
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 146

**The Construction (Design and Management)
Regulations (Northern Ireland) 2016**

PART 5

GENERAL

Civil Liability

35. Breach of a duty imposed by the preceding provisions of these Regulations, other than those imposed by regulations 4(2)(b), 4(5), 13(4)(b) and (c), 15(10) and (11), and 16(2) and (3), 17 to 34 and Schedule 3, shall not confer a right of action in any civil proceedings insofar as that duty applies for the protection of a person who is not an employee of the person on whom the duty is placed.

Enforcement in respect of fire

36.—(1) Subject to paragraph (2), the Northern Ireland Fire and Rescue Service Board, within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006(1), shall be the enforcing authority in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work as regards regulations 29 and 30, in so far as those regulations relate to fire, and regulation 31.

(2) Paragraph (1) shall not apply in respect of any premises of a description specified in Part 1 of Schedule 1 to the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(2).

Transitional and saving provisions

37. Schedule 5, which makes transitional and savings provisions, has effect.

Revocations and consequential amendments

38.—(1) The 2007 Regulations are revoked.

(2) The amendments in Schedule 6 have effect.

(1) S.R. 2006 No. 1254 (N.I. 9), as amended by S.R. 2006 No. 257 (C.15), S.I. 2006/3336 (N.I. 21), S.R. 2007 No. 194 (C. 11), 2008 c. 9, S.R. 2010 No. 325, S.R. 2010 No. 328 (C. 20), S.I. 2012/2404 and S.I. 2013/602

(2) S.R. 1991 No. 446, as amended by S.R. 1992 No. 413, S.R. 1999 No. 150, S.R. 2001 No. 436, S.R. 2003 No. 152 and S.R. 2015 No. 265