STATUTORY RULES OF NORTHERN IRELAND

2014 No. 44

BUILDING REGULATIONS

The Building (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*24th February 2014*
Coming into operation	*25th February 2014*

The Department of Finance and Personnel, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment and in exercise of the powers conferred by section 2(2) of the said Act and Articles 3 and 5(1) of, and paragraphs 6, 17, 17D and 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(**3**), and now vested in it(**4**), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(**5**) makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 25th February 2014.

Interpretation

2. In these Regulations "the principal Regulations" means the Building Regulations (Northern Ireland) 2012(**6**).

Transitional provisions

3.—(1) The principal Regulations shall continue to apply to—

(a) plans deposited or a building notice given in accordance with the principal Regulations before the commencement of these Regulations;

(**1**) S.I. 2008 No. 301
(**2**) 1972c. 68
(**3**) 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
(**4**) *See*S.R. 1999 No.481 Article 6 and Schedule 4, Part II
(**5**) S.I. 1979/1709 (N.I. 16) Article 5(4)
(**6**) S.R. 2012 No.192 as amended by S.R. 2012 No.375

(b) building work carried out in accordance with such plans or such building notice with or without any departure or deviation from those plans or that building notice; and

(c) building work completed before the commencement of these Regulations,

as if the amendments effected by these Regulations had not been made.

(2) In paragraph (1)—

(a) "building notice" means a notice given under regulation 9 (Giving of notices and deposit of plans) of the principal Regulations; and

(b) "building work" has the same meaning as in the principal Regulations.

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 to 7.

Amendment of Part A (Interpretation and general)

5.—(1) In regulation 2(1) (Interpretation and general) in the definition of "Fixed building service"—

(a) at the end of paragraph (a) delete "or";

(b) at the end of paragraph (b) insert "or"; and

(c) after paragraph (b) insert—

"(c) any combination of systems of the kinds referred to in paragraphs (a) and (b);".

(2) In regulation 4 (Exemptions)—

(a) paragraph (2) for "paragraph (3)" substitute "paragraphs (3) and (6)"; and

(b) after paragraph (5) insert—

"(6) Notwithstanding the provisions of paragraph (2)(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 shall, subject to regulation 38, comply with the requirements of regulations 40, 43(1)(a), 43A and 43B.".

Amendment of Part F (Conservation of fuel and power)

6.—(1) For regulation 38 substitute—

"**Application and interpretation**

38.—(1) Subject to paragraphs (2), (3) and (4) this Part shall apply to any building and where a building contains one or more dwellings to each dwelling separately.

(2) The energy efficiency requirements shall not apply to—

(a) protected buildings, where compliance with the energy efficiency requirements would unacceptably alter their character or appearance;

(b) buildings used as places of worship and for religious activities;

(c) temporary buildings with a planned time of use of 2 years or less, industrial sites, workshops and non-residential agricultural buildings with a low energy demand; and

(d) stand-alone buildings other than dwellings, with a total useful floor area of less than $50m^2$.

(3) Regulation 40 shall not apply to—

(a) the extension of a dwelling; and

(b) the extension of a building other than a dwelling, unless the extension has a total useful floor area that is both—

(i) greater than 100m^2; and

(ii) greater than 25% of the total useful floor area of the existing building.

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

(5) In this Part, the following terms have the same meaning as in European Parliament and the Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast)—

(i) "industrial sites";

(ii) "low energy demand";

(iii) "non-residential agricultural buildings";

(iv) "places of worship";

(v) "religious activities";

(vi) "stand-alone"; and

(vii) "workshops".

(6) In this Part—

"Building envelope" in relation to a building, means the walls, floor, roof, windows, doors, roof windows and rooflights;

"Change of energy status" means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;

"Cogeneration" means simultaneous generation in one process of thermal energy and one or both of the following—

(a) electrical energy;

(b) mechanical energy;

"District or block heating or cooling" means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

"Energy efficiency requirements" means the requirements of regulations 39, 40, 41, 43, 43A, 43B and 47;

"Energy from renewable sources" means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

"Heat pump" means a machine, device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to higher temperature. (For reversible heat pumps, it may also move heat from the building to the natural surroundings.);

"High-efficiency alternative systems" include—

(a) decentralised energy supply systems based on energy from renewable sources;

(b) cogeneration;