STATUTORY RULES OF NORTHERN IRELAND

1998 No. 453

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*23 December 1998*
Coming into operation	*1 April 1999*

The Department of the Environment, in exercise of the powers conferred by Articles 3(1) and 5(1), (2) and (3) of the Building Regulations (Northern Ireland) Order 1979(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned, hereby makes the following Regulations—

Citation and commencement

1. These regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 1 April 1999.

Interpretation

2. In these regulations "the principal Regulations" means the Building Regulations (Northern Ireland) 1994(**3**).

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 therefrom; and

(c) building work completed before such commencement,

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

(2) In paragraph (1)—

(**1**) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14)
(**2**) S.I. 1982/338 (N.I. 6) Article 5 and Schedule 1, Part II
(**3**) S.R. 1994 No. 243 as amended by S.R. 1995 No. 473 and S.R. 1997 No. 481

(a) "building notice" means a notice given under regulation A10(1) of the principal Regulations; and

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

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 to 10.

Amendment of Part A (Interpretation and general)

5.—(1) In paragraph (1) of regulation A2 (Interpretation) after the definition "PUBLIC BUILDING" there shall be inserted the following definition—

"SAP ENERGY RATING in relation to a dwelling means the rating of the overall energy efficiency for that dwelling calculated using The Government's Standard Assessment Procedure for energy rating of dwellings: 1996 edition;".

(2) For the Table to regulation A9 (Application to material change of use) there shall be substituted the Table set out in Schedule 1.

(3) In paragraph (5) of regulation A11 (Notice of commencement and completion of certain stages of work) for the full stop at the end of sub-paragraph (c) there shall be substituted "; and" and thereafter there shall be added—

"(d) the SAP energy rating for any completed dwelling, whether erected or created by a material change of use, not more than 5 days after completion.".

(4) In paragraph (6) of regulation A11A (Regularisation certificates) for sub-paragraph (b) there shall be substituted—

"(b) UNAUTHORISED WORK means any work (within the meaning of regulation A4(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."

Substitution of Part D (Structure)

6. For Part D (Structure) there shall be substituted the Part set out in Schedule 2.

Substitution of Part F (Conservation of fuel and power)

7. For Part F (Conservation of fuel and power) there shall be substituted the Part set out in Schedule 3.

Substitution of Part K (Ventilation)

8. For Part K (Ventilation) there shall be substituted the Part set out in Schedule 4.

Amendment of Schedules

9.—(1) In Schedule 2 (Giving of notices and deposit of plans)—

(a) in Rule B after paragraph 5 there shall be inserted—

"**6.** The SAP energy rating used for design purposes for each dwelling.";

(b) in Rule F after paragraph 5 there shall be inserted—

"**6.** In the case of a material change of use creating a dwelling or dwellings, the SAP energy rating used for design purposes for each dwelling."; and

(c) in Rule G in paragraph 7 for the words "of regulation F2." there shall be substituted "of regulations F2 and F4(2) and those for the SAP energy rating for each dwelling.".

(2) In Schedule 2A (Particulars to be given in a building notice) after paragraph 3 there shall be inserted—

"**4.** Where a building notice relates to the erection of a dwelling, or the creation of a dwelling by a material change of use, an applicant shall provide the SAP energy rating used for design purposes for each dwelling.".

Substitution of Schedule 3 (Publications to which specific reference is made in the Building Regulations (Northern Ireland) 1994.)

10. For Schedule 3 to the principal Regulations (Publications to which specific reference is made in the Building Regulations (Northern Ireland) 1994.) there shall be substituted the Schedule set out in Schedule 5 to these Regulations.

Sealed with the Official Seal of the Department of the Environment on

23rd December 1998.

T. Pearson
Assistant Secretary

SCHEDULE 1 Regulation 5(2)

Table to be substituted for Table to Regulation A9 (Application to material change of use) of the principal Regulations.

Table to Regulation A9

Application to a material change of use

Parts		Cases			
		I	II	III	IV
A	Interpretation and general				
B	Materials and workmanship				
C	Preparation of site and resistance to moisture				

Notes to Table

Only Parts A, D and E shall apply to Case III(d) to (f) and, in the application of Parts D and E, only insofar as indicated by Notes 2 and 3 respectively.

Denotes Parts which apply.

Denotes Parts which do not apply.

All regulations except C2 and C4.

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

In the application of Part E the requirements of regulation E8 shall only apply, in relation to external walls, when the height of a building exceeds 20m (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).

Regulation F2 only.

Regulations L2(2) and (3) only.

All regulations except P5.

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Parts		Cases			
		I	II	III	IV
D	Structure				
E	Fire safety				
F	Conservation of fuel and power				
G	Sound insulation of dwellings				

Notes to Table

Only Parts A, D and E shall apply to Case III(d) to (f) and, in the application of Parts D and E, only insofar as indicated by Notes 2 and 3 respectively.

Denotes Parts which apply.

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