1991 No. 169

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1991

Made . . . . . 22nd April 1991

Coming into operation—
regulation 5(9) *1st June 1991*
remainder *1st July 1991*

The Department of the Environment, in exercise of the powers conferred by Articles 3, 5(1), (2) and (3), 15(2) and 18C(1)(**a**) of, and paragraphs 4, 6, 9, 12, 13, 17, 18, 20, 21 and 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(**b**) and now vested in it(**c**) 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:—

PART I

GENERAL AND TRANSITIONAL

Citation and commencement

1.—(1) These Regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 1991 and except for regulation 5(9) shall come into operation on 1st July 1991.

(2) Regulation 5(9) shall come into operation on 1st June 1991.

Interpretation

2. In these Regulations "the principal Regulations" means the Building Regulations (Northern Ireland) 1990(**d**).

Transitional provisions

3.—(1) Subject to paragraph (2) the principal Regulations shall apply to:—

(*a*) plans deposited in accordance with the principal Regulations before 1st July 1991;

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

(*c*) work completed before that date,

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

(**a**) Article 18C was inserted by Article 36 of S.I. 1990/1510 (N.I. 14)
(**b**) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14)
(**c**) By S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II
(**d**) S.R. 1990 No. 59

(2) Regulation A16(1) of the principal regulations shall apply to—

(*a*) plans deposited in accordance with the principal Regulations before 1st June 1991;

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

(*c*) work completed before that date,

as if the amendment effected by regulation 5(9) had not been made.

(3) For the purpose of paragraph (1) ''work'' means the erection of a building, the alteration or extension of a building, the execution of works, the installation of a fitting or the making of a material change of use.

PART II

AMENDMENT OF PRINCIPAL REGULATIONS

4. The principal Regulations shall be amended as provided in regulations 5 to 18.

Amendment of Part A (Interpretation and General)

5.—(1) In paragraph (1) of regulation A2 (Interpretation) the words ''generation or'' shall be inserted immediately before the words ''supply of electricity'' in the definition of statutory undertaking.

(2) In regulation A5 (Exemptions)—

(*a*) in paragraph (3)(b)—

(i) in head (ii) (B) for the reference ''regulations M3(e) or M4(2)'' there shall be substituted the reference ''regulation L2(1) and (2)'' and for ''waste water'' there shall be substituted ''foul water'';

(ii) for head (ii) (D) there shall be substituted:—

''(D) (in the case of a greenhouse or conservatory) has a ventilation opening or trickle ventilator, or both, of sufficient size to comply with the requirements of regulation K2(3); and

(E) is so situated or designed as not to enclose any opening provided for the purposes of regulation K2(1A)(b) (except head (ii)) or (c).'';

(*b*) in paragraph (4)(b) for the reference ''Parts C to L.'' there shall be substituted the reference ''Parts C to K and regulations L2(2) and (3) and L7''.

(3) In regulation A6 (Application to erection of buildings) for the reference ''Parts A to L, regulation M15 and Part R'' there shall be substituted the reference ''Parts A to K, regulations L2(2) and (3) and L7 and Part R''.

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

(*a*) in paragraph (1) for the words from ''Subject to'' to ''shall apply to'' there shall be substituted the words ''Subject to the provisions of paragraphs (4) and (5) and regulation A5, Parts A to K, regulations L2(2) and (3) and L7 and Part R shall apply to''; and

(*b*) after paragraph (4) there shall be inserted the following paragraph:—

"(5) Part R shall only apply to—

(i) the alteration or extension of a storey, the floor of which is at any point at or about the level of the finished surface of the ground adjoining the building;

(ii) the alteration or extension of any other storey where Part R of Building Regulations applied to that storey when it was erected; and

(iii) the vertical extension of an office or shop where Part R of Building Regulations applied to the uppermost storey of the existing building, when it was erected.".

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

(*a*) for the reference "regulations A5, S1 and T1" there shall be substituted the reference "regulation A5";

(*b*) after the entry commencing "In Part B" there shall be inserted the entry "In Part F (Conservation of fuel and power) regulations F4 and F6";

(*c*) for the entry "Part M (Heat-producing appliances and incinerators)" there shall be substituted the entry "In Part L (Heat-producing appliances and liquefied petroleum gas installations) regulations L2(1), L4 and L5"; and

(*d*) the entries, "Part S (Thermal insulation of pipes, ducts and storage vessels)" and "Part T (Control of space and water heating systems)" shall be omitted.

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

(*a*) in Case A for the entry commencing "In Part L" to the end there shall be substituted the entry "In Part L (Heat-producing appliances and liquefied petroleum gas installations) regulations L2(2) and (3).";

(*b*) in Case B—

(i) for the entry "Part J (Refuse disposal)" there shall be substituted the entry "Part J (Solid waste in buildings)"; and

(ii) for the entry commencing "In Part L" to the end there shall be substituted the entry "In Part L (Heat-producing appliances and liquefied petroleum gas installations) regulations L2(2) and (3).";

(*c*) in Case D—

(i) for the entry "Part J (Refuse disposal)" there shall be substituted the entry "Part J (Solid waste in buildings)"; and

(ii) for the entry commencing "In Part L" to the end there shall be substituted the entry "In Part L (Heat-producing appliances and liquefied petroleum gas installations) regulations L2(2) and (3).".

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

(*a*) in paragraph (3)—

(i) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—

"(a) the installation of a heat-producing appliance to which Part L relates by way of replacement of an existing heat-producing appliance if compliance with the relevant regulations in the Part does not require the carrying out of any structural work; or"; and

(ii) sub-paragraph (b) shall be omitted;

(*b*) for paragraph (4) there shall be substituted the following paragraph:—

"(4) In paragraph (3)(a) "heat-producing appliance" has the same meaning as in Part L."; and

(*c*) in paragraph (5) for the reference "Part S" there shall be substituted the reference "Part F".

(8) In regulation A14 (Exercise of power of dispensation or relaxation)—

(*a*) for the entry "Part F (Thermal insulation of dwellings)" there shall be substituted the entry "Part F (Conservation of fuel and power)";

(*b*) the entry "Part FF (Conservation of fuel and power in buildings other than dwellings)" shall be omitted;

(*c*) for the entry "Part J (Refuse disposal)" there shall be substituted the entry "Part J (Solid waste in buildings)";

(*d*) for the entry "Part L (Chimneys, flue pipes, hearths and fireplace recesses)" there shall be substituted the entry "Part L (Heat-producing appliances and liquefied petroleum gas installations)";

(*e*) the entry "Part M (Heat-producing appliances and incinerators)" shall be omitted.

(*f*) the word "and" shall be inserted at the end of the entry beginning "Part P";

(*g*) a colon shall be inserted at the end of the entry beginning "Part R"; and

(*h*) the entries "Part S (Thermal insulation of pipes, ducts and storage vessels) and" and "Part T (Control of space and water heating systems):" shall be omitted.

(9) In regulation A16(1) (Appeals and prescribed periods)—

(*a*) for the words "Articles 16 or 17" there shall be substituted the words "Articles 16, 17 or 18B"; and

(*b*) for sub-paragraphs (a) to (c) there shall be substituted the following sub-paragraphs:—

"(a) that there is a right of appeal;

(b) where the decision relates to a contravention notice, that in addition to a right of appeal against the service of the notice, there is also a right to obtain a report under Article 18A of the Building Regulations (Northern Ireland) Order 1979 in respect of the notice and the periods within which he may notify the district council of his intention to obtain such a report and (where he has obtained it) submit it to the council;

(c) the prescribed period within which the appeal may be made; and

(d) the requirements of paragraph (2).".

Amendment of Part E (Structural fire precautions)

6. In proviso (ii) of regulation E9(6) (Compartment walls and compartment floors) for the words ''purpose group IV, V, VII, or VIII'' there shall be substituted the words ''purpose group IV, V, VI, VII or VIII''.

Amendment of Part EE (Means of escape in case of fire)

7. In regulation EE3 (Deemed-to-satisfy provisions for the provision of means of escape) for references (*c*) and (*d*) there shall be substituted the following references:—

''(*c*) *a shop—*

BS 5588: Part 2: 1985: Sections 1 (except Clauses 1 and 3), 2, 3, 4 and 5 (except Clauses 13.1, 14.1 to 14.4 and 23); and

BS 5588: Part 8: 1988: Sections 1 (except Clauses 1 and 3), 2, 3 and 4 (except Clause 12); or

(*d*) *an office—*

BS 5588: Part 3: 1983: Sections 1 (except Clauses 1 and 3), 2, 3, 4 and 5 (except Clauses 12.1, 13.1 to 13.4 and 22); and

BS 5588: Part 8: 1988: Sections 1 (except Clauses 1 and 3), 2, 3 and 4 (except Clause 12),''.

Substitution of Part F (Thermal insulation of dwellings)

8. For Part F there shall be substituted the Part set out in Schedule 1.

Revocation of Part FF (Conservation of fuel and power in buildings other than dwellings)

9. Part FF shall be omitted.

Substitution of Part J (Refuse disposal)

10. For Part J there shall be substituted the Part set out in Schedule 2.

Amendment of Part K (Ventilation)

11.—(1) In regulation K1 (Interpretation)—

(*a*) before the definition for ''COMMON SPACE'' there shall be inserted the following definition:—

''BATHROOM means a room containing a bath or shower whether or not it also contains other sanitary appliances;''; and

(*b*) the ''and'' following the definition of ''TOP OF THE WALL'' shall be omitted; and the following definition inserted thereafter:—

''TRICKLE VENTILATOR means a small adjustable ventilation opening the sole purpose of which is to provide controllable background ventilation; and''.

(2) In regulation K2 (Means of ventilation)—

(*a*) after paragraph (1) there shall be inserted:—

''(1A) In any building—