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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 481**

**BUILDING REGULATIONS**

**Building (Amendment) Regulations (Northern Ireland) 1997**

*Made* - - - - *7 November 1997*

*Coming into operation* *1 January 1998*

The Department of the Environment, in exercise of the powers conferred by Articles 3(1), 5(3) and 13(2)(c) of the Building Regulations (Northern Ireland) Order 1979(1) and now vested in it(2) 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 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) 1997 and shall come into operation on 1 January 1998.

**Amendment of principal regulations**

2. The Building Regulations (Northern Ireland) 1994(3) shall be amended as provided in Regulations 3 and 4.

**Interpretation and general**

3.—(1) In paragraph (1) of Regulation A2 (Interpretation)—

(a) before the definition for “SEWER” there shall be inserted the following definition—

“REGULARISATION CERTIFICATE shall be construed in accordance with regulation A11A(1);” and

(b) for the definition of “SUBSTANTIVE REQUIREMENTS” there shall be substituted—

“SUBSTANTIVE REQUIREMENTS means the requirements of these regulations or, if appropriate, of any of the statutory provisions referred to in regulation A4 with respect to the design and construction of buildings and the provisions of a service or fitting, as distinct from procedural requirements;”.

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(1) S.I.1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14)  
(2) S.I. 1982/338 (N.I. 6) Article 5 and Schedule 1, Part II  
(3) S.R. 1994 No. 243

(2) In Regulation A4(2) after the words “These regulations” there shall be inserted “(other than regulation A11A)”.

(3) Regulation A10 (Giving of notices and deposit of plans) shall be amended by—

(a) substituting for paragraph (1) the following paragraph—

“(1) Subject to the provisions of paragraphs (2), (3) and (5) any person who intends to carry out any building work or make any material change of use of a building shall, if the provisions of these regulations apply to such work or such change of use—

- (a) give notices, deposit full plans, sections, specifications and written particulars in accordance with the relevant rules of Schedule 2; or
- (b) in the case of a dwelling serve such other documents as may be necessary in accordance with Schedule 2A.”; and

(b) inserting after paragraph (5) the following—

“(6) A building notice shall only be considered to have been validly given under paragraph (1)(b) if the building work or the material change of use to which it relates commenced within three years of the date on which the notice was given.”.

(4) After Regulation A11 (Notice of commencement and completion of certain stages of work) there shall be inserted the following regulation—

**“A11A Regularisation certificates**

(1) Where it appears to a district council that—

- (a) a person carried out unauthorised work; and
- (b) in relation to such work all or any of the substantive requirements of the relevant building regulations have been satisfied, it may on application made to it issue a certificate (in this regulation referred to as a ‘regularisation certificate’) to the person who carried out the work or any person appearing to the district council to have control over the work or building as appropriate.

(2) A district council shall not issue a regularisation certificate in relation to any unauthorised work unless it has taken such steps (if any) as it thinks reasonable (including the carrying out of inspections, testing of drains and private sewers and sampling of materials) to ascertain whether that work complies with the substantive requirements of the relevant building regulations.

(3) Where in the opinion of a district council further work is required in relation to any work to which an application under paragraph (1) relates, it shall notify the person who made the application of the fact and give him an opportunity to carry out such work before deciding whether to grant or refuse the certificate.

(4) A regularisation certificate relating to any unauthorised work shall be evidence (but not conclusive evidence) that that work complies with such of the substantive requirements of the relevant building regulations as are specified in the certificate.

(5) An application under paragraph (1) shall be made in writing and shall be accompanied by—

- (a) a statement that it is made in accordance with this regulation;
- (b) a description of the unauthorised work to which it relates;
- (c) a statement of the date on which the work was completed; and
- (d) so far as is reasonably practicable, a plan of that work including, where appropriate, any further building work intended to ensure that the unauthorised work complies with the relevant building regulations.

(6) In this regulation—

- (a) BUILDING REGULATIONS means these regulations and any of the statutory provisions referred to in regulation A4 and in relation to any unauthorised work “relevant building regulations” means those building regulations in force at the time when such work was completed; and
- (b) UNAUTHORISED WORK means any work within the meaning of regulation A4(1) or any building work or any material change of use, plans or notices for which were required by building regulations to be deposited with a district council but were not so deposited.”.

4. After Schedule 2 there shall be inserted the following Schedule—  
“**Schedule 2A**

#### **SCHEDULE 2A**

Regulation A10

##### Particulars to be given in a building notice

1. The following are the particulars to be given in a building notice by a person intending to carry out any building work or make any material change of use of a building—

- (a) the full name and address of the person on whose behalf it has been furnished;
- (b) a notice of intention signed by, or on behalf of, the person intending to carry out building work or make a material change of use of a building;
- (c) a description of the proposed building work or material change of use;
- (d) particulars, so far as necessary, to show—
  - (i) the intended use of the building;
  - (ii) the materials of which the building will be constructed;
  - (iii) the mode of drainage;
  - (iv) the precautions to be taken in building over a drain or sewer;
  - (v) the means of water supply; and
  - (vi) the number of storeys (each basement level being counted as one storey) in the building to which the proposal relates;
- (e) particulars giving the size and position of the building and its relationship to adjoining buildings and indicating its distance from the boundary of the premises; and
- (f) particulars giving the location of the site.

2. Where it is considered necessary for the purposes of examining any proposals submitted in accordance with this Schedule an applicant shall give to a district council, on request in writing by an authorised officer, such particulars as are necessary for the discharge of its function in relation to building regulations.

3. Paragraphs 1 to 4 of Rule A of Schedule 2 shall apply in relation to any notices or other documents given or served under this Schedule as they apply in relation to such notices or other documents given or deposited under that Schedule.”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of the Environment on

L.S.

7 November 1997.

*T. Pearson*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend the Building Regulations (Northern Ireland) 1994 (“the principal regulations”). They come into operation on 1st January 1998.

The principal regulations require plans of any proposed building work to be submitted to the district council for approval before the work has commenced and for the work to be inspected during construction. These regulations permit a district council to issue a certificate in relation to any work which complies with the substantive requirements of the principal regulations or its predecessors but which has been completed without the deposit of plans or notices as required by those regulations. Such a certificate will constitute evidence (but not conclusive evidence) that the substantive requirements of the relevant building regulations have been complied with (Regulations 3(1) and 3(4)).

These regulations also permit a person proposing to carry out building work to a dwelling to commence that work without the submission of detailed plans, provided he has submitted to the district council a Building Notice which gives details of the proposed work (Regulation 3(3)).