STATUTORY RULES OF NORTHERN IRELAND

2006 No. 440

BUILDING REGULATIONS

The Building (Amendment No. 2) Regulations (Northern Ireland) 2006

Made - - - -	*9th November 2006*
Coming into operation	*30th November 2006*

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 2, 6, 9, 13, 16, 17, 18, 21 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(**3**) and such other bodies as appear to be representative of the interests concerned.

Citation and commencement

1. These Regulations may be cited as the Building (Amendment No. 2) Regulations (Northern Ireland) 2006 and shall come into operation on 30th November 2006.

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 a 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.

(**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
(**2**) *See*S.R. 1999 No. 481Art. 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 and S.R. 2006 No. 355

(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 the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 and 6.

Amendment of Part A (Interpretation and general)

5.—(1) In paragraph 1 of regulation A2 (Interpretation)—

(a) after the definition "AGRICULTURE" there shall be inserted—

"BER means the Building carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year;";

(b) after the definition "DEPARTMENT" there shall be inserted—

"DER means the Dwelling carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year;";

(c) after the definition "EXEMPTED BUILDING" there shall be inserted—

"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, hot water services, air conditioning or mechanical ventilation;";

(d) after the definition "SUBSTANTIVE REQUIREMENTS" there shall be inserted—

"TER means the Target carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year;";

(e) in the definition "THERMAL ELEMENT", for the word "separate" there shall be substituted "separates"; and

(f) after the definition "THERMAL ELEMENT" there shall be inserted—

"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;".

(2) For paragraph (4)(b) of regulation A5 (Exemptions) there shall be substituted—

"(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.".

(3) For regulation A6 (Application to erection of buildings) there shall be substituted—

"**Application to erection of buildings**

A6. Subject to the provisions of regulation A5, the following provisions, that is to say, Parts A to L and Parts R and V shall apply to the erection of a building.".

(4) After regulation A6 there shall be inserted—

"**Application to existing buildings**

A6A. Where it is proposed to execute building work in relation to any existing building with a total useful floor area greater than 1000 m^2 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 comply with the requirements of Part F in so far as this is technically, functionally and economically feasible.".

(5) In regulation A7 (Application to alterations and extensions)—

(a) for paragraph (1) there shall be substituted—

"(1) Subject to the provisions of regulation A5, the following provisions, that is to say, 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 A9) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation."; and

(b) paragraph (1A) shall be deleted.

(6) In regulation A8 (Application to services and fittings)—

(a) for the words "In Part F (Conservation of fuel and power) regulations F2(a)(ii), F2(b) and F2(c)" there shall be substituted—

"Part F (Conservation of fuel and power)"; and

(b) for the words "Part L (Combustion appliances and fuel storage systems) regulations L2, L3, L4, L5, L6 and L8" there shall be substituted—

"Part L (Combustion appliances and fuel storage systems)".

(7) For regulation A8A (Application to thermal elements) there shall be substituted—

"**Application to thermal elements**

A8A. Where a thermal element is renovated or replaced such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of Part F (Conservation of fuel and power).".

(8) For regulation A8B (Application to a change to a building's energy status) there shall be substituted—

"**Application to a change to a building's energy status**

A8B. Subject to any express provisions to the contrary and the provisions of regulation A5, where there is a change to a building's energy status, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part F (Conservation of fuel and power)."

(9) In regulation A9 (Application to material change of use) in Notes to Table—

(a) for the note after the "#" symbol there shall be substituted—

"Only Parts A, D, E and R shall apply to Case III (d). Only Parts A, D, and E shall apply to Case III (e) and (f). Parts D, E and R shall apply only in so far as indicated by notes 2, 3 and 7 respectively."; and