1984 No. 343

BUILDING REGULATIONS

Building (Amendment No. 2) Regulations (Northern Ireland) 1984

Made . . . . . *26th September 1984*

Coming into operation . . . *1st January 1985*

The Department of the Environment, in exercise of the powers conferred by Articles 3, 5(1) and (2) and 15(2) of 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 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 No. 2) Regulations (Northern Ireland) 1984 and shall come into operation on 1st January 1985.

Interpretation

2. In these regulations "the principal regulations" means the Building Regulations (Northern Ireland) 1977(**c**).

Transitional provisions

3.—(1) The principal regulations shall apply to—

(*a*) plans deposited in accordance with the principal regulations before the commencement of these regulations;

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

(*c*) work completed before such commencement;

as if the amendments effected by regulation 4 had not been made.

(2) 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.

Amendment of principal regulations

4. The principal regulations shall be amended as follows:—

(1) In regulation A2 (Interpretation)—

(*a*) for paragraph (1), there shall be substituted the following paragraph:—

"(1) In these regulations—

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow land, market gardens and nursery grounds, and the use of

(a) S.I. 1979/1709 (N.I. 16)
(b) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II
(c) S.R. 1977 No. 149 as amended by S.R. 1979 No. 79, S.R. 1980 No. 86, S.R. 1980 No. 332, S.R. 1982 No. 81 and S.R. 1984 No. 295

land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

"boundary" means, in relation to a building, the boundary of the land belonging to the building (such land being deemed to include any abutting part of any street, canal or river but only up to the centre line thereof); and "boundary of the premises" shall be construed so as to include any such part to the same extent;

"conservatory" means a conservatory of which the roof (and the ceiling, if any) is transparent or translucent;

"district council" has the meaning assigned to it by the Local Government Act (Northern Ireland) 1972(**a**) and references to "the district council" shall mean the district council having the function of enforcing these regulations;

"drain" means any pipe or drain used solely for or in connection with the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

"enactment" includes any instrument made under any statute;

"garage" includes a car port;

"habitable room" means a room used or intended to be used for dwelling purposes but not (except where so expressly provided) any room used only for kitchen or scullery purposes;

"kitchen or scullery purposes" means the purposes of preparing, storing, treating, cooking or manufacturing food or drink intended for human consumption or the cleansing of utensils or appliances which come into contact with such food or drink;

"material change of use" has the meaning assigned to it by regulation A9(1);

"newton" means that force which when applied to a body having a mass of one kilogramme gives it an acceleration of one metre per second squared;

"non-combustible" means capable of being classified as non-combustible if subjected to the test for non-combustibility prescribed in BS 476: Part 4: 1970; and "combustible" shall be construed accordingly;

"partially exempted building" has the meaning assigned to it by regulation A5(2);

"private sewer" means any part of a sewer within the curtilage of a building;

"purpose group" has the meaning assigned to it by regulation E2;

"sewer" includes all sewers, pipes or drains other than a drain as defined in this regulation and includes any apparatus used in connection with a sewer;

"site", in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

"statutory undertaking" means an undertaking authorised by any enactment being a railway, road transport, air transport, water transport, inland navigation, dock or harbour undertaking or any undertaking for the supply of electricity or gas or the Post Office;

"substantive requirements" means the requirements of these regulations with respect to the design and construction of buildings and the installation of works and fittings, as distinct from procedural requirements;

"under former control"—

(a) 1972 c. 9 (N.I.)

(*a*) used in relation to any building, refers to a building the erection of which was—

(i) completed before 1st October 1973; or

(ii) completed on or after 1st October 1973 in accordance with plans deposited with the local authority before that date with or without any departures or deviations from those plans; or

(iii) begun before but completed on or after 1st October 1973 (being a building the erection of which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date); and

(*b*) used in relation to any alteration or extension of a building or the execution of any works or installation of any fittings refers to any such alteration or extension, execution or installation which was—

(i) completed before 1st October 1973; or

(ii) completed on or after 1st October 1973 in accordance with plans deposited with the local authority before that date, with or without any departures or deviations from those plans; or

(iii) begun before but completed on or after 1st October 1973 (being an alteration or extension, execution of works or installation of fittings which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date);

''wholly exempted building'' has the meaning assigned to it by regulation A5(3)(*a*);

''work of public utility'' means a pipeline, gas holder, gas main, electricity supply line and supports, water main, public sewer or telephone line and supports'';

(*b*) in paragraph 7(*a*) for the date ''30th April 1978'' there shall be substituted the date ''30th April 1981'';

(*c*) in paragraph (9)(*b*), in item (ii), for the reference ''BS 4471: Part 1: 1969'' there shall be substituted the reference ''BS 4471: Part 1: 1978''; and

(*d*) after paragraph (9) there shall be inserted the following paragraph:—

''(10) For the purposes of these regulations, the installation of a septic tank, settlement tank or a cesspool shall be treated as the execution of works and not as the erection of a building''.

(2) In regulation A5 (Exemptions) after paragraph (3) there shall be inserted the following paragraph:—

''(4) For the purposes of Schedule 1—

(*a*) a building shall not be regardrd as attached to another building solely by virtue of it being attached to a fence, garden wall or similar structure; and

(*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 L.''.

(3) In regulation A6 (Application to erection of buildings), for the reference ''Part R'' there shall be substituted the reference ''parts R and U''.

(4) In regulation A7 (Application to alterations and extensions) for paragraph (1) there shall be substituted the following paragraph:—

''(1) Subject to the provisions of regulations A5 and FF1(2) and (3), Parts A to L and Parts R and U except Part EE shall apply to—

(*a*) a structural alteration or extension of an existing building and to the alteration of an existing building by the insertion of material into a cavity

in a wall for the purpose of insulation (irrespective of when the building altered or extended was erected); and

(*b*) the existing building as affected by that alteration or extension to the extent (subject to the provisions of regulations A9 and K3) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation.''.

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

(*a*) for the words ''Subject to any express provision to the contrary and to the provisions of regulation A5 — '' there shall be substituted the words ''Subject to any express provision to the contrary and to the provisions of regulations A5, S1 and T1— ''; and

(*b*) after the entry ''Part Q (Ash-pits, wells, tanks and cisterns)'' there shall be inserted the following entries:—

''Part S (Thermal insulation of pipes, ducts and storage vessels);

Part T (Control of space and water heating systems)''.

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

(*a*) in paragraph (1) for the words ''paragraphs (2) and (3)'' there shall be substituted the words ''paragraphs (2), (3) and (5)''; and

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

''(5) The provisions of paragraph (1) where they relate to the execution of works to which Part S applies shall not apply where the works involve only the extension of an existing system and do not involve the carrying out of any structural work.''.

(7) In regulation A14 (Exercise of power of dispensation or relaxation) after the entry ''Part R (Facilities for disabled persons)'' there shall be inserted the following entries:—

''Part S (Thermal insulation of pipes, ducts and storage vessels)

Part T (Control of space and water heating systems)

Part U (Toxic substances).''.

(8) In the Table to regulation B3 (Unsuitable materials) in columns (2) and (3) opposite Item 12 for the reference ''Type 200 of BS 3083: 1959'' there shall be substituted the reference ''Type 600 of BS 3083: 1980''.

(9) In paragraph (*a*) of regulation C4 (Deemed-to-satisfy provisions for suspended timber floors) for the reference ''BS 882: Part 2: 1973'' there shall be substituted the reference ''BS 882, 1201: Part 2: 1973''.

(10) For regulation C9 (Prevention of damp in certain cavity walls), there shall be substituted the following regulation:—

''*Prevention of damp in cavity walls*

C9.—(1) Where damp-proof courses are inserted in the leaves of any cavity wall constructed of bricks or blocks in order to satisfy the requirements of regulation C6, the cavity shall extend not less than 150 mm below the level of the lower damp-proof course unless the structure forming the bottom of the cavity complies with the requirements of paragraph (3) as to bridging.

(2) Wherever there is an opening in such a wall, the jambs shall have a suitable vertical damp-proof course unless the cavity is closed in such other manner as will prevent the passage of moisture from the outer leaf to the inner leaf of the wall.

(3) Wherever a cavity occurs in any kind of wall of a building and that cavity is bridged otherwise than by—

(*a*) a wall tie; or

(*b*) a bridging which occurs at the top of a wall in such a position that it is protected by a roof,

adequate resistance to the passage of moisture from outside the building shall be provided either by the insertion of a damp-proof course or by the use of flashing or by some other effective means.''.

(11) In paragraph (*c*) of regulation D7 (Deemed-to-satisfy provisions for strip foundations) for the reference ''BS 882: Part 2: 1973'' there shall be substituted the reference ''BS 882, 1201: Part 2: 1973''.

(12) In paragraph (*a*) of regulation D13 (Deemed-to-satisfy provisions for structural work of bricks, blocks or plain concrete) for the reference ''CP111: Part 2: 1970'' there shall be substituted the reference ''CP111: 1970''.

(13) In paragraph (1) of regulation E2 (Designation of purpose groups) for the words ''For the purposes of this Part'' there shall be substituted the words ''Subject to regulation H1(2)(*c*), for the purposes of these regulations''.

(14) For Part F (Thermal Insulation of Dwellings), there shall be substituted the Part set out in Schedule 1.

(15) In paragraph (2) of regulation H1 (Interpretation of Part H), sub-paragraph (*b*) shall be omitted.

(16) In paragraph (1) of regulation L1 (Application and interpretation of Part L)—

(*a*) for the definition of ''Class I appliance'' there shall be substituted the following definition:—

'' ''Class I appliance'' means—

(*a*) a solid fuel appliance or oil-burning appliance having, in either case, an output rating not exceeding 45 kW; or

(*b*) an appliance which so burns gas as to similate a solid fuel fire and has an input rating not exceeding 60 kW but is not provided with an integral flueway for conveying the products of combustion from the combustion space to any flue serving the appliance; or

(*c*) an incinerator having a refuse combustion chamber exceeding 0.03 m^3 but not exceeding 0.08 m^3 in capacity,

and Class I shall be construed accordingly;'';

(*b*) for the definition of ''Class II appliance'' there shall be substituted the following definition:—

'' ''Class II appliance'' means—

(*a*) any gas appliance having an input rating not exceeding 60 kW other than an appliance of the type described in paragraph (*b*) of the definition of Class I appliance; or

(*b*) an incinerator having a refuse combustion chamber not exceeding 0.03 m^3 in capacity,

and Class II shall be construed accordingly;''; and

(*c*) in the definition of ''high-rating appliance'' for the figure ''44'' in alternative (*a*) there shall be substituted the figure ''45''.

(17) In paragraph (1)(*a*) of regulation L6 (Chimneys for Class I appliances), in item (iii), for the reference ''BS65 and 540: Part 1: 1971'' there shall be substituted the reference ''BS 65: 1981''.

(18) For regulation L7 (Flue pipes for Class I appliances), there shall be substituted the following regulation:—

''*Flue pipes for Class I appliances*

L7.—(1) For the purposes of this regulation, the expression ''Roof Space'' shall not include any void between the roof covering and any ceiling which is applied or fixed to the underside of the roof and is in a plane parallel to that of the roof covering.