STATUTORY RULES OF NORTHERN IRELAND

2010 No. 382

BUILDING REGULATIONS

The Building (Amendment No. 2) Regulations (Northern Ireland) 2010

Made - - - -	*24th November 2010*
Coming into operation	*31st December 2010*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Articles 3, 5(1), (2) and (3) of, and paragraphs 4, 6, 9, 13, 17, 17C, 17D and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979(**1**) and now vested in it(**2**), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(**3**).

Citation and commencement

1. These regulations may be cited as the Building (Amendment No. 2) Regulations (Northern Ireland) 2010, and shall come into operation on 31st December 2010.

Interpretation

2. In these regulations "the principal Regulations" means the Building Regulations (Northern Ireland) 2000(**4**).

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;

(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,

(**1**) S.I. 1979/1709 (N.I. 16), Article 5(1); as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Sch. 1, Part II; and 2009 c.4
(**2**) *See*S.R. 1999 No. 481 Art. 6 and Sch. 4, Part II
(**3**) S.I. 1979/1709 (N.I. 16); Article 5(4)
(**4**) 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, and S.R. 2010 No. 1

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 A10 (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 Part A (Interpretation and general) of the principal Regulations

4.—(1) After regulation A10 (Giving of notices and deposit of plans) there shall be inserted—

"**A10A Deposit of plans for the erection of two or more buildings that are or contain dwellings**

(1) 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.

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

(a) plans have been deposited in accordance with regulation A10; 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 principal Order, a district council shall consider each building on the deposited plans as if a separate deposit of plans had been made for each building.

(3) In this regulation—

(a) "commenced" shall mean the commencement of construction of the building after completion of the foundations; and

(b) "principal Order" shall mean the Building Regulations (Northern Ireland) Order 1979.".

(2) In Regulation A11 (Notice of commencement and completion of certain stages of work)—

(a) for Regulation A11(5)(e) there shall be substituted—

"(e) the Target carbon dioxide Emissions Rate (TER) and Dwelling carbon dioxide Emissions Rate (DER) for—

(i) any erected dwelling; or

(ii) where calculated, any dwelling created by a material change of use,

not more than 5 days after completion;"; and

(b) for Regulation A11(5)(f) there shall be substituted—

"(f) the Target carbon dioxide Emissions Rate (TER) and Building carbon dioxide Emissions Rate (BER) for—

(i) any erected building other than a dwelling; or

(ii) where calculated, any building other than a dwelling created by a material change of use,

not more than 5 days after completion;".

(3) For Regulation A13(2)(b)(ii) there shall be substituted—

"(ii) been notified (in accordance with paragraph 5 of Rule A of Part A of Schedule 2) that the building work is in relation to a building that is or will become a relevant premises for the