1995 No. 473

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . 15th December 1995

Coming into operation . . 15th January 1996

The Department of the Environment, in exercise of the powers conferred by Articles 3(1) and (2) and 5(1), (2) and (3) of, and paragraphs 1 to 7, 9 to 13 and 17 to 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee(**c**) 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) 1995 and shall come into operation on 15th January 1996.

Transitional provisions

2.—(1) The Building Regulations (Northern Ireland) 1994(**d**) shall continue to apply to:—

(*a*) plans deposited in accordance with those Regulations before 15th January 1996;

(*b*) building work carried out in accordance with such plans with or without any departure or deviation from those plans; and

(*c*) building work completed before 15th January 1996,

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

(2) In paragraph (1) "building work" has the same meaning as in the Building Regulations (Northern Ireland) 1994.

Amendment of the Building Regulations (Northern Ireland) 1994

3. The Building Regulations (Northern Ireland) 1994 shall be amended as provided in regulations 4 to 6.

Amendment of Part A (Interpretation and general)

4.—(1) In regulation A2 (Interpretation) in paragraph (1)—

(a) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14)
(b) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II
(c) *See* S.I. 1979/1709 (N.I. 16) Art. 4(1)
(d) S.R. 1994 No. 243

(*a*) after the definition of "EUROPEAN TECHNICAL APPROVAL" there shall be inserted the following definition:—

"EXEMPTED BUILDING means any building falling within one of the classes described in Schedule 1;";

(*b*) the definition of a "GREENHOUSE" shall be deleted; and

(*c*) the definitions of "PARTIALLY EXEMPTED BUILDING" and "WHOLLY EXEMPTED BUILDING" shall be deleted.

(2) In regulation A5 (Exemptions)—

(*a*) in paragraph (1) for sub-paragraphs (*b*) and (*c*) there shall be substituted:—

"(*b*) the erection of any exempted building (including the provision of any service or fitting solely in connection therewith); and

(*c*) the alteration of or extension to or the provision of any service or fitting solely in connection with an exempted building, if after the carrying out of that work the building remains an exempted building.";

(*b*) paragraph (2) shall be deleted; and

(*c*) in paragraph (3) for the words "paragraphs (1) and (2)" there shall be substituted "paragraph (1)".

(3) In regulation A9 (Application to material change of use) in paragraph (1) for the words from "Case IV" to the end of the paragraph there shall be substituted:—

"Case IV — the building, by virtue of the change of use, is not an exempted building where previously it was.".

Amendment of Schedule 1

5. For Schedule 1 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Amendment of Schedule 2 (Giving of notices and deposit of plans)

6. In Schedule 2—

(*a*) for Rule B there shall be substituted the following Rule:—

"**Rule B: Erection of buildings**

The following are the notices to be given and the plans, specifications and particulars to be deposited by a person intending to erect a building which is not exempted from the operation of these regulations under regulation A5:

1. Notice of intention to erect a building not exempted from the operation of these regulations.

2. Particulars, so far as necessary to show whether the building complies with all such requirements of these regulations as apply to it, of—

(a) the intended use of the building;

(b) the materials of which the building will be constructed;

(c) the mode of drainage; and

(d) the means of water supply.

3. A block plan showing—

(a) the size and position of the building and its relationship to adjoining buildings;

(b) the width and position of every street adjoining the premises; and

(c) the boundaries of the premises and the size and position of every other building and of every road, path, garden, yard and other open space within such boundaries.

4. A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.

5. A plan of every floor and roof of the building and a section of every storey of the building, upon which shall be shown (where not already shown on the particulars and plans required by items 2 to 4), so far as necessary to enable the district council to determine whether the building complies with these regulations—

(a) the levels of the site of the building, of the lowest floor of the building and of any street adjoining the premises, in relation to one another and above some known datum;

(b) the position of the damp-proof courses and any other barriers to moisture;

(c) the position, form and dimensions of the foundations, walls, windows, floors, roofs, chimneys and several parts of the building;

(d) the intended use of every room in the building;

(e) the provision made in the structure for protection against fire;

(f) the provision made in the building or part of the building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times; and

(g) the provision made in the structure for insulation against the transmission of heat and sound.";

(*b*) Rule C shall be deleted;

(*c*) for Rule D there shall be substituted the following Rule:—

"**Rule D: Alterations and extensions**

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to make any alteration of or extension to a building other than an alteration or extension which is exempted from these regulations:

1. Notice of intention to alter or extend a building.

2. In the case of alterations not involving any extension of a building—

   (a) the plans and sections required by item 5 of Rule B of the alterations and of the building so far as affected by the alterations, so far as necessary to establish whether the proposals comply with these regulations; and

   (b) a key plan showing the position of the site when it is not sufficiently identifiable from such plans.

3. In the case of an extension of a building—

   (a) the plans, sections, specifications and particulars referred to in items 2, 3, 4 and 5 of Rule B in relation to the extension as if the extension was the building therein referred to; and

   (b) the plans and sections as required by item 5 of Rule B of the building so far as affected by the extension,

so far as necessary to enable the district council to determine whether the proposals comply with the requirements of these regulations.";

(*d*) in Rule E (Services and fittings) in item 3 for the words "Rule B, C or D" there shall be substituted "Rule B or D"; and

(*e*) in Rule G (Additional requirements) for the words "Rule B, C, D or F" there shall be substituted "Rule B, D or F".

Sealed with the Official Seal of the Department of the Environment on 15th December 1995.

(L.S.) *J. O'Neill*

Assistant Secretary