1980 No. 332

BUILDING REGULATIONS

Building (Amendment No. 3) Regulations (Northern Ireland) 1980

Made	*1st October 1980*
Coming into operation . . .	*1st November 1980*

The Department of Finance, in exercise of its powers under Articles 3(1), 5(1) and (2), 16(1) and (2) and 17(1) and (2) 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 such other bodies as appear to it to be representative of the interests concerned, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Building (Amendment No. 3) Regulations (Northern Ireland) 1980 and shall come into operation on 1st November 1980.

Interpretation

2. In these regulations "the principal regulations" means the Building Regulations (Northern Ireland) 1977(**b**) and any reference to a Part, regulation or schedule shall be construed as a reference to a Part or regulation of or schedule to the principal regulations.

Transitional provisions

3. 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;

and for the purpose of this regulation "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.

Amendments of the principal regulations

4.—(1) In paragraph (1) of regulation A2 (Interpretation) after the definition of "kitchen or scullery purposes" there shall be inserted the following definition:—

" "Material change of use" shall be construed in accordance with regulation A9(1);"

(2) In regulation A5 (Exemptions)—

(*a*) in paragraph (1) sub-paragraphs (*c*), (*d*) and (*e*) shall be omitted; and

(*b*) after paragraph (2) there shall be inserted the following paragraph:—

(**a**) S.I. 1979/1709 (N.I. 16) the relevant enabling provisions of this Order were brought into operation on 1st November 1980 by S.R. 1980 No. 331 (C. 9)

(**b**) S.R. 1977 No. 149 (I, p. 496)

"(3)(*a*) For the purposes of this paragraph a "wholly exempted building" means any building falling within one of the classes of building described in Part B of Schedule 1.

(*b*) These regulations shall not apply to:—

(i) any wholly exempted building (including any services, fittings and equipment provided therein or in connection therewith); and

(ii) any porch which—

(*a*) is constructed as an annex to an existing building of purpose group I, as set out in Regulation E2;

(*b*) has a floor area not exceeding $2m^2$; and

(*c*) is so situated or designed as not to enclose any opening provided for the purposes of regulations K4, K6, M3(*e*), M4(2) or P3(4), any inlet to a drain over which waste water is discharged, or any inspection chamber other than a chamber complying with regulation N12(3)."

(3) In regulation A16 (Appeals and prescribed periods) for paragraphs (4) and (5) there shall be substituted the following paragraphs:—

"(4) The prescribed period for the purposes of Article 16(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against refusal by a district council to relax regulations) shall be 56 days.

(5) The prescribed period for the purposes of Article 16(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of application for relaxation by a district council) shall be 56 days.

(6) The prescribed period for the purpose of Article 17(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against rejection of plans by district councils) shall be 56 days.

(7) The prescribed period for the purposes of Article 17(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of plans deposited with a district council) shall be 56 days.".

(4) There shall be substituted for the provisions set out in Schedule 1 (partially exempted buildings) the provisions set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 1st October 1980.

(L.S.) *F. Rodgers*

Assistant Secretary

SCHEDULE

Regulation 4(4)

Provisions to be substituted in Schedule 1 of the principal regulations

PART A — CLASSES OF PARTIALLY EXEMPTED BUILDINGS

Class	*Description of partially exempted building*	*Substantive requirements with which compliance is required*		
		As to materials	*As to buildings*	*As to services, fittings and equipment*
(1)	(2)	(3)	(4)	(5)
1.	A single storey building (not being a building within Class 5 or a building used for any trade or business) which— (i) is used by day only for private occupation or used exclusively for recreational or storage purposes (such as a summer-house, poultryhouse, aviary, greenhouse, conservatory, orchardhouse, boathouse, coalshed, garden tool shed, potting-shed or cycle shed); (ii) is wholly detached from any other building; and (iii) has a floor area not exceeding 30m².	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Part E and regulation K3(3) (unless the building is not less than 2m from any building which is within the same boundaries and is either of Purpose Group I (other than a building described in Regulation E2) II or III)	Part N (except in relation to surface water drainage) Part P Part Q

	(2)	(3)	(4)	(5)
2.	A building which is used only in connection with and during the construction, alteration, extension or repair of any building or other work by persons engaged on that work.	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Parts C and D (unless the building is a single storey building) Part L (unless the building is a single storey building and does not include any sleeping accommodation)	Part M (unless the building is a single storey building and does not include any sleeping accommodation) Part N (except in relation to surface water drainage) Part P Part Q
3.	A building being— any monument for the time being subject to Parts I, II or III of the Historic Monuments Act (Northern Ireland) 1971(c)	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Part L	Part M Part N Part P Part Q
4.	A building which— (i) is used, for a limited period only, in connection with the sale or letting of buildings or building plots in the course of the development of an estate; (ii) is erected on or in close proximity to the estate; and (iii) is wholly detached from any other building	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Parts C and D (unless the building is a single storey building) Part L (unless the building is a single storey building, does not include any sleeping accommodation and is not less than 2m from any building to which these regulations apply)	Part M (unless the building is a single storey building, does not include any sleeping accommodation and is not less than 2m from any building to which these regulations apply) Part N (except in relation to surface water drainage) Part P Part Q

(c) 1971 c. 17 (N.I.)