1975 No. 112

BUILDING REGULATIONS

Building (Amendment) (No. 3) Regulations (Northern Ireland) 1975

Made . . . . . 10*th April* 1975

Coming into operation . . . 1*st June* 1975

The Department of Finance in exercise of its powers under Articles 3 and 5 of the Building Regulations (Northern Ireland) Order 1972(a) 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:

PART I

Title and commencement

1. These regulations may be cited as the Building (Amendment) (No. 3) Regulations (Northern Ireland) 1975 and shall come into operation on 1st June 1975.

Interpretation

2. In these regulations "the principal regulations" means the Building Regulations (Northern Ireland) 1973(b) as amended by the Building (Amendment) (No. 2) Regulations (Northern Ireland) 1973(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.

PART II

Amendments of the principal regulations

4. In regulation A2 (Interpretation)—

(*a*) in paragraph (4)(*a*) there shall be substituted for the reference "Part E" in the definitions of "basement storey" and "ground storey" the reference "Parts E and EE"; and

(*b*) in paragraph (7) there shall be substituted for the date "30th September 1972" in sub-paragraph (*a*) the date "28th February 1974".

(a) S.I. 1972/1996 (N.I. 19)
(b) S.R. & O. (N.I.) 1973 No. 105 (I, p. 437)
(c) S.R. & O. (N.I.) 1973 No. 506 (II, p. 3003)

5. In regulation A6 there shall be inserted between the reference "L" and the word "shall" the words "except Part EE".

6. In paragraph (1) of regulation A8 (Application to material change of use) in the entry relating to Part E under Case C there shall be substituted for the reference "E5(3)(*b*)" in items (*b*) and (*c*) the reference "E5(1)(*b*)" and for the reference "E5(1)" in item (*b*) the reference "E5(2)".

7. In the Table to regulation B3 (Unsuitable materials)—

(*a*) in the entry in column (2) relating to item 7 there shall be substituted for the reference "BS1142: 1961" the reference "BS1142: Part 2: 1971"; and

(*b*) for the entries in columns (2) and (3) relating to item 13 there shall be substituted in each case the words "Unsuitable except asbestos—cement sheets complying with BS690: Part 2: 1971 or BS690: Part 3: 1973".

8. There shall be inserted after regulation D21 the following regulation:

"**D22.** Regulation B2 and the deemed-to-satisfy provisions of this Part shall not apply in relation to structural work, including foundations, in which high alumina cement is used.".

9. There shall be substituted for Part E (Structural fire precautions) the Part set out in Schedule 1 to these regulations.

10. There shall be inserted after Part E the Part set out in Schedule 2 to these regulations.

11. In paragraph (2)(*d*)(i) of regulation J1 (Refuse storage container chambers constructed in buildings comprising more than one dwelling) there shall be substituted for the words "half an hour as defined in regulation E6;" the words "not less than half an hour as defined in regulation E1(5);".

12. In regulation L1 (Application and interpretation of Part L)—

(*a*) in paragraph (1) from the definition of "insulated metal chimney" there shall be omitted before the word "flue" the word "metal"; and

(*b*) there shall be added after paragraph (3) the following paragraph:

"(4) In relation to any Class I oil-burning appliance to which reference is made in regulation M5, regulations L3 to L7 and L10 shall not apply unless compliance therewith is required by the provisions of regulation M4.".

13. In paragraph (1)(*a*) of regulation L6 (Chimneys for Class I appliances)—

(*a*) there shall be substituted for item (i) the following item:

"(i) clay flue linings complying with BS1181: 1971;"; and

(*b*) there shall be substituted for item (iii) the following item:

"(iii) clay pipes and fittings which comply with BS65 & 540: Part 1: 1971 and are of British Standard type, socketed, imperforate and acid resistant; or".

14. In regulation L8 (Deemed-to-satisfy provisions regarding materials for the construction of flue pipes for Class I appliances)—

(*a*) in paragraph (*a*) there shall be substituted for the reference "*BS41*: *1964*" the reference "*BS41*: *1973*";
and

(*b*) in paragraph (*b*) there shall be substituted for the reference "*BS835*: *1967*" the reference "*BS835*: *1973*".

15. In paragraph (1)(*a*) of regulation L14 (Chimneys for Class II appliances) there shall be substituted for item (iii) the following item:

"(iii) clay flue linings which comply with BS1181: 1971 and are jointed and pointed with high alumina cement mortar; or".

16. In regulation L16 (Deemed-to-satisfy provisions regarding materials for the construction of flue pipes for Class II appliances)—

(*a*) there shall be substituted for specification (*a*) the following specification:

"(*a*) *clay pipes and fittings which comply with BS65 and 540*: *Part 1*: *1971, are of British Standard type, socketed, imperforate and acid resistant and are jointed and pointed with high alumina cement mortar;*";

(*b*) in specification (*b*) there shall be substituted for the reference "*BS41*: *1964*" the reference "*BS41*: *1973*";
and

(*c*) in specification (*e*)(i) there shall be substituted for the reference "*BS835*: *1967*" the reference "*BS835*: *1973*" and for the reference "*BS567*: *1968*" the reference "*BS567*: *1973*".

17. In regulation M4 (Class I appliances)—

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

"(1) Subject to the special provisions relating to certain Class I oil-burning appliances set out in regulation M5, no Class I appliance shall be installed in a building unless the installation complies with the following provisions of this regulation.";

(*b*) in paragraph (2) there shall be substituted for the words "installed in accordance with regulation M5" the words "to which regulation M5(4)(*b*) refers";

(*c*) in paragraph (9) the words "Subject to the exception in respect of oil-burning appliances contained in regulation M5," shall be omitted.

18. There shall be substituted for regulation M5 the following regulation:

"*Special provisions for certain Class I oil-burning appliances*

M5.—(1) In this regulation, any reference to hearth temperature, surface temperature or flue gas temperature is a reference to that temperature as determined respectively in accordance with Test procedure No. 11, Measurement method 8 or Measurement method 3 prescribed in BS4876: 1972.

(2) Paragraphs (3), (4) and (5) of regulation M4 shall not apply to the installation of a Class I oil-burning appliance if—

(*a*) the hearth temperature of the appliance does not exceed 100°C and is so limited by means other than the interposition of unprotected insulating material between the burner and the base of the appliance; and

(*b*) the appliance is placed on, or incorporates, an imperforate rigid seating which is constructed of non-absorbent, non-combustible material and is of such dimensions that no part of the front, back or sides of the appliance extends (if projected on plan) beyond the edges of the seating.

(3) Paragraphs (6), (7) and (8) of regulation M4 shall not apply to the installation of a Class I oil-buring appliance if the surface temperature of the side panels of the appliance does not exceed 100°C.

(4) Paragraph (9) of regulation M4 shall not apply to the installation of a Class I oil-burning appliance if—

(*a*) the flue gas temperature of the appliance does not exceed 260°C and the appliance discharges into—

(i) a flue in a chimney (not being an appliance ventilation duct) which is lined or constructed as prescribed in regulation L14 (excluding the proviso to paragraph (1) thereof); or

(ii) a flue in a flue pipe which complies with regulation L15 and with any one of the specifications set out in regulation L16 (excluding the words in brackets in specification (*e*)(ii) therein) and is installed in accordance with regulation L17; or

(*b*) the appliance has an output rating not exceeding 3kW and is designed to operate without being connected to a flue.".

19. In paragraph (7) of regulation M8 (Class II appliances) the proviso thereto shall be omitted.

20. In paragraph (1)(*d*) of regulation M9 (Exceptions permitting discharge of Class II gas appliances otherwise than into a flue) there shall be inserted before the word "complies" the words "does not heat water for a bath and".

21. In the entry relating to Class 8 in column (4) of Part A of Schedule 1, there shall be substituted for the reference "Regulation E5" the reference "Regulations E5 and E6".

22. In Schedule 2—

(*a*) in item 5 of Rule B there shall be substituted for sub-paragraph (*e*) the following sub-paragraphs:

"(*e*) the provision made in the structure for protection against fire; and

(*f*) the provision made in the building or part for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times; and

(*g*) the provision made in the structure for insulation against the transmission of heat and sound.";

(*b*) in Rule C—

(i) there shall be substituted for the words preceding Item 1 the following words:

"Rule C. The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to erect a partially exempted building within the meaning of regulation A4 if compliance with the provisions of regulation A10 is required by Part A of Schedule 1:";

(ii) there shall be substituted for item 5 the following item:

"5. Plans and sections of the building showing the particulars required by Item 5(*a*) to (*e*) of Rule B, so far as may be necessary to enable a district council to determine whether the building complies with these regulations.";

(*c*) in Rule E—

(i) there shall be substituted for item 3 the following item:

"3. Calculations of loading and strength:

Provided that where the dimensions of a structural member accord with the provisions of regulations D7, D14(*b*), D15(*b*), D16 or D17 as the case may be, calculations of strength to demonstrate the adequacy of those dimensions shall not be required.";

(ii) there shall be inserted after item 5 the following item:

"5A. In the case of a building, or part of a building, which falls (in accordance with regulation E2) within purpose group IV or V, particulars affecting the number and width of exits and escape routes.".

23. In Schedule 3 there shall be substituted for the reference "BS913: 1954" in item 1 of Table 3 the reference "BS913: 1973".

24. In Schedule 6—

(*a*) against the heading to the schedule there shall be substituted for the reference "Regulation E6" the reference "Regulation E1(5)";

(*b*) in section B(B) of Part V there shall be substituted for the reference "*BS1105: 1963*" in item 7 the reference "*BS1105: 1972*"; and

(*c*) in Part VII in each of the three footnotes regarding the term "*modified ½ hour*", there shall be substituted for the reference "*regulation E6(7)*" the reference "*item 7 in the Table to regulation E1*".

25. In Schedule 7 the definition of "relevant boundary" in rule 4 of Part II shall be omitted.

26. In Schedule 8 against the heading to the schedule there shall be substituted for the reference "Regulation E1(2)" the reference "Regulation E1(4)".

27. There shall be substituted for Schedule 11 the schedule set out in Schedule 3 to these regulations.

PART III

Amendment of the Building (Amendment) (No. 2) Regulations (Northern Ireland) 1973

28. In paragraph 11 the words "short-lived or otherwise" shall be omitted.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 10th April 1975.

(L.S.) *W. H. Hamill*
Assistant Secretary