1973. No. 506 **[C]**

BUILDING REGULATIONS

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

REGULATIONS, DATED 17TH DECEMBER 1973, MADE BY THE MINISTRY OF FINANCE UNDER ARTICLES 3, 5, 9 AND 10 OF THE BUILDING REGULATIONS (NORTHERN IRELAND) ORDER 1972.

The Ministry of Finance on behalf of the Secretary of State and in exercise of its powers under Articles 3, 5, 9 and 10 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. 2) Regulations (Northern Ireland) 1973 and shall come into operation on 17th December 1973.

Interpretation

2. In these regulations "the principal regulations" means the Building Regulations (Northern Ireland) 1973(**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.

Revocations

3. The Building (Amendment) Regulations (Northern Ireland) 1973(**c**) are hereby revoked.

PART II

Amendments of the principal regulations

4. In regulation A2 (Interpretation)—

(1) in paragraph (7)—

(*a*) in sub-paragraph (*a*) there shall be substituted for the date "31st December 1970" the date "30th September 1972"; and

(*b*) there shall be substituted for sub-paragraph (*b*) the following sub-paragraph:

"(*b*) in any case where a date is included in the reference, the reference is to the edition of that date together with such amendments, as are mentioned in Schedule 11; and";

(2) in sub-paragraph (*b*)(ii) of paragraph (9) there shall be substituted for the reference "BS4471:1969" the reference "BS4471:Part 1:1969".

(**a**) S.I. 1972, No. 1996 (N.I. 19).
(**b**) S.R. & O. (N.I.) 1973, No. 105.
(**c**) S.R. & O. (N.I.) 1973, No. 372.

5. In paragraph (1)(*b*) of regulation A4 (Exemptions) there shall be added at the end the words "provided that no part of a building so constructed is within the permitted boundary of any building of purpose group I, II or III as determined by regulation E2 and for the purpose of this regulation "permitted boundary" means a notional line drawn round that other building at least the distance from every part of it which would ensure that, if the line were the actual boundary and that building were newly constructed there would be no contravention of regulation E7 in relation to it.".

6. There shall be substituted for regulation A6 (Application to alterations and extensions) the following regulation:

"**A6.**—(1) Subject to the provisions of regulation A4, Parts A to L shall apply to—

(*a*) a structural alteration or extension of an existing building (irrespective of when that building was erected); and

(*b*) the existing building as affected by that alteration or extension to the extent (subject to the provisions of regulation A8 and K3) of prohibiting any alteration or extension, which would cause a new or greater contravention of any regulation.

(2) In applying the regulations under paragraph (1)(*a*) the alteration or extension shall be treated as if it were part of a building being newly erected identical to and to be used for the same purposes as the building as altered or extended.

(3) In determining for the purposes of paragraph (1)(*b*) whether the alteration or extension would cause a new or greater contravention of any regulation, the following provisions shall apply—

(*a*) the regulations shall be applied in each of the following ways—

(i) to the building as altered or extended treated as if it were being newly erected in its proposed form for the purposes for which it will be used when altered or extended; and

(ii) to the existing building treated as if it were being newly erected in its existing form but for the purposes for which it will be used when altered or extended; and

(*b*) the alteration or extension shall be regarded as being such as would cause a new or greater contravention if (when the regulations are applied as directed in sub-paragraph (*a*)) the building as altered or extended—

(i) contravenes any regulation which does not apply to the existing building; or

(ii) contravenes any regulation which is satisfied by the existing building; or

(iii) contravenes to a greater extent any regulation which is contravened by the existing building.".

7. In paragraph (1) of regulation A8 (Application to material changes of use) in the entries relating to Part L under Case A, Case B and Case D, there shall be substituted for the reference "L21" the reference "L22".

8. In regulation A10 (Notice of commencement and completion of certain stages of work) in paragraph (1)(*b*) there shall be substituted for the words "twenty four" the words "forty eight".

9. In regulation A14 (Application for dispensation or relaxation) after paragraph (2) there shall be inserted the following paragraphs—

"(3) Before giving a direction the Ministry, or as the case may be the district council may if it thinks fit send—

(*a*) to the applicant a copy of its draft direction, and

(*b*) to any other person or body appearing to it to be interested a copy of the application and of its draft direction;

inviting comment on the draft direction, and it shall take into account any comments received before making the direction final.

(4) Before giving a direction the Ministry, or as the case may be the district council may if it thinks fit afford to the applicant or any other person appearing to it to be interested, an opportunity of appearing before and being heard by a person appointed by the Ministry, or as the case may be the district council for the purpose.

(5) After giving a direction the Ministry, or as the case may be the district council shall notify the applicant and any other person who received a copy of the draft direction under regulation A14(4), of the direction and its reasons therefor.".

10. There shall be substituted for paragraph (5) of regulation A15 the following paragraph—

"(5) The prescribed period for the purposes of paragraphs (1) and (2) of Article 10 of the Building Regulations (Northern Ireland) Order 1972 shall be fifty six days.".

11. In the Table to regulation B3 (Short-lived or otherwise 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*) in the entries in columns (2) and (3) relating to item 13 there shall be substituted for the reference "BS690:1963" wherever it occurs the reference "BS690:Part 1:1963".

12. In paragraph (2)(*c*) of regulation D2 (Calculation of loading) there shall be substituted for the reference "CP3:Chapter V:Part 2:1970" the reference "CP3:Chapter V:Part 2:1972".

13. In regulation D4 (Deemed to satisfy provision for foundations) there shall be substituted for the words "the relevant recommendations of Civil Engineering Code of Practice No. 4 (1954)—"Foundations" " the reference "CP 2004:1972".

14. In regulation D6 (Deemed to satisfy provision for foundations of buildings having not more than four storeys (other than factories or storage buildings)) there shall be substituted for the reference "CP 101:1963" the reference "CP 101:1972".

15. In regulation D9 (Deemed to satisfy provision for structural work of steel) there shall be added after the reference "BS449:Part 2:1969" the words "as read with Supplement No. 1 (PD 3343) to BS449:Part 1:1970 and Addendum No. 1 (PD 4064) to BS449:Part 1:1970".

16. In regulation D13 (Deemed to satisfy provision for structural work of pre-cast concrete) there shall be added after the reference "CP 116:Part 2:1969" the words "as read with CP 116:Addendum No. 1:1970".

17. In paragraphs (*a*) and (*b*) of regulation D14 (Deemed to satisfy provision for structural work of timber) there shall be substituted for the reference "CP 112:Part 1:1967" the reference "CP 112:Part 2:1971".

18. In paragraph (1) of regulation D21 (Deemed to satisfy provisions for the structure of certain buildings utilising large pre-cast concrete panels) there shall be added after the reference "CP116:Part 2:1969" the words "as read with CP116:Addendum No. 1:1970".

19. There shall be inserted after regulation H6 the following regulation:

"Vehicle barriers

H7. Any floor or roof used as a vehicle park, and any part of a building used as a vehicular route thereto, shall (except across any entrance or exit) be guarded at every part of the perimeter of the area so used which is at or above the level of any adjacent floor, roof, vehicular route, street or ground by a barrier complying with clause 9 of CP3:Chapter V:Part 1:1967.".

20. In Schedule 1—

(1) in Class 6—

(*a*) in column (1) the words in parentheses shall be deleted and the following words substituted "(not being a building within Class 8 or a building used for the purposes of agriculture)";

(*b*) at paragraph (i) in column (1) the word "or" shall be inserted after the word "products" and the words "or for the housing of livestock" shall be deleted;

(*c*) at paragraph (ii) in column (1) the word "or" shall be inserted after the word "plant" and the words "or livestock" shall be deleted;

(*d*) in column (4) paragraph (i) shall be deleted.

(2) Class 7 shall be deleted.

21. In Schedule 3 there shall be substituted for the reference "BS3051:1958" in item 2 of Table 3 the reference "BS3051:1972".

22. In Schedule 4 there shall be substituted for the reference "CP112:Part 1:1967" in rule 2(*a*) and in the note beneath the List of Species of Timber the reference "CP112:Part 2:1971".

23. In Schedule 5 there shall be substituted for the reference "BS1243:1964" in rule 11(2) the reference "BS1243:1972".

24. In Schedule 6 in sections A(A) and B(A) of Part V

(*a*) beside the reference "BS449:Part 2:1969" in item 1(*b*) there shall be inserted the sign "ϕ";

and

(*b*) beneath the table there shall be added the following footnote:
"ϕ As read with Supplement No. 1 (PD 3343) to BS449:Part 1:1970 and Addendum No. 1 (PD 4064) to BS449:Part 1:1970.".

25. After Schedule 10 there shall be added the Schedule set out in Schedule 1 to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th December 1973.

(L.S.)

W. H. Hamill,
Assistant Secretary.