combustion appliance, if compliance with the relevant regulations in that Part does not require the carrying out of any structural alteration;
 - (b) the provision of a fitting to which Part N or P (except regulation 88 in Part P) relates, by way of replacement of an existing fitting, if compliance with the relevant regulations in those Parts does not require the carrying out of any structural alteration;
 - (c) the replacement of windows or external doors of a dwelling;
 - (d) the provision in a dwelling of devices to detect and give warning of the presence of carbon monoxide gas;
 - (e) in relation to an existing fixed building service—
 - (i) the replacement of any parts (except a flue pipe or flue);
 - (ii) the provision of any output device such as an energy meter; or
 - (iii) the provision of a control device;
 - (f) the provision of a self-contained fixed building service, where—
 - (i) testing and adjustment is not possible or would not affect its energy efficiency; and
 - (ii) in the case of a mechanical ventilation appliance, the appliance is not installed in a room containing an open-flued combustion appliance whose combustion by-products are discharged through a natural draught flue; and
 - (g) in an existing building, the provision of fixed internal lighting where not more than 100 m² of the floor area of the building is served by the lighting.

(5) The provisions of paragraph (1) where they relate to the requirements of regulation 39(a)(ii) in Part F shall not apply where the work involves only the extension of an existing system and does not involve the carrying out of any structural alteration.

(6) In paragraph (4)(a) “combustion appliance” has the meaning assigned to it by regulation 69 in Part L.

(7) Notwithstanding that the work identified in paragraph (4) does not require the giving of notices or deposit of plans and other particulars, the work of replacement or provision shall in all respects meet any relevant requirements of these regulations.

Deposit of plans for the erection of two or more buildings that are or contain dwellings

10.—(1) In this regulation—

“Commenced” means the commencement of construction of the building after completion of the foundations.

(2) This regulation shall apply only to plans deposited with a district council for the erection of buildings that are or contain dwellings where work has not commenced on each building within three years of the date on which the plans were deposited.

(3) For the purposes of this regulation, where—

- (a) plans have been deposited in accordance with regulation 9; and
- (b) those plans are for the erection of two or more buildings that are or contain dwellings,

then if declaring the plans to be of no effect under Article 19 of the Building Regulations (Northern Ireland) Order 1979, a district council shall consider each building on the deposited plans as if a separate deposit of plans had been made for each building.

Application for a type approval certificate for the erection of a dwelling or dwellings

11.—(1) In this regulation—

“Building” means a dwelling or dwellings; and

“Site specific matters” include, but are not limited to—

- (a) matters relating to Part C (Site preparation and resistance to contaminants and moisture);
- (b) matters relating to the foundations of the building;
- (c) matters relating to a building’s distance to the boundary;
- (d) matters relating to a building’s target carbon dioxide emission rate and calculated carbon dioxide emission rate for the completed building;
- (e) matters relating to external ramps, stairs and handrails;
- (f) matters relating to Part N (Drainage); and
- (g) matters relating to access to or egress from the building.

(2) Any person who intends to apply for a type approval certificate for the erection of a building shall, if the provisions of these regulations apply to such work, give notices, deposit full plans, sections, specifications and written particulars to the processing council in accordance with the relevant rules of Part C of Schedule 3.

(3) The provisions of paragraph (2) shall not apply to site specific matters.

(4) Before notifying the applicant of its decision to approve or reject an application for a type approval certificate or a variation of a type approval certificate, the processing council must consult with—

- (a) all other district councils identified by the applicant as councils within which boundaries the applicant intends to use the type approval; and
- (b) any other persons that appear to it to be representative of the interests concerned.

(5) A type approval certificate issued in accordance with this regulation shall specify—

- (a) the requirements of building regulations to which the certificate relates;
- (b) any conditions subject to which it shall continue to have effect; and
- (c) the end of such period which it shall cease to have effect.

(6) The processing council shall publish notice in writing of—

- (a) any type approval certificate issued in accordance with this regulation; and
- (b) any variation to a type approval certificate (including any variation to a class or case),

and shall provide a copy of this notice to all other district councils and persons identified in paragraph (4).

Notice of commencement and completion of certain stages of work

12.—(1) In this regulation—

(a) “Builder” means any person carrying out or intending to carry out any building work to which any of these regulations apply; and

(b) in the calculation of a period of notice, “day” means any period of 24 hours commencing at midnight on the day on which the notice is given and excludes any Saturday, Sunday or public holiday.

(2) Subject to the provisions of paragraph (6), a builder shall furnish the district council with—

- (a) not less than 2 days notice in writing of the date and time at which the operation will be commenced;

- (b) not less than 2 days notice in writing before the covering up of any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site;
- (c) not less than 2 days notice in writing before any drain or private sewer to which these regulations apply will be haunched or covered in any way;
- (d) notice in writing not more than 5 days after the work of laying such drain or private sewer has been carried out, including any necessary work of haunching or surrounding the drain or private sewer with concrete and backfilling the trench; and
- (e) not less than 2 days notice in writing before the covering of—
 - (i) any above-ground structural elements; and
 - (ii) any sound insulation measures.

(3) If the builder neglects or refuses to give any such notice, he or any person appearing to the district council to have control over the building work or the building, as the case may be, shall comply with any notice in writing from the district council requiring him within a reasonable time to cut into, lay open or pull down so much of the building, services or fittings as prevents the district council from ascertaining whether any of these regulations have been contravened.

(4) If the builder, in accordance with any notice in writing received from the district council which specifies the manner in which any building or services or fittings contravenes the requirements of these regulations, has altered or added to the building, services or fittings so as to secure compliance with these regulations, he shall, within a reasonable time after the completion of such alteration or addition, give notice in writing to the district council of its completion.

(5) Subject to the provisions of paragraph (6), the builder shall give to the district council notice in writing of the date of completion of—

- (a) the erection of a building, not more than 5 days after completion, or (if a building or part of a building is occupied before completion) not less than 5 days before occupation as well as not more than 5 days after completion;
- (b) any alteration or extension of a building, not more than 5 days after completion; and
- (c) the provision of any service or fitting in connection with a building, not more than 5 days after completion.

(6) The requirements of this regulation shall not apply to the provision of any fitting if the giving of notices and the deposit of plans, sections, specifications and written particulars are not required under the provisions of regulation 9.

Regularisation certificates

13.—(1) In this regulation—

- (a) “Building regulations” means these regulations and any of the statutory provisions referred to in regulation 3 and Schedule 1 and in relation to any unauthorised work “relevant building regulations” means those building regulations in force at the time when such work was completed; and
- (b) “Unauthorised work” means any work (within the meaning of regulation 3(1)), any building work or any material change of use, notification of which was required by building regulations to be given to a district council but was not so given.

(2) Where it appears to a district council that—

- (a) a person carried out unauthorised work; and
- (b) in relation to such work, all or any of the substantive requirements of the relevant building regulations have been satisfied,

it may on application made to it issue a certificate (in this regulation referred to as a ‘regularisation certificate’) to the person who carried out the work or any person appearing to the district council to have control over the work or building as appropriate.

(3) A district council shall not issue a regularisation certificate in relation to any unauthorised work unless it has taken such steps (if any) or required such steps to be taken, by the person who carried out the work or any person appearing to the district council to have control over the work or building as appropriate, as it thinks reasonable (including the carrying out of inspections, testing of drains and private sewers and sampling of materials) to ascertain whether that work complies with the substantive requirements of the relevant building regulations.

(4) Where in the opinion of a district council further work is required in relation to any work to which an application under paragraph (2) relates, it shall notify the person who made the application of the fact and give him an opportunity to carry out such work before deciding whether to grant or refuse the certificate.

(5) A regularisation certificate relating to any unauthorised work shall be evidence (but not conclusive evidence) that that work complies with such of the substantive requirements of the relevant building regulations as are specified in the certificate.

(6) An application under paragraph (2) shall be made in writing and shall be accompanied by—

- (a) a statement that it is made in accordance with this regulation;
- (b) a description of the unauthorised work to which it relates;
- (c) a statement of the date on which the work was completed; and
- (d) so far as is reasonably practicable, a plan of that work including, where appropriate, any further building work intended to ensure that the unauthorised work complies with the relevant building regulations.

Completion certificates

14.—(1) In this regulation—

“Relevant requirements of building regulations” means these regulations and the Building (Prescribed Fees) Regulations (Northern Ireland) 1997(a).

(2) Where in relation to any building work carried out in relation to a building—

- (a) the relevant requirements of regulation 9 have been satisfied; and
- (b) the district council has been able to ascertain after taking all reasonable steps in that behalf, that relevant requirements of building regulations have been satisfied,

the district council shall issue a certificate (in this regulation referred to as a ‘completion certificate’) specifying the requirements so satisfied.

(3) Without prejudice to paragraph (2), a district council may issue a completion certificate in such other circumstances as it thinks fit and proper.

(4) Any person having an interest to do so may apply for a completion certificate.

(5) A completion certificate issued in accordance with this regulation shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

Testing of drains and private sewers

15.—(1) A district council may—

- (a) require in writing any person by whom or on whose behalf work on drains and private sewers was carried out to carry out such tests of any drain or private sewer as may be necessary to establish compliance with any of the provisions of Part N; or
- (b) carry out, or arrange to have carried out, such tests itself.

(2) A person who carries out any tests under paragraph (1)(a) shall give notice of the results to the district council not more than 5 days after the tests are carried out.

(a) S.R. 1997 No. 482 (N.I.)

Sampling of materials

16. An authorised officer of the district council shall at all reasonable times be permitted to take such samples of the materials used or to be used in the erection, alteration or extension of a building, or the provision of services or fittings, as may be necessary to enable the district council to ascertain whether such materials comply with the provisions of these regulations.

Exercise of power of dispensation or relaxation

17.—(1) Subject to paragraph (2), the power under Article 15(1) of the Building Regulations (Northern Ireland) Order 1979 to dispense with or relax any requirement of building regulations shall, in accordance with Article 15(2) of the said Order, be exercisable by the district council.

(2) Paragraph (1) shall not apply to—

- (a) any application made by a district council;
- (b) the requirements of this Part of these regulations (except for regulation 12);
- (c) the relaxation of any functional regulation; or
- (d) the relaxation of regulation 40 in Part F.

Application for dispensation or relaxation

18.—(1) Any application for a direction dispensing with or relaxing any requirement of these regulations shall be submitted in writing.

(2) Before giving a direction the district council or, in respect of regulation 17(2) the Department, may if it thinks fit send—

- (a) to the applicant, a copy of its draft direction; and
- (b) to any other person or body appearing to it to be interested, a copy of the application and of its draft direction,

inviting comment on the draft direction, and it shall take into account any comments received before making the direction final.

(3) Before giving a direction the district council or, in respect of regulation 17(2) the Department, may if it thinks fit, afford to the applicant or any other person appearing to it to be interested, an opportunity of appearing before and being heard by a person appointed by the district council or, as the case may be, the Department for that purpose.

(4) After giving a direction the district council or, in respect of regulation 17(2) the Department, shall notify the applicant and any other person who was sent a copy of the draft direction under paragraph (2), of the direction and its reasons therefor.

Time limit on the serving of a contravention notice

19. A district council may serve a contravention notice under Article 18 of the Building Regulations (Northern Ireland) Order 1979 at any time up to 12 months after the date of receipt of a valid notice of completion of the works required under regulation 12(5).

Appeals and prescribed periods

20.—(1) In this regulation—

“Principal Order” means the Building Regulations (Northern Ireland) Order 1979.

(2) Where the applicant has a right of appeal to the Department under Articles 9, 16, 17 or 18B of the principal Order against a decision of a district council the notification of that decision to the applicant shall indicate—

- (a) that there is a right of appeal;
- (b) where the decision relates to a contravention notice, that in addition to a right of appeal against the service of the notice there is also a right to obtain a report under Article 18A

of the principal Order in respect of the notice and the periods within which he may notify the district council of his intention to obtain such a report and (where he has obtained it) submit it to the council;

- (c) the prescribed period within which the appeal may be made; and
- (d) the requirements of paragraph (3).

(3) An appeal to the Department shall set out the grounds of appeal and a copy shall be sent to the district council.

(4) The district council on receiving the copy of the appeal shall at once transmit to the Department a copy of the application and a copy of all documents furnished by the applicant for the purposes of his application.

(5) The district council shall at the same time give to the Department in writing any representations which it desires to make as regards the appeal and shall send a copy to the appellant.

(6) The prescribed period for the purposes of Article 9(7) of the principal Order (appeal against the decision of a district council to reject plans that show the proposed work would include or consist of materials etc. prescribed as unsuitable for permanent buildings, or to fix or refuse to extend any period or to impose or refuse to vary any condition) shall be 56 days.

(7) The prescribed period for the purposes of Article 16(1) of the principal Order (appeal against refusal by a district council to dispense with or relax regulations or against conditions attaching to dispensation or relaxation) shall be 56 days.

(8) The prescribed period for the purposes of Article 16(2) of the principal Order (period for consideration of application for relaxation by a district council) shall be 56 days.

(9) The prescribed period for the purposes of Article 17(1) of the principal Order (appeal against rejection of plans by a district council) shall be 56 days.

(10) The prescribed period for the purposes of Article 17(2) of the principal Order (period after which an applicant may assume plans to be rejected) shall be 56 days.

(11) The prescribed periods for the purposes of Article 17(2A) of the principal Order shall be—

- (a) 56 days with respect to the period within which a district council may approve any particular type of building matter; and
- (b) 56 days with respect to the period within which an applicant may appeal to the Department if a district council does not approve a particular type of building matter within the prescribed period at sub-paragraph (a).

Revocations

21. Subject to the provisions of regulation 3 the regulations specified in column (1) of the Table to this regulation are hereby revoked.

Table to Regulation 21 (Revocations)

<i>Regulations revoked</i> (1)	<i>References</i> (2)
Building Regulations (Northern Ireland) 2000	SR 2000 No. 389
Building (Amendment) Regulations (Northern Ireland) 2005	SR 2005 No. 295
Building (Amendment) Regulations (Northern Ireland) 2006	SR 2006 No. 355
Building (Amendment No. 2) Regulations (Northern Ireland) 2006	SR 2006 No. 440
Regulation 43 of the Energy Performance of Building (Certificates and Inspections) Regulations (Northern Ireland) 2008	SR 2008 No. 170
Building (Amendment) Regulations (Northern Ireland) 2010	SR 2010 No. 1
Building (Amendment No. 2) Regulations (Northern Ireland) 2010	SR 2010 No. 382

PART B

Materials and workmanship

Interpretation

22. In this Part—

“Harmful substances” includes fumes and vapours; and

“Relevant work” means—

- (a) the erection of a building;
- (b) the structural alteration or extension of a building;
- (c) the provision of any service or fitting; or
- (d) the backfilling of any excavation carried out in connection with (a), (b) or (c).

Fitness of materials and workmanship

23. In any relevant work—

- (a) the materials used shall—
 - (i) be of a suitable nature and quality in relation to the purposes for and the conditions in which they are used;
 - (ii) be adequately mixed and prepared;
 - (iii) be applied, used or fixed so as adequately to perform the functions for which they are designed; and
 - (iv) not continue to emit any harmful substance longer than is reasonable in the circumstances; and
- (b) the standards of materials and workmanship need be no more than are necessary to—
 - (i) secure the health, safety, welfare and convenience of persons in or about the building; and
 - (ii) further the conservation of fuel and power.

Urea formaldehyde foam

24.—(1) Subject to paragraph (2), in-situ foamed urea formaldehyde shall not be used in the erection, structural alteration or extension of a building.

(2) In-situ foamed urea formaldehyde may be used for filling the cavity of a cavity wall having an inner leaf constructed of bricks or blocks, provided that it is—

- (a) suitable for such an application; and
- (b) satisfactorily installed.

PART C

Site preparation and resistance to contaminants and moisture

Application and interpretation

25.—(1) Regulation 28 in respect of resistance to ground moisture of floors and walls, and weather resistance of walls, shall not apply where the building is intended to be used wholly for—

- (a) storing goods, provided that any person who is habitually employed in the building is engaged only in storing, caring for or removing the goods; or
- (b) a purpose such that compliance with regulation 28 would not serve to increase protection to the health or safety of any person habitually employed in the building.

(2) Regulation 29 applies only to a dwelling.

(3) In this Part—

“Contaminant” includes any substance which is or could become corrosive, explosive, inflammable, radioactive or toxic and includes deposits of faecal or animal matter;

“Floor” includes any base or structure between the surface of the ground, or the surface of any hardcore laid upon the ground, and the upper surface of the floor;

“Moisture” includes water in liquid, solid, semi-solid or gaseous form but not flood water;

“Radon affected area” means any area designated as such by the Health Protection Agency in the publication ‘Radon in Dwellings in Northern Ireland: 2009 Review and Atlas’; and

“Wall” means any opaque part of the external envelope of a building that is at an angle of 70° or more to the horizontal and includes piers, chimneys, columns and parapets which form part of the wall.

Site preparation and resistance to contaminants

26.—(1) The site of a building and the ground adjacent to it shall be prepared and treated, and measures shall be taken, so as to prevent, as far as reasonably practicable, any harmful effect on the building or the health or safety of the occupants caused by—

- (a) vegetable soil; and
- (b) contaminants.

(2) Without prejudice to the generality of paragraph (1) measures shall be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a radon affected area.

Subsoil drainage

27. The site of a building and the ground adjacent to it shall be drained as far as reasonably practicable, or the building otherwise protected so as to prevent any harmful effect on the building or the health of the occupants caused by—

- (a) ground water; and
- (b) existing subsoil drainage.

Resistance to moisture and weather

28. Every wall, floor and roof shall be constructed so as to prevent any harmful effect on the building or the health of the occupants caused by the passage of moisture to any part of the building from—

- (a) the ground; and
- (b) the weather.

Condensation

29. A building to which this regulation applies shall be designed and constructed so as to prevent, as far as reasonably practicable, any harmful effect on the building from moisture in the form of interstitial condensation.

PART D

Structure

Stability

30. A building shall be designed and constructed so that the combined dead, imposed and wind loads are sustained and transmitted to the ground, taking into account the nature of the ground—

- (a) safely; and
- (b) without impairing the safety of any part of another building.

Disproportionate collapse

31. A building shall be designed and constructed so that in the event of damage occurring to any part of the building, the extent of any resulting collapse will not be disproportionate to the cause of the damage.

PART E

Fire safety

Application and interpretation

32.—(1) Regulations 33 and 35(3) shall not apply to a prison within the meaning of the Prisons Act (Northern Ireland) 1953^(a) or any other place of lawful detention.

(2) In this Part—

“Dwelling” means a self-contained unit of residential accommodation occupied (whether or not as a sole or main residence)—

- (a) by a single person or by people living together as a family; or
- (b) by not more than 6 people living together as a single household, including a household where care is provided for residents;

“Dwellinghouse” means a dwelling on one or more storeys which is detached or forms part of a building from all other parts of which it is divided only vertically and does not include a flat;

“Flat” has the meaning assigned to it by regulation 2 in Part A;

“Internal linings” means the materials lining any partition, wall, ceiling or other internal structure;

“Means of escape” means structural means whereby, in the event of a fire, a safe route or routes is or are provided for people to travel from any point in a building to a place of safety; and

“Place of safety” means a place, outside the building, in which people are in no danger from fire within the building.

Means of escape

33. A building shall be so designed and constructed that in the event of a fire there is—

- (a) where appropriate, adequate means of automatic detection;
- (b) adequate means of giving warning; and
- (c) adequate means of escape, which can be safely and effectively used at all material times.

Internal fire spread – Linings

34. To inhibit the spread of fire within a building the internal linings shall—

- (a) offer adequate resistance to the spread of flame over their surfaces; and
- (b) where they are located in a circulation space, have a low rate of heat release or a low rate of fire growth when ignited.

^(a) 1953 c. 18 (N.I.)

Internal fire spread – Structure

35.—(1) A building shall be so designed and constructed that, in the event of a fire, its stability will be retained for a reasonable period.

(2) A wall common to two or more buildings shall be so designed and constructed that it provides adequate resistance to the spread of fire between those buildings and for the purposes of this paragraph a dwellinghouse in a terrace and a semi-detached dwellinghouse shall be considered as a separate building.

(3) To inhibit the spread of fire within it, a building shall be adequately sub-divided with fire-resisting construction.

(4) A building shall be so designed and constructed that the spread of fire (and in particular smoke) within concealed spaces in its structure and fabric is adequately inhibited.

External fire spread

36. The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire over them, and from one building to another, having regard to—

- (a) in the case of an external wall - the use, position and height of the building; and
- (b) in the case of a roof - the use and position of the building.

Facilities and access for the Fire and Rescue Service

37.—(1) A building shall be designed and constructed with such reasonable facilities as are necessary to assist the Fire and Rescue Service in ensuring the safety of people in and about the building in the event of a fire.

(2) Reasonable provisions shall be made within the boundary of the premises for access to the building by fire and rescue appliances for the purpose of paragraph (1).

PART F

Conservation of fuel and power

Application and interpretation

38.—(1) Subject to paragraphs (2) and (3) this Part shall apply to any building and where a building contains one or more dwellings to each dwelling separately.

(2) Regulation 40 shall apply to—

- (a) the erection of a building; and
- (b) the extension of a building other than a dwelling, where the extension has a total useful floor area that is both—
 - (i) greater than 100 m²; and
 - (ii) greater than 25% of the total useful floor area of the existing building,

but shall not apply to a building with low energy demand such as an industrial building, workshop or non-residential building.

(3) Regulation 45 shall not apply to the provision or extension of any fixed building service where commissioning is not possible.

(4) In this Part—

“Change of energy status” means any change which results in a building becoming a building to which this Part applies where previously it did not;

“National calculation methodology” means—

- (a) in relation to a dwelling, the Government’s Standard Assessment Procedure (SAP) for Energy Rating of Dwellings; and
- (b) in relation to a building other than a dwelling—
 - (i) the Simplified Building Energy Model (SBEM); or
 - (ii) a Dynamic Simulation Model (DSM),

that is implemented with Government approved software;

“Pipes, ducts and vessels” means any pipe, any duct and any vessel in a space heating or space cooling system that is intended to carry a heated or chilled liquid or gas and includes any associated fittings;

“Renovation of a thermal element” means the provision of a new layer to a thermal element or the replacement of an existing layer (other than where a partial replacement layer is provided solely as a means of patch repair to a flat roof) but does not include thin decorative surface finishes;

“Space cooling system” does not include a system or that part of a system which cools or stores water solely for a commercial or industrial process;

“Space heating system” does not include a system or that part of a system which heats or stores water solely for a commercial or industrial process;

“Target carbon dioxide emission rate” means the rate of carbon dioxide emission measured in kilograms of carbon dioxide per square metre of total useful floor area per year;

“Thermal element” means a wall, floor or roof (but does not include windows, doors, roof windows or rooflights) which separates a thermally conditioned space from—

- (a) the external environment including the ground; or
- (b) in the case of floors and walls, another part of the building which is—
 - (i) thermally unconditioned;
 - (ii) an extension falling within Class 8 of Schedule 2; or
 - (iii) in the case of a building other than a dwelling, conditioned to a different temperature,

and includes all parts of the element between the surface bounding the conditioned space and the external environment or other part of the building as the case may be; and

“Total useful floor area” means the total area of all enclosed spaces measured to the inside face of the external walls, that is, the gross floor area, and in the case of sloping surfaces such as staircases, galleries, raked auditoria and tiered terraces shall be taken as their area on plan but shall exclude areas that are not enclosed such as open floors, covered ways and balconies.

Conservation measures

39. Reasonable provision shall be made for the conservation of fuel and power in any building by—

- (a) limiting heat gains and losses—
 - (i) through thermal elements and other parts of the building fabric; and
 - (ii) from pipes, ducts and vessels;
- (b) providing energy efficient fixed building services with effective controls; and
- (c) commissioning the fixed building services.

Target carbon dioxide emission rate

40.—(1) Without prejudice to the requirements of regulation 39, where a building is to be erected, or a building other than a dwelling is extended as described in regulation 38(2)(b), a target carbon dioxide emission rate for that building shall be calculated using a national calculation methodology.

(2) The building, or extension as described in regulation 38(2)(b), shall be so designed and constructed as not to exceed its calculated target carbon dioxide emission rate.

Consequential improvements

41. Where it is proposed to execute building work in relation to any existing building with a total useful floor area greater than 1000 m² and that work consists of or includes—

- (a) an extension;
- (b) the initial provision of any fixed building service; or
- (c) an increase in the capacity of any fixed building service,

consequential improvements to the existing building shall be carried out to ensure that the building complies with the requirements of regulation 39 so far as this is technically, functionally and economically feasible.

Change of energy status

42. Where there is a change of energy status such work shall be carried out as is necessary to ensure that the building complies with the requirements of regulation 39.

Renovation of thermal elements

43. Where a thermal element is renovated such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirement of regulation 39(a)(i).

Notice of air pressure test

44. Where an air pressure test is undertaken for the purposes of demonstrating compliance with regulation 40(2), the person carrying out the work shall give, not more than 5 days after completion of the testing, a notice in writing to the district council stating the result of the air pressure test.

Notice of commissioning

45. Where this regulation applies, the person carrying out the work, for the purpose of ensuring compliance with regulation 39(b) and (c), shall give, not more than 5 days after completion of the commissioning, a notice in writing to—

- (a) the building owner stating that the fixed building services have been commissioned; and
- (b) the district council stating that the requirements of sub-paragraph (a) have been met.

Notice of emission rate

46. Where a calculation is carried out for the purpose of demonstrating compliance with regulation 40(2), a notice in writing that states—

- (a) the target carbon dioxide emission rate for the building;
- (b) the calculated carbon dioxide emission rate for the building as constructed; and
- (c) the list of specifications to which the building is constructed where these differ significantly from the design specifications used for the calculation of the design-stage carbon dioxide emission rate,

shall be given to the district council not more than 5 days after completion of the building work, by the person carrying out the work.

Provision of information

47. Where regulation 39 applies, the person carrying out the work shall give, not more than 5 days after completion of the work, a notice in writing to—

- (a) the building owner giving sufficient information about the building, its fixed building services, and their ongoing maintenance requirements, so that the building can be operated and maintained to conserve fuel and power; and
- (b) the district council stating that the requirements of sub-paragraph (a) have been met.

PART G

Resistance to the passage of sound

Application and interpretation

48.—(1) Regulation 50 shall 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 material change of use.

(2) Regulation 51 applies only to corridors, stairwells, hallways or entrance halls that give access to a flat or to a room for residential purposes.

(3) Regulation 53—

- (a) applies only where regulation 49 imposes a requirement; and
- (b) shall not apply where the walls and floors are designed and constructed to comply with regulation 49 using design details approved by the Department.

(4) In this Part—

“Reverberation” means the persistence of sound in a space after the sound source has been stopped; and

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

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

49. A dwelling or room for residential purposes shall be designed and constructed in such a way so as to provide reasonable resistance to the passage of sound from other parts of the same building outside the dwelling or room for residential purposes and from adjoining buildings.

Protection against sound within a dwelling or room for residential purposes

50. Within a dwelling or room for residential purposes reasonable resistance to the passage of airborne sound shall be provided by—

- (a) internal walls that separate—
 - (i) a bedroom; and
 - (ii) a room containing a water closet,

from any other room; and

- (b) all internal floors.

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

51. Any common internal part of a building that contains a flat or a room for residential purposes shall be designed and constructed in such a way as to limit reverberation around those common parts to a reasonable level.

Acoustic conditions in schools

52. Each room or space in a school building shall be designed and constructed in such a way that it has—

- (a) acoustic conditions; and
- (b) reasonable resistance to the passage of sound, appropriate to its intended use.

Sound insulation testing and notice of results

53. Where this regulation applies, the person carrying out the work shall for the purposes of ensuring compliance with regulation 49—

- (a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Department; and
- (b) not more than 5 days after completion of the testing give a notice in writing to the district council stating the results of the sound insulation testing referred to in sub-paragraph (a).

PART H

Stairs, ramps, guarding and protection from impact

Application and interpretation

54.—(1) Subject to paragraphs (2) to (6), this Part shall apply to any building or part of a building.

(2) The requirements of regulation 56 shall only apply where a stair, ladder or a ramp and landings—

- (a) forms part of the building;
- (b) that does not form part of the building, is provided to comply with the requirements of Part E or Part R; or
- (c) provides access to an entrance or exit of the building and the general ground level immediately outside that entrance or exit.

(3) The requirements of regulation 57(1) shall not apply—

- (a) to the extent that compliance therewith would unreasonably obstruct normal movement to, into, out of or within any building;
- (b) in relation to the two steps at the bottom of a stair where the landing from which the stair rises does not require guarding in accordance with that paragraph;
- (c) in relation to a flight within a stair with a total rise of less than 600 mm;
- (d) in relation to a sunken area less than 600 mm in depth; and
- (e) in relation to a roof or other place to which access is solely for maintenance purposes provided that either—
 - (i) access is infrequent; or
 - (ii) any fall would be—
 - (aa) less than 2000 mm; or
 - (bb) to an area which does not present a hazard.

(4) The requirements of regulation 57(2) shall not apply in relation to a car showroom, a garage within the boundary of a dwelling, or a single storey building comprising two or more garages each of which has an area not exceeding 40 m².

(5) The requirements of regulation 59 shall not apply to—

- (a) a dwelling; and
- (b) a door or gate which is part of a lift.

(6) Insofar as they relate to a dwelling, the requirements of regulation 60 shall only apply to a window, skylight or ventilator which opens over a public route of travel.

(7) For the purposes of this Part access to any place is infrequent if it takes place on average on less than one occasion a month during the course of a year.

(8) In this Part—

“Balcony” includes a gallery;

“Barrier” includes a wall or screen;

“Flight” means that part of a stair or ladder between landings that has a step or a continuous series of steps;

“Ladder” means a fixed ladder having a flight with a pitch greater than 55°;

“Landing” means a platform situated—

(a) at the top or bottom of a stair, ladder or ramp; and

(b) between consecutive flights of stairs;

“Ramp” means an inclined surface which provides a route of travel; and

“Stair” means a flight or flights (other than a ladder) and landings that make it possible to pass on foot to another level or levels.

Provision of stairs in dwellings

55. Within every dwelling of more than one storey there shall be provided between such storeys access by means of a stair complying with the relevant provisions in this Part:

Provided that nothing in this regulation shall require the provision of a stair to any storey within a dwelling if that storey is used only as general storage accommodation.

Stairs, ladders, ramps and landings

56. In a building or within the boundary of a building a stair, ladder and a ramp and its landings, shall offer reasonable safety to people using them.

Guarding

57.—(1) A stair, ladder, ramp, floor, balcony, landing, platform and any roof or other place to which people normally have access (including access for the purpose of maintenance) and a sunken area next to a building, shall, where it is necessary to protect people approaching, accessing, moving between levels within or exiting that building from the risk of falling, be adequately guarded with a barrier which does not present a hazard.

(2) Any part of a building which is a vehicle ramp, floor or roof to which vehicles have access shall, where it is necessary to protect people, be adequately guarded with a barrier which does not present a hazard.

Vehicle loading bays

58. A vehicle loading bay shall be designed and constructed to minimise the risk of people in it from being struck by a vehicle.

Protection against impact from and trapping by doors

59.—(1) In any building a door or gate which—

- (a) is across a main route of travel; or
- (b) can be pushed open from either side,

shall have a means to ensure that people approaching it have a clear view of the space on the opposite side.

(2) In any building a door or gate which slides or opens upwards shall have a means to prevent it from sliding into or falling on any person.

(3) In any building a powered door or gate shall have a means to prevent it trapping any person and a means to open it in the event of a power failure.

Protection from collision with open windows, skylights or ventilators

60. Reasonable provision shall be made to minimise the risk of people colliding with an open window, skylight or ventilator when moving in or about a building.

PART J

Solid waste in buildings

Interpretation

61. In this Part—

“Waste container” means a moveable container for the storage of waste from a building;

“Waste” means solid waste; and

“Waste chute system” means a system comprising of a hopper or hoppers, a waste chute or chutes, a waste container chamber or waste container chambers and associated ventilation provisions.

Solid waste storage

62.—(1) Adequate provision shall be made for the hygienic storage of solid waste from a building.

(2) Adequate means of access shall be provided—

(a) for people in the building to the place of storage; and

(b) from the place of storage to the waste collection point.

Waste chute systems

63. A waste chute system shall ensure the safe and hygienic conveyance of waste to a waste container or containers.

PART K

Ventilation

Application

64.—(1) Regulation 65 shall not apply to a building or a space within a building which is used solely for storage or which is otherwise not intended for use by people.

(2) Regulations 65 and 66 shall not apply to a garage used solely in connection with a single dwelling.

(3) Regulation 65(2) shall not apply to the provision or extension of any fixed mechanical ventilation system or associated controls where testing and adjustment is not possible.

(4) Regulation 67(a) shall apply only to a dwelling being newly erected or created.

Means of ventilation

65.—(1) Adequate means of ventilation shall be provided for people in a building.

(2) Fixed mechanical ventilation systems and any associated controls shall be tested and commissioned to ensure that the requirement of paragraph (1) is met.

Ventilation of car parks

66. Adequate means of ventilation shall be provided for every space in a car park.

Notification of testing and commissioning

67. Where this regulation applies, the person carrying out the work, for the purpose of ensuring compliance with regulation 65(2), shall give, not more than 5 days after completion of the testing and commissioning, a notice in writing to the district council stating—

- (a) the results of air flow tests; and
- (b) that any fixed mechanical ventilation system and associated controls have been commissioned.

Provision of information

68. Where regulation 65(1) applies, the person carrying out the work shall give, not more than 5 days after completion of the work, a notice in writing to—

- (a) the building owner giving sufficient information about the buildings ventilation system and its maintenance requirements so that the building can be operated, maintained and ventilated in an efficient manner; and
- (b) the district council stating that the requirements of sub-paragraph (a) have been met.

PART L

Combustion appliances and fuel storage systems

Application and interpretation

69.—(1) Any provision in regulations 70 to 74 and 77 which applies to a combustion appliance, shall also apply where solid fuel is intended to burn directly on a hearth without the installation of any appliance.

(2) Regulation 72 shall not apply to a combustion appliance designed solely for cooking purposes.

(3) Regulation 75 shall only apply to a liquid fuel storage tank and connecting pipework located outside the building, which serves a fixed combustion appliance within the building and which is—

- (a) a fixed oil storage tank with a capacity greater than 90 litres; or
- (b) a fixed liquefied petroleum gas storage tank with a capacity greater than 150 litres.

(4) Regulation 76 shall only apply to an above ground fixed oil storage tank, which serves a dwelling and to which any one of the following applies—

- (a) it has a capacity of more than 2500 litres but less than 3500 litres;
- (b) it is located within 10 m of inland freshwaters or coastal waters;
- (c) it is located within 50 m of a source of potable water, such as a well, bore-hole or spring;
- (d) it is located where spilled oil from the installation could reach the waters in (b) or (c) by running across hard ground;
- (e) it is located where spillage could run into an open drain or loose fitting manhole cover; or
- (f) it is located where the tank vent pipe outlets cannot be seen from the intended filling point.

(5) In this Part—

“Combustion appliance” means a fixed appliance (including a cooker) which—

- (a) is designed to burn solid fuel, gas or oil; or
- (b) is an incinerator.

Air supply

70. A combustion appliance shall be so installed as to receive a sufficient supply of air to ensure the safe and efficient operation of the combustion appliance and any connected flue.

Discharge of products of combustion

71. A combustion appliance shall be so installed and any connected flue-pipe, flue or chimney shall be so constructed and installed as to ensure that the products of combustion are discharged to the external air without causing a hazard to the health of any person.

Warning of the presence of carbon monoxide gas

72. Where a combustion appliance is installed in a dwelling, reasonable provision shall be made to detect and give warning of the presence of carbon monoxide gas at levels harmful to people.

Protection of people and buildings

73.—(1) A combustion appliance shall be so installed and any connected flue-pipe, flue or chimney shall be so constructed and installed as to ensure that their use shall not cause—

- (a) burns to any person; or
- (b) damage to a building by heat or fire.

(2) A hearth or fireplace recess shall be so designed and constructed as to prevent damage to a building by heat or fire as a result of the operation of a combustion appliance installed in it or on it.

Provision of information

74. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on its performance capabilities shall be affixed to a suitable place in the building for the purpose of enabling a compatible combustion appliance to be safely connected to that hearth, fireplace, flue or chimney.

Protection of liquid fuel storage tanks

75. Reasonable provision shall be made to ensure that a liquid fuel storage tank and connecting pipework is so constructed and separated from adjacent buildings and the boundary of the premises as to reduce to a reasonable level the risk of the fuel contained inside it igniting in the event of a fire occurring in adjacent buildings or premises.

Protection against pollution

76. An oil storage tank and connecting pipework shall be so constructed and protected as to minimise the risk of an escape of oil causing pollution to the environment.

Prevention of smoke emission

77. A combustion appliance installed in a building for the purpose of heating or cooking, and which discharges its combustion products to the external air shall be capable of, or readily adaptable to, the burning of fuel smokelessly, unless it is—

- (a) a furnace which complies with Article 5 of the Clean Air (Northern Ireland) Order 1981(a) (which requires that new furnaces shall so far as practicable be smokeless); or
- (b) an appliance of a class exempted conditionally or unconditionally from the provisions of Article 17 of the Clean Air (Northern Ireland) Order 1981 (which relates to smoke control areas) by any order for the time being in force under paragraph (7) of that Article.

(a) S.I. 1981 No. 158 (N.I. 4)

PART N

Drainage

Application and interpretation

78.—(1) Regulation 82 shall not apply to a drainage system intended for use in connection with a roof or balcony of 6 m² or less in area, unless that roof or balcony receives a flow of rainwater from another part of a building.

(2) In this Part—

“Foul water” means waste from a sanitary appliance and water which has been used for cooking or washing purposes and not contaminated by trade effluent;

“Rainwater drainage” includes gutters, pipes, drains and fittings which convey rainwater only;

“Sanitary appliance” has the meaning assigned to it by regulation 84 in Part P;

“Sanitary pipework” means a pipe or system of pipes for conveying foul water from a fitting to an underground foul drain; and

“Underground foul drainage” includes drains and private sewers used in connection with buildings but not a system which is solely for the conveyance of subsurface water.

Drainage systems

79. Every building shall be provided with such sanitary pipework, underground foul drainage and rainwater drainage as may be necessary for the hygienic and adequate disposal of foul water and rainwater from that building.

Sanitary pipework

80. Sanitary pipework shall—

(a) consist of pipes and fittings—

(i) of such size, layout, construction and watertightness; and

(ii) with sufficient ventilation,

to ensure the hygienic conveyance of foul water to an underground foul drainage system; and

(b) have such means of access as is necessary to facilitate the clearance of blockages.

Underground foul drainage

81. Underground foul drainage shall—

(a) consist of pipes and fittings—

(i) of such size, layout, construction and watertightness; and

(ii) with sufficient ventilation,

to ensure the hygienic conveyance of foul water to a sewer, cesspool, septic tank or similar structure; and

(b) have such means of access as is necessary to facilitate the clearance of blockages.

Rainwater drainage

82. Rainwater drainage shall—

- (a) consist of pipes and fittings—
 - (i) of such size, layout, construction and watertightness; and
 - (ii) with sufficient ventilation,to ensure the hygienic conveyance of rainwater to a surface water or combined sewer, a soakaway or a watercourse; and
- (b) have such means of access as is necessary to facilitate the clearance of blockages.

Cesspools, septic tanks and similar structures

83.—(1) Any cesspool, septic tank or similar structure shall be—

- (a) so constructed as to be impervious to both liquid from the inside and subsoil water from the outside; and
- (b) so sited—
 - (i) as not to render liable to pollution any spring, stream, well, adit or other source of water which is used, or is likely to be used, for drinking, domestic or kitchen purposes;
 - (ii) that there is ready means of access for cleansing it and removing its contents without carrying them through any building in which any person resides or is employed in any manufacture, trade or business, or to which the public has access; and
 - (iii) as not to be in such proximity to any building in which any person resides or is employed in any manufacture, trade or business, or to which the public has access, as to be liable to become a source of nuisance or a danger to health.

(2) A cesspool shall be—

- (a) of suitable depth to enable it to be emptied completely;
- (b) properly covered so as to be impervious to surface water and rainwater;
- (c) fitted with a suitable manhole cover for the purposes of inspection (including inspection of the inlet), emptying and cleansing;
- (d) adequately ventilated;
- (e) without any outlet for overflow or discharge other than the outlet provided for emptying or cleansing; and
- (f) of a capacity, measured below the level of the inlet, of not less than 18 m³.

(3) Any structure to which paragraph (1) applies other than a cesspool shall be—

- (a) of suitable depth;
- (b) of adequate size, having in no case a capacity of less than 2.7 m³;
- (c) covered or fenced in;
- (d) if covered, adequately ventilated and constructed with means of access for the purposes of inspection (including inspection of the inlet and outlet), emptying and cleansing; and
- (e) fitted with filter or other treatment facility for effluent (including subsurface irrigation) or both, sited to comply with the requirements of paragraph (1)(b)(i) and (iii).

PART P

Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding

Application and interpretation

84.—(1) Regulation 89 applies when a dwelling is—

- (a) erected; or
- (b) formed by a material change of use.

(2) In this Part—

“Domestic hot water” means water that has been heated for ablutionary, culinary and cleansing purposes irrespective of the type of building;

“Sanitary accommodation” means a room or space which contains a water closet or urinal whether or not it contains other sanitary appliances;

“Sanitary appliances” includes a water closet or urinal and a bath, shower, washbasin, bidet or other fitting for ablutionary purposes;

“Sanitary pipework” and “underground foul drainage” have the meanings assigned to them by regulation 78 in Part N; and

“Urinal” includes one or more slabs, stalls, troughs, bowls and other suitable receptacles.

Provision of sanitary appliances

85.—(1) A dwelling shall have at least one water closet, one washbasin and one fixed bath or shower.

(2) A washbasin shall be provided, in the case of—

- (a) a dwelling, either in the same room as a water closet or in an adjoining room; and
- (b) any other building, either in the same room as a water closet or in an adjoining room which provides the sole means of access to the room containing the water closet:

provided that where the washbasin is located in the adjoining room, that room is not used for the preparation of food.

(3) A water closet fitted with a macerator shall not be provided in any building unless the building has another water closet, accessible to all occupants, which discharges directly to sanitary pipework or underground foul drainage.

Sanitary appliances

86.—(1) Every sanitary appliance shall have smooth and readily cleansed, non-absorbent surfaces and shall discharge through an effective trap of suitable dimensions.

(2) Every washbasin, bath and shower shall have provision for the piped supply of hot and cold water and where a sequential single control mixer valve is provided it shall start from the cold supply.

(3) Every water closet and urinal shall have flushing apparatus capable of effectively cleansing the receptacle, no part of which shall be directly connected to any pipe other than a flush pipe or sanitary pipework.

(4) The outlet of an urinal shall have an effective grating.

(5) A sanitary appliance fitted with a macerator, pump and drainage pipe shall ensure the hygienic conveyance of foul water to an underground foul drainage system.

Sanitary accommodation

87.—(1) Sanitary accommodation in any building other than a dwelling shall not open directly into a room used for kitchen purposes.

(2) Any sanitary accommodation which can be entered directly from a room used for sleeping purposes, shall be so constructed that it can also be entered without passing through any such room, but this paragraph shall not apply if in the case of—

- (a) a dwelling, there is other such sanitary accommodation within the dwelling which can be entered without passing through any such room; or
- (b) any other building, there is within the building other such sanitary accommodation which is available for common use.

Unvented hot water storage systems

88.—(1) This regulation shall apply to any hot water storage system (other than a system or part of a system used solely for space heating or an industrial process) that has a storage vessel which—

- (a) has a capacity greater than 15 litres; and
- (b) does not incorporate a vent pipe to the atmosphere.

(2) A hot water storage system to which this regulation applies, whether heated directly or indirectly, shall incorporate—

- (a) safety devices to ensure that the temperature of the stored water does not exceed 100 °C at any time; and
- (b) devices to control the working pressure and to relieve excessive pressure.

(3) Any discharge from devices provided for the purpose of paragraph (2) shall be conveyed safely to where it can be seen readily and will cause no danger to people.

Reducing the risk of scalding

89.—(1) The domestic hot water distribution system shall be so designed and installed as to incorporate measures to ensure that the temperature of water that can be delivered is not excessive.

(2) The hot water supply to any fixed bath shall be so designed and installed as to incorporate measures to ensure that the temperature of water that can be delivered to that bath does not exceed 48 °C.

PART R

Access to and use of buildings

Application and interpretation

90.—(1) Subject to paragraphs (2), (3) and (4) this Part shall apply to any building or part of a building.

(2) This Part shall not apply to—

- (a) any garage or outbuilding associated with a dwelling;
- (b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, maintained or repaired; and
- (c) the alteration or extension of an existing dwelling to which this Part did not apply when the dwelling was erected other than where the alteration or extension affects a facility suitable for use by people with an impairment of mobility, hearing or sight, in the existing building.

(3) The requirements of regulation 92 shall not apply to—

- (a) a dwelling; and
- (b) any building that is being extended where reasonable provision for access to the extension is provided through the building being extended.

(4) The requirements of regulation 93 shall not apply to—

- (a) a dwelling; and
- (b) an extension to a building where there is provision for suitable sanitary accommodation in the building being extended and all users of the extension can gain access to and use that sanitary accommodation.

(5) In this Part—

“Dwelling” means a house or flat;

“Entrance storey” in a dwelling means the storey which contains the principal entrance for the dwelling;

“Independent access” to a part of or extension to a building means a route of access to that part or extension which does not require the user to pass through any other part of the building;

“Principal entrance” in relation to a dwelling means the entrance a visitor (not familiar with the dwelling) will normally expect to use to enter it;

“Principal storey” in a dwelling means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey;

“Sanitary accommodation” has the meaning assigned to it by regulation 84 in Part P; and

“Sanitary convenience” means a water closet and washbasin.

Access and use

91. Reasonable provision shall be made for people to have access to, into, within and to use a building and its facilities:

Provided that in a dwelling this requirement shall be limited to the entrance storey or, where that storey contains no habitable room, to the principal storey.

Access to extensions

92. Reasonable provision shall be made for independent access to an extension to a building.

Sanitary accommodation in extensions

93. Where sanitary accommodation is provided in a building, reasonable provision shall be made for the provision of suitable sanitary accommodation in any extension to the building.

Sanitary conveniences in dwellings

94. In a dwelling a sanitary convenience shall be provided—

- (a) in the entrance storey; or
- (b) where the entrance storey contains no habitable rooms – in the principal storey.

PART V

Glazing

Application and interpretation

95.—(1) Subject to paragraphs (2) and (3) this Part shall apply to any building or part of a building.

(2) Regulation 97 shall not apply to glazing in a dwelling.

(3) Regulation 99 shall not apply to glazing that is not intended to be cleaned.

(4) In this Part—

“Glazing” includes glass, plastic and other transparent or translucent materials.

Impact with glazing

96. Reasonable provision shall be made to limit the risk of people sustaining cutting and piercing injuries from accidental impact with glazing.

Transparent glazing

97. Transparent glazing, of which people may otherwise be unaware and with which they are likely to collide while in passage in or about a building, shall incorporate features which make it apparent.

Safe opening and closing of windows, skylights and ventilators

98. Any window, skylight or ventilator which can be opened by a person shall be so constructed or equipped that it may be opened, closed and adjusted safely.

Safe means of access for cleaning glazing

99. Reasonable provision shall be made for safe means of access to clean glazing in walls, ceilings and roofs.

Sealed with the Official Seal of the Department of Finance and Personnel on 15th May 2012



Philip Irwin
A senior officer of the
Department of Finance and Personnel

SCHEDULES

SCHEDULE 1

Regulation 3

TRANSITIONAL PROVISIONS

- 1.** The Building Regulations (Northern Ireland) 1973(**a**) shall continue to apply to—
 - (1) plans deposited in accordance with those regulations before 1st October 1977;
 - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (3) work completed on or after 1st October 1973 but before 1st October 1977, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979.

- 2.** The Building Regulations (Northern Ireland) 1977(**b**) shall continue to apply to—
 - (1) plans deposited in accordance with those regulations before 1st June 1990;
 - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (3) work completed on or after 1st October 1977 but before 1st June 1990, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 continue to apply by virtue of paragraph **1**.

- 3.** The Building Regulations (Northern Ireland) 1990(**c**) shall continue to apply to—
 - (1) plans deposited in accordance with those regulations before 28th November 1994;
 - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (3) work completed on or after 1st June 1990 but before 28th November 1994, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 and 1977 continue to apply by virtue of paragraphs **1** and **2**.

- 4.** The Building Regulations (Northern Ireland) 1994(**d**) shall continue to apply to—
 - (1) plans deposited in accordance with those regulations before 1st April 2001;
 - (2) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (3) building work and any material change of use completed on or after 28th November 1994 but before 1st April 2001, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977 and 1990 continue to apply by virtue of paragraphs **1**, **2** and **3**.

(a) S.R. & O. (N.I.) 1973 No. 105 as amended by S.R. & O. (N.I.) 1973 No. 506 and S.R. 1975 No. 112

(b) S.R. 1977 No. 149 as amended by S.R. 1979 No. 79, S.R. 1980 No. 86; S.R. 1980 No. 332; S.R. 1982 No. 81; S.R. 1984 No. 295; S.R. 1984 No. 343 and S.R. 1987 No. 268

(c) S.R. 1990 No. 59 (N.I.) as amended by S.R. 1991 No. 169 and S.R. 1993 No. 84

(d) S.R. 1994 No. 243 (N.I.) as amended by S.R. 1995 No. 473, S.R. 1997 No. 481 and S.R. 1998 No. 453

5. The Building Regulations (Northern Ireland) 2000^(a) shall continue to apply to—
- (1) plans deposited in accordance with those regulations before 31st October 2012
 - (2) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (3) building work and any material change of use completed on or after 1st April 2000 but before 31st October 2012, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977, 1990 and 1994 continue to apply by virtue of paragraphs 1, 2, 3 and 4.

^(a) S.R. 2000 No. 389 as amended by S.R. 2005 No. 295, S.R. 2006 No. 355, S.R. 2006 No. 440, S.R. 2008 No. 170 as amended by S.R. 2008 No. 241 and S.R. 2009 No. 369, S.R. 2010 No. 1 and S.R. 2010 No. 382

SCHEDULE 2

Regulation 4

CLASSES OF EXEMPTED BUILDINGS

In Classes 3 and 4 of the Table to this Schedule “height” shall be measured from the lowest level of the ground adjoining the building to the highest point of the building.

<i>Class</i>	<i>Description of exempted building</i>
<i>(1)</i>	<i>(2)</i>

1.	<p>Buildings controlled under other legislation</p> <p>(a) Any building the construction of which is subject to the Explosives Acts (Northern Ireland) 1875 and 1924⁽¹⁾.</p> <p>(b) Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965⁽²⁾ is for the time being in force.</p> <p>(c) A building being any monument for the time being subject to Part II of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995⁽³⁾ other than any such building or part thereof which is used as residential accommodation or as an institution.</p>
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2.	<p>Buildings used for the purpose of national security</p> <p>(a) A building used or to be used for the purposes of national security.</p> <p>(b) A building occupied for the purposes of—</p> <p style="margin-left: 20px;">(i) the Secretary of State for Defence;</p> <p style="margin-left: 20px;">(ii) the Defence Council;</p> <p style="margin-left: 20px;">(iii) any of the armed forces of the Crown;</p> <p style="margin-left: 20px;">(iv) any visiting force as defined in the Visiting Forces Act 1952⁽⁴⁾; or</p> <p style="margin-left: 20px;">(v) any international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽⁵⁾.</p>
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Class 2 shall not apply to a building used as a dwelling or a building used for office or canteen accommodation.

3.	<p>Buildings not frequented by people</p> <p>A detached building into which people do not normally go, or into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery, unless any point of such a building is less than one and a half times its height from—</p> <p style="margin-left: 20px;">(a) any point of a building into which people can or do normally go;</p> <p style="margin-left: 20px;">(b) the nearest part of a road; or</p> <p style="margin-left: 20px;">(c) the nearest point of the boundary of the land on which the building is to be erected.</p>
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⁽¹⁾ 1875 c.17, 1924 c.5 (N.I.)

⁽²⁾ 1965 c.57, the only relevant amending instrument is S.I. 1974/2056

⁽³⁾ S.I. 1995/1625 (N.I. 9)

⁽⁴⁾ 1952 c.67

⁽⁵⁾ 1964 c.5

<i>Class</i>	<i>Description of exempted building</i>
<i>(1)</i>	<i>(2)</i>
4.	<p>Buildings for agriculture and for keeping animals</p> <p>A building used for agriculture or for keeping animals, but not including a building used principally for retailing (including storage for retailing), packaging, exhibiting, or as an office, provided that—</p> <ul style="list-style-type: none"> (a) no part of the building is used as a dwelling; (b) no point of the building is less than one and half times its height from— <ul style="list-style-type: none"> (i) any point of a building which contains sleeping accommodation; (ii) the nearest part of a road; or (iii) the nearest point of the boundary of the land on which it is to be erected; and (c) the building is provided with a fire exit which is not more than 30 m from any point in the building.
5.	<p>Temporary buildings</p> <p>A building, including an exhibition stand and a stand for viewing a public display, which is not intended to remain where it is erected for more than 28 days.</p>
6.	<p>Ancillary buildings</p> <ul style="list-style-type: none"> (a) A building on a construction site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site and which contains no sleeping accommodation. (b) A building on or close to the site of construction or civil engineering work, which is intended to be used only by people engaged on those works during the course of those works and which contains no sleeping accommodation. (c) A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.
7.	<p>Small detached buildings</p> <ul style="list-style-type: none"> (a) A detached single storey building, having a floor area which does not exceed 30 m², which contains no sleeping accommodation and is a building which is either— <ul style="list-style-type: none"> (i) constructed substantially of non-combustible material; or (ii) at no point less than 1 m from— <ul style="list-style-type: none"> (aa) the nearest point of a dwelling; (bb) the nearest part of a road; or (cc) the nearest point of the boundary of the land on which it is to be erected. (b) A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if— <ul style="list-style-type: none"> (i) its floor area does not exceed 30 m²; and (ii) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus 1 m. (c) A detached single storey building, having a floor area which does not exceed 15 m², which contains no sleeping accommodation and is not less than 1 m from a dwelling.

<i>Class</i>	<i>Description of exempted building</i>
<i>(1)</i>	<i>(2)</i>
8.	<p>Extensions</p> <p>An extension to a building by the addition at ground level of—</p> <ul style="list-style-type: none"> (a) a conservatory; (b) a porch, covered area or covered way; or (c) a carport open on at least 2 sides, <p>where the floor area of the extension does not exceed 30 m² (or in the case of a porch extension to a dwelling, does not exceed 5 m²) provided that in the case of a conservatory or porch which is wholly or partially glazed—</p> <ul style="list-style-type: none"> (d) the extension, if it is to a dwelling, satisfies the requirement or regulation 26(2) in Part C; (e) the thermal performance of the building is retained; (f) the building’s heating or cooling system is not extended into it; (g) a fixed combustion appliance or fixed cooling appliance is not installed; and (h) the glazing satisfies the requirements of Part V.
9.	<p>Other Buildings</p> <ul style="list-style-type: none"> (a) An air-supported structure which— <ul style="list-style-type: none"> (i) does not exceed 15 m in length or diameter; (ii) has alternative means of escape; (iii) is not less than 2 m from any building to which these regulations apply; and (iv) is used solely in connection with a dwelling. (b) An air-supported structure which— <ul style="list-style-type: none"> (i) after deflation is re-erected in accordance with plans previously approved and with any conditions imposed in connection with the approval of those plans; and (ii) is used for the same purpose as that for which it was previously erected. (c) A tent or marquee. (d) A movable dwelling including a tent, caravan, shed or similar structure used for human habitation, but not a structure that would require disassembly to facilitate being moved on or off site. (e) Mobile accommodation used in a static condition, including a houseboat, caravan or railway carriage. (f) Any part of a dock, wharf, pier, lighthouse, dam, reservoir, railway line, airfield, pavement, canal (including locks and other structures associated therewith), oil rig, tunnel, bridge, road, path, ramp, stairway, walkway or work of public utility which does not form part of, give support to or gain support from, a building to which these regulations apply and which is not required for the purposes of Part R of these regulations; sewage disposal works other than buildings designed to house plant or provide covered accommodation for persons. (g) A structure (other than a chimney) not incorporating any covered space with headroom exceeding 1.5 m, except where the structure is attached to or within a building to which these regulations apply; a tower mast not attached to a building to which these regulations apply. (h) Unclad plant or machinery, including a vending or weighing machine.

<i>Class</i>	<i>Description of exempted building</i>
<i>(1)</i>	<i>(2)</i>
9.	<ul style="list-style-type: none"> (i) Amusement, playground or fairground equipment, including a swing, roundabout and scenic railway. (j) Scaffolding, falsework, lifts and hoists used in association with engineering or construction work. (k) Storage racking not incorporating a floor. (l) Road barriers, street furniture or similar structures, including a traffic light or sign. (m) A fence, wall or gate not forming part of a building to which these regulations apply. (n) An external storage tank, not being a septic tank, settlement tank, cesspool, fixed oil storage tank, liquefied petroleum gas storage tank or tower silo. (o) Gantries or galleries used solely for access to or the operation of plant or machinery. (p) Greenhouses, including greenhouses attached to other buildings, but not including greenhouses used principally for retailing, packaging or exhibiting.

PART A – GIVING OF NOTICES AND DEPOSIT OF PLANS

Rule A: General

The following provisions shall be observed in relation to the giving of any notices and the deposit of any plans, sections, specifications and particulars referred to in the other rules of this Schedule:

- (1) Notices and other particulars shall be in writing.
- (2) Drawings shall be executed or reproduced in a clear and intelligible manner with suitable and durable materials. Plans and sections shall be to a scale of not less than 1:100 or, if the building is so extensive as to render a smaller scale necessary, not less than 1:200; block plans shall be to a scale of not less than 1:1250; and key plans shall be to a scale of not less than 1:2500. The scale shall be indicated on all plans, sections and other drawings and the north point shall be indicated on all block plans and key plans.
- (3) Every notice, drawing or other document shall be signed by the person required to furnish it to the district council or by his duly authorised agent, and in all cases shall state the full name and address of the person on whose behalf it has been furnished.
- (4) Every such document, together with a duplicate thereof, shall be sent or delivered to the offices of the district council and the district council may retain one copy.
- (5) Where the building, or part thereof, is or will become a relevant premises for the purposes of the Fire and Rescue Services (Northern Ireland) Order 2006(a), a statement to that effect, accompanied by a further 2 copies of such plans as demonstrate compliance with the requirements of Part E (Fire safety) of these regulations, shall be deposited with the district council which may retain both such copies.

Rule B: Erection of buildings

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to erect a building which is not exempted from the operation of these regulations under regulation 4 in Part A:

- (1) Notice of intention to erect a building not exempted from the operation of these regulations.
- (2) Particulars, so far as necessary to show whether the building complies with all such requirements of these regulations as apply to it, of—
 - (a) the intended use of the building;
 - (b) the materials of which the building will be constructed;
 - (c) the mode of drainage; and
 - (d) the means of water supply.
- (3) A block plan showing—
 - (a) the size and position of the building and its relationship to adjoining buildings;
 - (b) the width and position of every street adjoining the premises; and
 - (c) the boundaries of the premises and the size and position of every other building and of every road, path, garden, yard and other open space within such boundaries.
- (4) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.

(a) 2006 No. 1254 (N.I. 9)

(5) A plan of every floor and roof of the building and a section of every storey of the building, upon which shall be shown (where not already shown on the particulars and plans required by items 2 to 4), so far as necessary to enable the district council to determine whether the building complies with these regulations—

- (a) the levels of the site of the building, of the lowest floor of the building and of any street adjoining the premises, in relation to one another and above some known datum;
- (b) the position of the damp-proof courses and any other barriers to moisture;
- (c) the position, form and dimensions of the foundations, walls, windows, floors, roofs, chimneys and several parts of the building;
- (d) the intended use of every room in the building;
- (e) the provision made in the structure for protection against fire;
- (f) the provision made in the building or part of the building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times;
- (g) the provision made in the structure for insulation against the transmission of heat and sound; and
- (h) provisions made for adequate means of ventilation.

(6) The target carbon dioxide emission rate for the building.

(7) The dwelling carbon dioxide emission rate used for design purposes for the dwelling, or the building carbon dioxide emission rate used for design purposes for a building other than a dwelling.

(8) A list of specifications (used for the calculation of the design-stage carbon dioxide emission rate) to which the building is to be constructed.

(9) The site investigation report where one has been produced.

(10) Any valid type approval certificate relevant to the application.

Rule C: Alterations and extensions

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to make any alteration of or extension to a building other than an alteration or extension which is exempted from these regulations:

(1) Notice of intention to alter or extend a building.

(2) In the case of alterations not involving any extension of a building—

- (a) the plans and sections required by item 5 of Rule B of the alterations and of the building so far as affected by the alterations, so far as necessary to establish whether the proposals comply with these regulations; and
- (b) a key plan showing the position of the site when it is not sufficiently identifiable from such plans.

(3) In the case of an extension of a building—

- (a) the plans, sections, specifications and particulars referred to in items 2, 3, 4 and 5 of Rule B in relation to the extension as if the extension was the building therein referred to;
- (b) the plans and sections as required by item 5 of Rule B of the building so far as affected by the extension; and
- (c) the site investigation report where one has been produced,

so far as necessary to enable the district council to determine whether the proposals comply with the requirements of these regulations.

Rule D: Services and fittings

The following are the notices to be given and the plans, sections, specifications and written particulars to be deposited by a person intending to provide any services or fittings to which regulation 6 in Part A relates:

- (1) Notice of intention to provide any services or fittings in connection with a building.
- (2) (a) Particulars of the services or fittings so far as is necessary to establish whether they comply with all such requirements of these regulations as apply to them; and
 - (b) where it is proposed to provide an unvented hot water storage system to which Part P of these regulations applies, the particulars required by sub-paragraph (a) shall include—
 - (i) the name, make, model and type of hot water storage system to be installed;
 - (ii) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of Part P; and
 - (iii) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.
- (3) Where it is proposed to execute works of drainage or to construct or install a water closet fitting, urinal fitting, cesspool, septic tank or similar structure (for the reception or disposal of foul water from buildings), a block plan. Such plan shall, if the work is in connection with an operation to which Rules B or C relate, be the block plan required by such rule and the block plan shall in any case show, so far as necessary to establish whether the proposals comply with all such requirements of these regulations as apply to them—
 - (a) the position of services or fittings;
 - (b) the lines of drainage; the size, depth and inclination of every drain and the means of access to be provided for the inspection and clearance of blockages;
 - (c) the position and level of the outfall of the drains; and
 - (d) where the drainage is intended to be connected to a sewer, the position of the sewer.
- (4) Where it is proposed to construct or install a water closet fitting, urinal fitting, cesspool, septic tank or similar structure (for the reception or disposal of foul water from buildings), plans and sections of the works or fittings, so far as necessary to show that they comply with all such requirements of these regulations as apply to them.
- (5) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.

Rule E: Material changes of use

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to make any material change of use to which these regulations are applied by regulation 8 in Part A, in addition to anything required by Rule C in a case to which that rule relates:

- (1) Notice of intention to make, and description of, any change in the purposes for which the building or part of the building is used.
- (2) A block plan showing the size and position of the building and its relationship to adjoining buildings.
- (3) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.
- (4) The provision made in the structure for protection against fire; and the provisions made in the building or part of a building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times.
- (5) In the case of a material change of use involving an increase in imposed loadings, the plans and sections required by items 5(c) and (d) of Rule B.
- (6) The site investigation report where one has been produced.

Rule F: Additional requirements

Where it is considered necessary for the purpose of examining any proposals submitted in accordance with Rule B, C or E, an authorised officer of the district council may require the deposit of any of the following drawings and particulars in addition to plans, sections, specifications and particulars required by such rule:

- (1) A specification of any particular material or materials proposed to be used.
- (2) Drawings showing details of particular construction.
- (3) Soil investigation report.
- (4) Site investigation report.
- (5) Measures for the purposes of regulation 26 in Part C.
- (6) The proportions of the materials in any concrete or mortar or the specified minimum strength of the concrete or mortar.
- (7) Calculations of loading and strength.
- (8) Calculations for the purposes of regulation 33 in Part E.
- (9) Calculations relating to the space separation of buildings for the purposes of regulation 36 in Part E.
- (10) Calculations for the purposes of regulations 39 to 43 in Part F.
- (11) Calculations for the purpose of regulation 51 in Part G.
- (12) Calculations for the purposes of regulation 65 in Part K.

SCHEDULE 3

Regulation 9

PART B – PARTICULARS TO BE GIVEN IN A BUILDING NOTICE

1. The following are the particulars to be given in a building notice by a person intending to carry out any building work to an existing single dwelling—

- (a) the full name and address of the person on whose behalf it has been furnished;
- (b) a notice of intention signed by, or on behalf of, the person intending to carry out the building work;
- (c) a description of the proposed building work;
- (d) particulars, so far as necessary, to show—
 - (i) the materials to be used during building work;
 - (ii) the mode of drainage;
 - (iii) the precautions to be taken in building over a drain or sewer;
 - (iv) the means of water supply; and
 - (v) the number of storeys (each basement level being counted as one storey) in the dwelling to which the proposal relates;
- (e) particulars giving the size and position of the dwelling and its relationship to adjoining buildings and indicating its distance from the boundary of the premises; and
- (f) particulars giving the location of the site.

2. Where it is considered necessary for the purposes of examining any proposals submitted in accordance with this Schedule an applicant shall give to a district council, on request in writing by an authorised officer, such particulars as are necessary for the discharge of its function in relation to building regulations.

3. Paragraphs (1) to (4) of Rule A of Part A of this Schedule shall apply in relation to any notices or other documents given or served under this Part as they apply in relation to such notices or other documents given or deposited under Part A.

SCHEDULE 3

Regulation 11

PART C – PARTICULARS TO BE GIVEN WITH AN APPLICATION FOR A TYPE APPROVAL CERTIFICATE

1. The provisions of paragraphs (1) to (4) of Rule A of Part A of this Schedule shall apply in relation to any notices or other documents given or served under this Part as they apply in relation to such notices or other documents given or deposited under Part A.

2. The following are the notices to be given and the plans, sections, specifications and particulars to be deposited for a type approval certificate by a person intending to erect a building—

- (a) a notice of intention, signed by, or on behalf of, the person intending to erect a building;
- (b) the full name and address of the person on whose behalf it has been furnished;
- (c) particulars of the district council areas within which the applicant proposes to use any type approval certificate issued against the application; and
- (d) a plan of every floor and roof of the building and a section of every storey of the building upon which shall be shown so far as necessary to enable the district council to determine whether the building complies with these regulations—
 - (i) the number of storeys (each basement level being counted as one storey) in each dwelling type to which the proposal relates;
 - (ii) the position of the damp-proof courses and any other barriers to moisture;
 - (iii) the position, form and dimensions of the walls, windows, floors, roofs, chimneys and several parts of the building;
 - (iv) the intended use of every room in the building;
 - (v) the materials of which the building will be constructed;
 - (vi) the provisions made in the structure for protection against fire and for means of escape;
 - (vii) the provisions made for the conservation of fuel and power and sound;
 - (viii) the target carbon dioxide emission rate for each building type; and
 - (ix) the dwelling carbon dioxide emission rate used for design purposes for each building type.

3. Where it is considered necessary for the purposes of examining any proposals submitted in accordance with this Schedule an applicant shall give to the processing council, on request in writing by an authorised officer, such additional particulars as are necessary for the discharge of its function in relation to building regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the Building Regulations (Northern Ireland) 2000 and all subsequent amending Regulations (“the 2000 Regulations”). They impose certain functional or performance requirements in relation to —

- (a) the construction of any building and to certain services and fittings in conjunction with any building;
- (b) the structural alteration or extension of any building; and
- (c) any building undergoing a material change of use.

These Regulations come into operation on 31st October 2012, but do not apply in relation to work which has been completed, or for which plans have been deposited with a district council, before that date.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC.

The principal changes from the 2000 Regulations are —

1. Although each Part of these Regulations continues to be identified by a capital letter, the regulations are now identified only by a number which runs from “1” through to “99”.

2. The changes to Part A (Interpretation and general) clarify the intent of a number of existing regulations. They introduce, amend or remove certain definitions mainly as a result of technical amendments or removal of Schedules and Tables from the 2000 Regulations. Also:

- (a) buildings exempt from the requirements of the regulations (regulation 4) listed in Schedule 2 (Classes of exempt buildings) have been extended to include buildings used for the purpose of national security;
- (b) in regulation 8 the number of Cases of material change of use has been expanded. These now include a building containing a greater or lesser number of dwellings, or rooms for residential purposes, than it did prior to the change. Also the Case for “public building” has been replaced by “place of assembly or recreation” which includes a greater range of building types;
- (c) a limit of not more than 5 m² has been introduced to the size of a porch extension to a dwelling for which an application is not required;
- (d) regulation 9 restricts the use of a building notice to alterations and extensions to an existing dwelling and to where building work to that dwelling would increase the floor area by not more than 10 m² (in the case of a roofspace conversion by not more than 3 m²). This regulation also clarifies that a separate building notice must be submitted for each existing dwelling on which building work is to be carried out;
- (e) regulation 9 also extends the matters for which an application will no longer be required, for example: external doors of a dwelling; replacement of parts of, or the provision of control or output devices for, fixed building services (such as meters and thermostatic valves);
- (f) regulation 14 mandates the issuing of a completion certificate on completion of the work where proper notification has been submitted to the district council as required by regulation 9; and
- (g) requirements (regulation 11) are set in relation to applications to erect the same house type in a number of district council areas. A type approval will not include site-specific matters such as foundations and certain fire safety issues.

3. Part C (Site preparation and resistance to contaminants and moisture) requirements reference revised designated radon affected areas included in the Northern Ireland Environment Agency publication “Radon in Dwellings in Northern Ireland: 2009 Review and Atlas”.

4. The requirements of Part F (Conservation of fuel & power) have been extended to require - consequential improvements in buildings over 1000m² where certain works are undertaken; conservation measures where there is a change of energy status and/or work to thermal elements; and commissioning of building services and notice of such commissioning to be given to the building owner.

5. Part G (Resistance to the passage of sound) regulations have been extended to require protection against sound to improve the standard of sound insulation from adjacent homes and to introduce sound insulation standards within buildings including schools. Except where otherwise exempt, a sound test to demonstrate compliance is required.

6. Part K (Ventilation) regulations require appropriate testing and commissioning of ventilation systems and submitting evidence of such to the district council; and requiring the owner/occupier of a new building to be given sufficient information about the ventilation system and its maintenance requirements so that the system can be adequately operated and maintained.

7. The Part L (Combustion appliances and fuel storage systems) regulations have been extended to require the installation in a dwelling of a carbon monoxide alarm where a combustion appliance is installed or replaced.

8. A new regulation has been included in Part P (Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding) to ensure that delivered hot water temperature is not excessive and to require the temperature of hot water supplied to a fixed bath to be limited to 48°C.

In previous Regulations, mandatory requirements were complemented by provisions that described methods or materials which were deemed-to-satisfy the relevant functional or performance requirements. The Building Regulations (Amendment) Act (Northern Ireland) 2009 amended the Building Regulations (Northern Ireland) Order 1979 (the 1979 Order) to remove the requirement to provide deemed-to-satisfy provisions and to provide the Department with a power to prepare and publish guidance with respect to the requirements of any provision of building regulations.

The Department has prepared the following Technical Booklets for the purposes of these Regulations. These Booklets give guidance (including performance standards and design provisions) in relation to compliance with specific aspects of the Building Regulations for the more common building situations:

DFP Technical Booklet B	Materials and workmanship: 2012
DFP Technical Booklet C	Site preparation and resistance to contaminants and moisture: 2012
DFP Technical Booklet D	Structure: 2012
DFP Technical Booklet E	Fire safety: 2012
DFP Technical Booklet F1	Conservation of fuel and power in dwellings: 2012
DFP Technical Booklet F2	Conservation of fuel and power in buildings other than dwellings: 2012
DFP Technical Booklet G	Resistance to the passage of sound: 2012
DFP Technical Booklet H	Stairs, ramps, guarding and protection from impact: 2012
DFP Technical Booklet J	Solid waste in buildings: 2012
DFP Technical Booklet K	Ventilation: 2012
DFP Technical Booklet L	Combustion appliances and fuel storage systems: 2012
DFP Technical Booklet N	Drainage: 2012
DFP Technical Booklet P	Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding: 2012
DFP Technical Booklet R	Access to and use of buildings: 2012
DFP Technical Booklet V	Glazing: 2012

A Regulatory Impact Assessment has been carried out in respect of the change of format introduced by these Regulations and the principal changes from the 2000 Regulations. The Regulatory Impact Assessment may be downloaded from www.buildingregulationsni.gov.uk or may be obtained from— The Department of Finance and Personnel, Properties Division, Building Standards Branch, Level 5, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG.

The publications referred to in these Regulations and in this Explanatory Note may be purchased/downloaded from the following sources—

- (a) DFP Technical Booklets: The Stationery Office or www.buildingregulationsni.gov.uk
- (b) Radon in dwellings in Northern Ireland:2009 Review and Atlas: <http://www.hpa.org.uk> or <http://www.doeni.gov.uk/niea/>

Information on the national calculation methodologies may be obtained as follows:

- (a) The Government's Standard Assessment Procedure (SAP) for Energy Rating of Dwellings: 2009 Edition: www.bre.co.uk/filelibrary/SAP/2009/SAP-2009_9.90.pdf
- (b) The Simplified Building Energy Model (SBEM): 2010 Edition: www.ncm.bre.co.uk

If any works to which these Regulations apply contravene these Regulations, the district council in whose areas those works are being or have been done may, by notice served on the owner under Article 18(1) of the 1979 Order, require him to pull down, remove or alter those works to make the work comply with the requirements of these Regulations.

Any person who—

- (a) contravenes any provision contained in these Regulations;
- (b) contravenes a notice under Article 18(1) of the 1979 Order; or
- (c) gives or makes a false or misleading statement or application under Article 21(1A) of the 1979 Order,

is guilty of an offence under that Order and is liable on summary conviction to a fine not exceeding level 5 on the standard scale of fines and penalties (presently £5000) and to a further fine not exceeding £500 for each day during which the offence continues.

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