STATUTORY RULES OF NORTHERN IRELAND

2006 No. 355

BUILDING REGULATIONS

The Building (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*31st August 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, 15, 16, 17, 18, 19, 20, 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) 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**).

Application of certain regulations to existing buildings

3. 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,

regulations A10, A11, F2, F4 and F5 shall apply in relation to that building as they apply to any other building work after 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
(**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

Transitional provisions

4.—(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.

(2) (a) In paragraph (1) "building notice" means a notice given under regulation A10 (Giving of notices and deposit of plans) of the principal Regulations; and

(b) in regulations 3 and 4 "building work" has the same meaning as in the principal Regulations.

Amendment of the principal Regulations

5. The principal Regulations shall be amended as provided in regulations 6 to 15.

Amendment of Part A (Interpretation and general)

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

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

"CHANGE TO A BUILDING'S 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;";

(b) after the word "CONSERVATORY" there shall be inserted "(except in Part F)";

(c) in the definition "DWELLING" after the words "except in Part E" there shall be inserted ", Part F";

(d) after the definition "EEA STATE" there shall be inserted—

"ENERGY EFFICIENCY REQUIREMENTS means the requirements of regulation F2;";

(e) after the definition "REGULARISATION CERTIFICATE" there shall be inserted—

"RENOVATION in relation to a thermal element means the provision of a new layer in the thermal element or the replacement of an existing layer but does not include thin decorative surface finishes;";

(f) for the definition "SAP ENERGY RATING" there shall be substituted—

"SAP in relation to a dwelling means the Government's Standard Assessment Procedure for Energy Rating of Dwellings: 2005 edition used to calculate the target and actual carbon dioxide emissions rate for a dwelling;";

(g) after the definition "SAP" there shall be inserted—

"SBEM in relation to a building other than a dwelling means the Simplified Building Energy Model: 2006 edition used to calculate the target and actual carbon dioxide emissions rate for a building;"; and

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

"THERMAL ELEMENT means a wall, floor or roof, but does not include windows, doors, roof windows or roof-lights, which separate a thermally conditioned space from—

(a) the external environment, including the ground; and

(b) in the case of floors and walls, another part of the building which is thermally unconditioned or, where this paragraph applies, conditioned to a different temperature;".

(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 K, regulations L3, L4, L5 and L6 and Parts R and V.".

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

"Subject to the provisions of regulation A5, the following provisions, that is to say, Parts A to K, regulations L3, L4, L5 and L6 and Parts R and V shall apply to the erection of a building.".

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

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

"(1) Subject to the provisions of paragraph (1A) and regulation A5, the following provisions, that is to say, Parts A to K, regulations L3, L4, L5 and L6 and Parts R and V shall apply to—";

(b) after paragraph (1) of regulation A7 there shall be inserted—

"(1A) This regulation shall not apply in relation to any work to which it is proposed to execute works in relation to any existing building with a total useful floor area greater than 1000 m^2 and those works consist of or include—

(a) an extension;

(b) the initial provision of any fixed building service; or

(c) an increase in the installed capacity of any fixed building service."; and

(c) paragraph (4) shall be deleted.

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

(a) for the words "In Part F (Conservation of fuel and power) regulations F3 and F4" there shall be substituted—

"In Part F (Conservation of fuel and power) regulations F2(a)(ii), F2(b) and F2(c)"; and

(b) for the words "In Part L (Heat-producing appliances and liquified petroleum gas installations) regulations L2(1), L3 and L4" there shall be substituted—

"Part L (Combustion appliances and fuel storage systems) regulations L2, L3, L4, L5, L6 and L8".

(6) After regulation A8 there shall be inserted—

"**Application to thermal elements**

A8A. Where a thermal element is renovated or replaced Part F shall apply in relation to it.

Application to a change to a building's energy status

A8B. Subject to any express provisions to the contrary and the provisions of regulations A5 and A7, where there is a change to a building's energy status such work, if any, shall be carried out as necessary to ensure that the building complies with the provisions of Part F (Conservation of fuel and power) as it relates to the calculation of a Target carbon dioxide Emissions Rate.".

(7) In regulation A9 (Application to material change of use)—

(a) in the Table to Regulation A9—

(i) for the words "Heat-producing appliances and LPG installations" there shall be substituted "Combustion appliances and fuel storage systems";

(ii) for the words "Access and facilities for disabled people" there shall be substituted "Access to and use of buildings";

(iii) in Case III opposite Part R for the "—" symbol there shall be substituted "*[7]"; and

(iv) in Case IV opposite Part R there shall be substituted "*"; and

(b) in Notes to Table—

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

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

(ii) for note 4 there shall be substituted—

"4 Regulation F2(a)(i) only.";

(iii) for note 5 there shall be substituted—

"5 Regulations L3 and L4 only."; and

(iv) after note 6 there shall be inserted—

"**7.** Where the change of use is 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 either independent access or suitable access through the building.".

(8) In regulation A10 (Giving of notices and deposit of plans)—

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

"(1) Subject to the provisions of paragraphs (3), (4) and (6) any person who intends to—

(a) carry out any building work;

(b) replace or renovate a thermal element in a building to which Part F applies;

(c) make a change to a building's energy status; or

(d) make any material change of use of a building,

shall, if the provisions of these regulations apply to such work or change of use, give notices, deposit full plans, sections, specifications and written particulars in accordance with the relevant rules of Part A of Schedule 2; or in the case of a dwelling serve such other documents (in this regulation known as a "building notice") as may be necessary in accordance with Part B of Schedule 2.";

(b) for paragraph (3)(a) there shall be substituted—

"(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;";

(c) in paragraph (4) for "F4" there shall be substituted "F2(a)(ii)"; and

(d) for paragraph (5) there shall be substituted—

"(5) In paragraph (3)(a) combustion appliance has the same meaning as in Part L.".

(9) In regulation A11 (Notice of commencement and completion of certain stages of work)—

(a) in paragraph (5)(b) "and" shall be deleted;

(b) in paragraph (5)(c) "and" shall be deleted;

(c) in paragraph (5)(d) for the full stop there shall be substituted ";"; and

(d) after paragraph (5)(d) there shall be inserted—

"(e) the Target carbon dioxide Emissions Rate (TER) and Dwelling carbon dioxide Emissions Rate (DER) for any completed dwelling, whether erected or created by a material change of use, not more than 5 days after completion; and

(f) the Target carbon dioxide Emissions Rate (TER) and Building carbon dioxide Emissions Rate (BER) for any completed building other than a dwelling, whether erected or created by a change of use, not more than 5 days after completion.".

(10) In regulation A16 (Exercise of power of dispensation or relaxation) the full stop at the end of Part D (Structure) shall be deleted and there shall thereafter be added—

"Part F regulation 3 insofar as it relates to the Target carbon dioxide Emissions Rate (TER).".

Amendment of Part B (Materials and workmanship)

7. In paragraph (b) of regulation B2 (Fitness of materials and workmanship) the word "disabled" shall be deleted.

Substitution of Part F (Conservation of fuel and power)

8. For Part F (Conservation of fuel and power) there shall be substituted the Part set out in Schedule 1.

Substitution of Part L (Heat-producing appliances and liquefied petroleum gas installations)

9. For Part L (Heat-producing appliances and liquefied petroleum gas installations) there shall be substituted the Part set out in Schedule 2.

Substitution of Part R (Access and facilities for disabled people)

10. For Part R (Access and facilities for disabled people) there shall be substituted the Part set out in Schedule 3.

Amendment of Part V (Glazing)

11. In paragraph (4) of regulation V6 (Deemed-to-satisfy provisions for regulations V2, V3, V4 and V5) for the words "means of access to the building" there shall be substituted "means of access to the glazing".

Amendment of Schedule 1 (Classes of exempted buildings — Regulation A5(1))

12. In paragraph (n) of Class 8 (Other buildings) after the word "cesspool," there shall be inserted "fixed oil storage tank,".

Amendment of Schedule 2

13.—(1) Part A (Giving of notices and deposit of plans)—

(a) in Rule B: Erection of buildings—