1979 No. 79

BUILDING REGULATIONS

Building (Amendment) Regulations (Northern Ireland) 1979

Made . . . . . 13*th March* 1979

Coming into operation . . . 1*st May* 1979

The Department of Finance(a) in exercise of its powers under Articles 3 and 5 of the Building Regulations (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf and 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) Regulations (Northern Ireland) 1979 and shall come into operation on 1st May 1979.

Interpretation

2. In these regulations "the principal regulations" means the Building Regulations (Northern Ireland) 1977(c) 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 those 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. In regulation A2 (Interpretation)—

(*a*) in paragraph (1) there shall be substituted for the definition of "under former control" the following definition:—

"(*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

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(i)
(b) S.I. 1972/1996 (N.I. 19)
(c) S.R. 1977 No. 149 (I, p. 496)

(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).";

and

(*b*) in paragraph (7) there shall be substituted for the date "30th November 1975" in sub-paragraph (*a*) the date "30th April 1978".

5. In the Table to regulation B3 (Unsuitable materials) there shall be substituted for the reference "CP 221: 1960" in item 11, the reference "BS 5262: 1976".

6. In paragraph (7) of regulation E9 (Compartment walls and compartment floors) there shall be substituted for the word "sub-paragraph" the word "paragraph".

7. In paragraph (1)(*e*)(ii) of regulation E15 (Restriction of spread of flame over surfaces of walls and ceilings) there shall be substituted for the reference "sub-index (i)", the reference "sub-index (i_1)".

8. In regulation H2 (General requirements for stairways, ramps and stepped ramps)—

(*a*) in paragraph (2)(*e*)—

(i) there shall be omitted the words "(except a wicket gate)"; and

(ii) there shall be inserted at the end the words "provided that nothing in this paragraph shall prohibit the placing of a wicket gate in a dwelling at the top or bottom of any flight or ramp between the flight or ramp and any associated landing.";

(*b*) in paragraph (3)(*a*)(i) there shall be inserted after the word "inwards" the words "or slides"; and

(*c*) there shall be substituted for sub-paragraph (*c*) of paragraph (3) the following sub-paragraph:—

"(*c*) a door, shutter or threshold may be placed in line with—

(i) a step at the entrance to a building; or

(ii) a single step between any enclosed porch, outhouse or conservatory and the remainder of a house; or

(iii) a single step which provides access to a shop window or small room; or

(iv) a single step provided for the purposes of regulation E18(6)(*c*).".

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

(*a*) in the definition of "Class I appliance" there shall be substituted for the figure "45" in alternative (*a*) the figure "44";

(*b*) in the definition of "Class II appliance" there shall be substituted for the figure "45" in alternative (*a*) the figure "60"; and

(*c*) in the definition of "high-rating appliance"—

(i) there shall be substituted for the figure "45" in alternative (*a*) the figure "44"; and

(ii) there shall be substituted for the figure "45" in alternative (*b*) the figure "60".

10. In regulation M8 (Class II appliances)—

(*a*) there shall be substituted for proviso (ii) to paragraph (3)(*b*) the following proviso:—

"(ii) satisfies the appropriate test requirements prescribed in

BS 1250 : Part 1 : 1966 Clause 14
BS 5258 : Part 1 : 1975, BS 5258 : Part 2 : 1975,
BS 5258 : Part 3 : 1975, BS 5258 : Part 4 : 1975,
BS 5258 : Part 5 : 1975, BS 5258 : Part 7 : 1975,
BS 5314 : Part 1 : 1976, BS 5314 : Part 2 : 1976,
BS 5314 : Part 3 : 1976, BS 5314 : Part 4 : 1976,
BS 5314 : Part 5 : 1976, BS 5314 : Part 6 : 1976, or
BS 5386 : Part 1 : 1976 whichever is relevant"; and

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

"Provided that this paragraph shall not apply if the appliance satisfies the appropriate test requirements prescribed in whichever of the publications specified in proviso (ii) to paragraph (3)(*b*) is relevant.".

11. In Schedule 6 (Notional periods of fire resistance)—

(*a*) in section C1 of Part 1 the item (*c*) shall be omitted;

(*b*) in item (*d*) of the first part of Part IV the words "or sprayed asbestos 10 mm thick" shall be deleted;

(*c*) in the second part of Part IV the items (*g*) and (*h*) shall be deleted;

(*d*) in section A(A) of Part V the item (4) shall be deleted;

(*e*) in section A(B) of Part V the item (7) shall be deleted;

(*f*) in section B(A) of Part V the item (2) shall be deleted;

(*g*) in section B(B) of Part V the item (4) shall be deleted;

(*h*) in section (C) of Part VII the item (iii) shall be deleted; and

(*j*) there shall be substituted for Part VIII the Part set out in Schedule 1 to these regulations.

12. 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 publications specified in column (1) below there shall be added the entries set out in columns (2) and (3) below:—