1982 No. 81

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1982

Made . . . . . *16th March 1982*

Coming into operation . . . *1st July 1982*

The Department of Finance, in exercise of the powers conferred on it by Articles 3 and 5(1) of the Building Regulations (Northern Ireland) Order 1979(**a**) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee and other such 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) 1982 and shall come into operation on 1st July 1982.

Interpretation

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

Transitional provisions

3.—(1) These regulations shall not apply to any work which was—

(*a*) completed before the date of the coming into operation of these regulations; or

(*b*) completed after that date in accordance with plans deposited with the district council before that date, with or without any departure or deviation from these plans.

(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.—(1) In paragraph (1) of regulation A2 (Interpretation) after the definition of "under former control" there shall be inserted the following definition:—

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

(2) In regulation A5 (Exemptions) there shall be substituted for sub-paragraph (*b*) of paragraph (2) the following sub-paragraph:—

"(*b*) In the application of these regulations to—

(i) the erection of any partially exempted building; or

(ii) the execution of any works or installation of any fittings in connection with such building; or

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(**a**) S.I. 1979/1709 (N.I. 16) — Articles 3 and 5(1) were brought into operation on the 1st November 1980 by S.R. 1980 No. 331

(**b**) S.R. 1977 No. 149 as amended by S.R. 1979 No. 79 and S.R. 1980 nos. 86 and 332

(iii) the alteration or extension of such building in such a way that it will remain a partially exempted building, as so altered or extended,

it shall not be necessary to comply with any provisions of these regulations except—

(*a*) the provisions specified in columns (3), (4) and (5) of Part A of Schedule 1 in relation to the Class to which such building belongs (which in the case of an alteration or extension means the Class to which the building as altered or extended belongs); and

(*b*) regulations A10 and A11 if the proposal includes work to which any of the provisions specified in columns (4) and (5) of Part A of Schedule 1 apply:''

(3) In paragraph (1) of regulation A9 (Application to material change of use)—

(*a*) in case B under the entry relating to Part E for the reference ''E9(7)'' in item (*a*) there shall be substituted the reference ''E9(6)''; and

(*b*) in Case C under the entry relating to Part E for the reference ''E9(7)'' in items (*b*) and (*c*) there shall be substituted the reference ''E9(6)''.

(4) There shall be substituted for Part E (Structural Fire Precautions), the Part set out in the Schedule.

(5) In Part A of Schedule I (Classes of Partially Exempted Buildings)—

(*a*) in column (4) opposite class 1 for the reference ''E2'' there shall be substituted the reference ''E2(2)'';

(*b*) in column (4) opposite class 5—

(i) the asterisks beside ''Regulation K3(3)'' and ''Part L'' shall be omitted; and

(ii) for item (ii) of the footnote there shall be substituted ''(ii) not less than 2 m from (*a*) any boundary; and (*b*) any building which is within the same boundaries and is either of purpose group I (other than a building described in regulation E2(2)) II or III'';

(*c*) in item (ii) in column (2) opposite class 6 for the reference ''plants'' there shall be substituted the reference ''plant''; and

(*d*) in column (4) opposite class 6 following the reference ''Parts C and D'' there shall be inserted the following proviso:—

''(unless the building has a capacity not exceeding 100m^3)''.

(6) In Schedule 2 (Giving of Notices and Deposit of Plans)—

(*a*) in Rule C—

(i) the words ''by Part A of Schedule 1'' shall be omitted; and

(ii) in item 2 there shall be inserted after the words ''exemptions in'' the words ''Part A of''; and

(*b*) in item 5 of Rule E there shall be inserted after the word ''building'' the words ''or adjoining building''.

(7) In Schedule 6 (Notional Periods of Fire Resistance)—

(*a*) against the heading for the reference ''Regulation E1(5)'' there shall be substituted the reference ''Regulation E1(5), proviso (*b*)''; and

(*b*) in Part VII in each of the three footnotes regarding the term ''modified ½ hour'' for the reference ''item 7 in the table'' there shall be substituted the reference ''item 10 in Table 1''.

(8) In Schedule 7 (Calculation of Permitted Limits of Unprotected Areas)—

(*a*) against the heading for the reference "Regulation E7" there shall be substituted the reference "Regulation E7(2)";

(*b*) in rule 2 of Part 1 for the reference "E1" there shall be substituted the reference "E1(1)"; and

(*c*) in rule 2(*b*)(iv) of Part 1 for the reference "28m" there shall be substituted the reference "27m".

(9) In Schedule 8 (Notional Designations of Roof Coverings)—

(*a*) against the heading for the reference "Regulation E1(4)" there shall be substituted the reference "Regulation E1(6)"; and

(*b*) in item (*a*) of Part IV(A) for the words "stone chippings" there shall be substituted the words "mineral aggregate".

(10) In Schedule 11 (Publications to which Specific Reference is made in the Building Regulations (Northern Ireland) 1977)—

(*a*) in Table A—

(i) in relation to the publication "BS476: Part 1: 1953" in column (4) for the reference "E1(5), proviso (i)" there shall be substituted the reference "E1(5), proviso (*a*)" and for the reference "Table to E1" there shall be substituted the reference "Table to E1, sub-heading";

(ii) in relation to the publication "BS476: Part 3: 1958" in column (4) for the reference "El(4)" there shall be substituted the reference "E1(6)";

(iii) in relation to the publication "BS476: Part 6: 1958" in column (4) there shall be added the references "E7(5)(*c*)(ii)" and "E14(6)(*c*)(vi)";

(iv) in relation to the publication "BS476: Part 8: 1972" in column (4) for the reference "Table to E1" there shall be substituted the reference "Table 1 to E1, sub-heading" and there shall be added the reference "Table 1 to E1, footnotes";

(v) in relation to the publication "BS2782: 1970" for the three references in column (4) there shall be substituted the references "E1(7)" and "Table 2 to E1";

(vi) the entry relating to the publication "BS3590: 1970" shall be omitted; and

(vii) in columns (1) to (4) there shall be added the entry specified in columns (1) to (4) below—

Amendment Slip

Publication (1)	Serial Number (2)	Reference Number (3)	Context (4)
BS5306: Part 2: 1979	1	AMD 3586	E4(1), Proviso Table to E5, Part 1, footnote y

(*b*) in Table B, the entry relating to "CP 402.201: 1952" shall be omitted.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 16th March 1982.

(L.S.) *Harold Carson*
Assistant Secretary

SCHEDULE Regulation 4(4)

Part to be substituted for Part E (Structural Fire Precautions) of the principal regulations

PART E

STRUCTURAL FIRE PRECAUTIONS

Interpretation of Part E

E1.—(1) In this Part and in the Schedules thereto—

"basement storey" means a storey which is below the ground storey; or, if there is no ground storey, means a storey the floor of which is situated at such a level or levels that some point on its perimeter is more than 1.2m below the level of the finished surface of the ground adjoining the building in the vicinity of that point;

"cavity" and "cavity barrier" have the meanings assigned to them by regulation E14(1);

"compartment" means any part of a building which is separated from all other parts by one or more compartment walls or compartment floors or by both such walls and floors; and, if any part of the top storey of a building is within a compartment, that compartment shall also include any roof space above such part of the top storey;

"compartment wall" and "compartment floor" mean respectively a wall and a floor which complies with regulation E9 and which is provided as such for the purposes of regulation E4 or to divide a building into compartments for any purpose in connection with regulation E5, E6 or E7;

"door" includes any shutter, cover or other form of protection to an opening in any wall or floor of a building or in the structure surrounding a protected shaft, whether the door is constructed of one or more leaves;

"element of structure" means—

(*a*) any member forming part of the structural frame of a building or any other beam or column (not being a member forming part of a roof structure only);

(*b*) a floor, including a compartment floor, other than the lowest floor of a building;

(*c*) an external wall;

(*d*) a separating wall;

(*e*) a compartment wall;

(*f*) structure enclosing a protected shaft;

(*g*) a loadbearing wall or loadbearing part of a wall; and

(*h*) a gallery;

"externally non-combustible" means externally consisting of or faced with non-combustible material;

"fire stop" has the meaning assigned to it by regulation E14(1);

"glazing" means light-transmitting material whether glass or not; and "glazed" shall be construed accordingly;

"ground storey" means a storey the floor of which is situated at such a level or levels that any given point on its perimeter is at or about, or not more than 1.2 m below, the level of the finished surface of the ground adjoining the building in the vicinity of that point; or, if there are two or more such storeys, means the higher or highest of these;

"height of a building" has the meaning assigned to it by regulation E3;

"open carport" means a carport which has not more than one storey and is open on two or more of its sides; and, for the purpose of this definition, a side which includes or consists of a door shall not for that reason be regarded as an open side;

"permitted limit of unprotected areas" means the maximum aggregate area of unprotected areas in any side or external wall of a building or compartment, calculated as prescribed in Part 1 of Schedule 7;

"protected shaft" means a stairway, lift, escalator, chute, duct or other shaft which enables persons, things or air to pass between different compartments and complies with the requirements of regulation E10;

"relevant boundary", in relation to a side or external wall of a building or compartment, means that part of the boundary of the premises (as defined in regulation A2(1)) or of the notional boundary (as prescribed in regulation E7(1)(*c*)) which is adjacent to that side or wall and either coincides with, is parallel to or is at an angle of not more than 80° with that side or wall;

"separating wall" means a wall or a part of a wall which is common to adjoining buildings; and

"unprotected area", in relation to an external wall or side of a building, means—

(*a*) a window, door or other opening;

(*b*) any part of the external wall which has fire resistance less than that specified by this Part for that wall; and

(*c*) any part of the external wall which has combustible material more than 1 mm thick attached or applied to its external face, whether for cladding or any other purpose.

(2) Any reference in this Part to a building shall, in any case where two or more houses adjoin, be construed as a reference to one of those houses.

(3) If any part of a building other than a single storey building—

(*a*) consists of a ground storey only;

(*b*) has a roof to which there is only such access as may be necessary for the purposes of maintenance or repair; and

(*c*) is completely separated from all other parts of the building by a compartment wall or compartment walls in the same continuous vertical plane,

that part may be treated, for the purposes of this Part, as a part of a single storey building.

(4) In relation to a building, or part of a building, of purpose group VII—

(*a*) the floor of a gallery (other than a loading gallery, fly gallery, stage grid, lighting bridge, or any gallery used for similar purposes or provided for the purpose of maintenance or repair) shall be regarded as the floor of a storey; and

(*b*) wherever in this Part a building is described by reference to a number of storeys, that number shall be construed as including any ground storey or upper storey formed by such a floor.

(5) Any requirement in this Part that an element of structure, door or other part of a building shall have fire resistance of a specified period shall be construed as meaning that it shall be so constructed that a specimen constructed to the same specification, if exposed to test by fire in accordance with BS476: Part 8: 1972, would (subject to any relevant provision in Table 1 to this regulation) satisfy the requirements of that test as to stability, integrity and insulation for not less than the specified period:

Provided that an element of structure, door or other part of a building shall be deemed to have the requisite fire resistance if–

(a) it is constructed to the same specification as that of a specimen which prior to 1st June 1975 was either exposed to test by fire in accordance with BS476: Part I: 1953 and (subject to any relevant provision in Table I to this regulation) satisfied the requirements of that test as to collapse, passage of flame and insulation for not less than the specified period or was assessed by an appropriate authority as capable of satisfying those requirements; or

(b) in the case of a wall, beam, column, stanchion or floor to which Schedule 6 relates, it is constructed in accordance with one of the specifications set out in that schedule and the notional period of fire resistance given in that schedule as being appropriate to that type of construction and other relevant factors is not less than the specified period.

(6) Any reference in this Part to a roof or part of a roof of a specified designation shall be construed as a requirement that the roof or part shall be so constructed that a specimen constructed to the same specification, if exposed to test by fire in accordance with BS476: Part