

1975 No. 301

BUILDING AND BUILDINGS**House-Building Standards Order (Northern Ireland) 1975**

Made 27th October 1975

Coming into operation 1st January 1976

The Department of Housing, Local Government and Planning in exercise of the powers conferred on it by Article 4 of the Defective Premises (Northern Ireland) Order 1975(a) hereby makes the following order:

Citation and commencement

1.—(1) This order may be cited as the House-Building Standards Order (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

Interpretation

2. In this order—

“the Order” means the Defective Premises (Northern Ireland) Order 1975;

“the Council” means the National House-Building Council;

“the Department” means the Department of Housing, Local Government and Planning;

“the Scheme” means the National House-Building Council Scheme for Northern Ireland 1975.

Approval of Scheme

3. The Scheme which is scheduled to this order is hereby approved for the purposes of Article 4 of the Order.

Approval of Full Certificate

4. The document headed “Full Certificate” and numbered “HB6(NI) (1975 edition)” issued by the Council under the Scheme and which has been certified by the Department as being the form of Full Certificate comprised in the Scheme, is hereby approved for the purposes of Article 4 of the Order.

Sealed with the Official Seal of the Department of Housing, Local Government and Planning for Northern Ireland on 27th October 1975.

(L.S.)

R. B. Spence

Assistant Secretary

SCHEDULE

Article 3

The National House-Building Council Scheme for Northern Ireland 1975

The National House-Building Council (hereinafter called "the Council") acting by its Northern Ireland Committee has in force the following Scheme:

1.—(1) The Scheme may be cited as the National House-Building Council Scheme for Northern Ireland 1975.

(2) In the Scheme, where the context so admits, words importing the singular number include the plural number and words in the plural number include the singular number and "person" includes any body of persons corporate or unincorporate.

2. The Council will operate the Rules, certified by the Department of Housing, Local Government and Planning for Northern Ireland as being the Rules comprised in the Scheme, under, or pursuant to, which—

- (i) dwellings provided, or to be provided, in Northern Ireland by the erection of buildings (and not by the conversion or the enlargement of buildings) by House-Builders and Developers whose names are for the time being entered on the Northern Ireland Register of House-Builders and Developers maintained by the Council are to be designed and constructed in a manner at least sufficient to satisfy, in all respects, the Council's Requirements as to design and construction adopted by the Council and approved by the said Department (otherwise than by order) and in force when the concreting of the foundations of the dwellings is begun; and
- (ii) the said House-Builders and Developers enter into agreements with Purchasers in the form numbered "HB5(NI) (1975 edition)" and certified by the said Department as being the form of agreement comprised in the Scheme; and
- (iii) where the Council's Requirements as to design and construction have, or appear to have, been substantially complied with in relation to the said dwellings, the Council certifies to that effect by means in each case of a document ("the Full Certificate") in the form numbered "HB6(NI) (1975 edition)" and certified by the said Department as being the form of Full Certificate comprised in the Scheme.

3. The Council offers to Purchasers who have entered into agreements in the form referred to in paragraph 2(ii) above ("the first agreement"), so as to give rise to binding agreements where the offers are accepted, optional increased benefits as set out in the said form of agreement, in consideration of payments to be made by Purchasers to the Council not later than three months from the date of the first agreement.

4. By virtue of agreements entered into under the Scheme with persons having or acquiring an interest in the said dwellings, rights are conferred on such persons in respect of defects in the state of the said dwellings.

For and on behalf of the National House-Building Council:

Dated 13th October 1975.

A. W. Tait
Director General

A. P. de B. Tapping
Secretary

EXPLANATORY NOTE

(This note is not part of the order but is intended to indicate its general purport.)

1. By this order made under Article 4 of the Defective Premises (Northern Ireland) Order 1975 ("the Order") the Department of Housing, Local Government and Planning ("the Department") approves the Scheme to be operated from 1st January 1976 by the National House-Building Council ("the Council") and the form of "Full Certificate" issued by the Council in relation to dwellings erected pursuant to the Scheme. The Full Certificate states that the Council's Requirements as to design and construction, which are imposed under the Scheme, and are approved from time to time by the Department without making an order, have, or appear to have, been substantially complied with in relation to those dwellings.

2. In relation to any dwelling falling within the approved Scheme and in respect of which a Full Certificate is issued, no action can be brought by any person having or acquiring an interest in the dwelling for breach of the duty imposed by Article 3 of the Order (which relates to building standards). Article 2(3) of the Order, however, provides that any duty imposed by or enforceable by virtue of any provision of the Order is in addition to any duty a person may owe apart from that provision.

3. The Scheme is essentially designed to benefit any person for whom a dwelling is built or to whom a newly built dwelling is sold (whether leasehold or freehold) for occupation by him or his family as a dwelling. Such persons' mortgagees in possession and subsequent purchasers who occupy, or whose family occupy, the dwelling are also within the scope of the Scheme.

4. The Scheme applies to dwellings erected by House-Builders and Developers whose names are entered on the Council's Northern Ireland Register and who must observe the Council's Rules. Under the Scheme rights in respect of defects in the state of dwellings are conferred on purchasers by virtue of agreements entered into in the appropriate form approved by the Council with House-Builders or Developers.

5. Under the said agreements such House-Builders and Developers—

(a) warrant that the particular dwelling has been built or agree that it will be built—

(1) in an efficient and workmanlike manner and of proper materials and so as to be fit for habitation (this undertaking is similar in form to the duty imposed by Article 3 of the Order); and

(2) so as to comply in all respects with the Council's Requirements; and

(3) so as to qualify for a Full Certificate;

(b) undertake certain obligations regarding the remedying of defects in, and the making good of damage to, dwellings consequent upon any breach of the Council's Requirements, and duly reported within a specified period, which is usually 2 years from the date of the Full Certificate.

6. In addition to the obligations undertaken by such House-Builders and Developers, the Council gives certain guarantees in relation to arbitration awards and judgments obtained against them which have not been met, owing for example to liquidation. In the case of major damage to dwellings occasioned by any defect in the structure caused by a breach of the Council's Requirements, or in the case of major damage to the structure of dwellings consequent upon subsidence, settlement or heave, the Council undertakes to make good or defray the cost of making good that damage and the defect subject to certain terms and conditions, if duly reported to the Council within 10 years from the date of the Full Certificate. Where a Full Certificate has been issued which bears a prefix letter "G" before the number, the Council undertakes to pay a sum representing the cost of making good that damage and the defect as at the date of the Certificate. In these cases, the Scheme also provides for optional extra cover to meet the increases in cost in subsequent years, on payment of a premium and subject to certain terms and conditions.

Copies of the Scheme are available for inspection on application within normal working hours at either of the undermentioned offices:

Department of Housing, Local
Government and Planning
Stormont
BELFAST BT4 3TX

National House-Building Council
Northern Ireland
Bedford House
Bedford Street
BELFAST BT2 7FD