STATUTORY RULES OF NORTHERN IRELAND

1997 No. 481

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*7 November 1997*
Coming into operation	*1 January 1998*

The Department of the Environment, in exercise of the powers conferred by Articles 3(1), 5(3) and 13(2)(*c*) 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) 1997 and shall come into operation on 1 January 1998.

Amendment of principal regulations

2. The Building Regulations (Northern Ireland) 1994(**3**) shall be amended as provided in Regulations 3 and 4.

Interpretation and general

3.—(1) In paragraph (1) of Regulation A2 (Interpretation)—

(a) before the definition for "SEWER" there shall be inserted the following definition—

> "REGULARISATION CERTIFICATE shall be construed in accordance with regulation A11A(1);"; and

(b) for the definition of "SUBSTANTIVE REQUIREMENTS" there shall be substituted—

> "SUBSTANTIVE REQUIREMENTS means the requirements of these regulations or, if appropriate, of any of the statutory provisions referred to in regulation A4 with respect to the design and construction of buildings and the provisions of a service or fitting, as distinct from procedural requirements;".

(**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

(2) In Regulation A4(2) after the words "These regulations" there shall be inserted "(other than regulation A11A)".

(3) Regulation A10 (Giving of notices and deposit of plans) shall be amended by—

(a) substituting for paragraph (1) the following paragraph—

"(1) Subject to the provisions of paragraphs (2), (3) and (5) any person who intends to carry out any building work or make any material change of use of a building shall, if the provisions of these regulations apply to such work or such change of use—

(a) give notices, deposit full plans, sections, specifications and written particulars in accordance with the relevant rules of Schedule 2; or

(b) in the case of a dwelling serve such other documents as may be necessary in accordance with Schedule 2A."; and

(b) inserting after paragraph (5) the following—

"(6) A building notice shall only be considered to have been validly given under paragraph (1)(b) if the building work or the material change of use to which it relates commenced within three years of the date on which the notice was given.".

(4) After Regulation A11 (Notice of commencement and completion of certain stages of work) there shall be inserted the following regulation—

"**Regularisation certificates**

A11A.—(1) Where it appears to a district council that—

(a) a person carried out unauthorised work; and

(b) in relation to such work all or any of the substantive requirements of the relevant building regulations have been satisfied, it may on application made to it issue a certificate (in this regulation referred to as a 'regularisation certificate') to the person who carried out the work or any person appearing to the district council to have control over the work or building as appropriate.

(2) A district council shall not issue a regularisation certificate in relation to any unauthorised work unless it has taken such steps (if any) as it thinks reasonable (including the carrying out of inspections, testing of drains and private sewers and sampling of materials) to ascertain whether that work complies with the substantive requirements of the relevant building regulations.

(3) Where in the opinion of a district council further work is required in relation to any work to which an application under paragraph (1) relates, it shall notify the person who made the application of the fact and give him an opportunity to carry out such work before deciding whether to grant or refuse the certificate.

(4) A regularisation certificate relating to any unauthorised work shall be evidence (but not conclusive evidence) that that work complies with such of the substantive requirements of the relevant building regulations as are specified in the certificate.

(5) An application under paragraph (1) shall be made in writing and shall be accompanied by—

(a) a statement that it is made in accordance with this regulation;

(b) a description of the unauthorised work to which it relates;

(c) a statement of the date on which the work was completed; and

(d) so far as is reasonably practicable, a plan of that work including, where appropriate, any further building work intended to ensure that the unauthorised work complies with the relevant building regulations.