

THE BUILDING (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016

TRANSPOSITION NOTE

Article 8 of Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks.

1. This note describes the implementation of Article 8 (In-building physical infrastructure) and related Articles of Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks¹ (“The Directive”) in Northern Ireland. The Directive requires the implementation of measures aimed at increasing efficiency in the use of existing infrastructure and at reducing costs and obstacles in carrying out work, in relation to the provision of high-speed electronic communications networks.
2. Article 8 requires that all new buildings and buildings undergoing major renovation works (as defined), be equipped with the necessary in-building physical infrastructure to facilitate future connections to high-speed broadband. In multi-dwelling buildings an access point is also required. Article 8 of the Directive is implemented in Northern Ireland through The Building (Amendment) Regulations (Northern Ireland) 2016 (“these Regulations”) which amend the Building Regulations (Northern Ireland) 2012² (“the Building Regulations”). The implementing provisions are included as a new Part M (Physical infrastructure for high-speed electronic communications networks) by these Regulations. The powers under which these Regulations implement the requirements of the Directive are the powers to make building regulations under the Building Regulations (Northern Ireland) Order 1979³ (“the Order”).
3. The table below describes how the Building Regulations, as amended by these Regulations and related national provisions, implement Article 8 and related Articles of Directive 2014/61/EU.

¹ O.J. No. L155,23.5.14, p1-14

² S.R. 2012 No. 192 as amended by S.R. 2012 No. 375 and S.R. 2014 No. 44

³ S.I. 1979 No. 1709 (N.I. 16), as amended by 2009 c.4, S.I. 1990 No. 1510 (N.I. 14)

Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks.				
Article	Objective	Copy Out (yes/no)	If no- Reason for Elaboration	National Provision Implementation through the Building Regulations⁴ as amended by these Regulations⁵.
2.3, 2.7, 2.8, 2.9 and 2.11	Definitions of key terms	Yes		<p>Within the new Part M (Physical infrastructure for high-speed electronic communications networks), Regulation 77A (Application and Interpretation) applies the requisite definitions.</p> <p>In addition, definitions of ‘network termination point’ and ‘public communications network’ have been applied from Article 2 of Directive 2002/21/EC.</p> <p>Ref: Regulation 7 (Insertion of Part M (Physical infrastructure for high-speed electronic communications networks)) of these Regulations.</p>
8.1	All newly constructed buildings, and all buildings undergoing major renovation works, for which applications for building permits are	Yes		<p>1) Within the new Part M, Regulation 77B applies these requirements through paragraph (1).</p> <p>2) Regulation 1 of these Regulations applies the amendments from 28th November 2016. Regulation 3(2) of these Regulations disappplies the requirements of Regulation 7 (i.e. Part M) to work or applications prior to 1st January 2017.</p>

⁴ The Building Regulations (Northern Ireland) 2012 S.R. 2012 No. 192 as amended by S.R. 2012 No. 375 and S.R. 2014 No. 44

⁵ The Building (Amendment) Regulations (Northern Ireland) 2016

	<p>submitted after 31 December 2016, must be equipped with high-speed ready physical infrastructure up to network termination points.</p>			<p>3) Regulations 4(6) and 4(7) ensures these requirements apply to buildings, which might otherwise be exempt from the Building Regulations (certain statutory undertakers buildings and buildings in Class 1 in Schedule 2 to the Building Regulations), subject to exemptions provided within Regulation 77A(2) of the new Part M.</p> <p>4) Regulation 5 of the amended Building Regulations applies these requirements to the erection of a building.</p> <p>5) Regulation 7 of the amended Building Regulations applies these requirements to structural alterations or extensions.</p> <p>6) Regulation 77A in the new Part M ensures that the application of these requirements is limited to the erection of a building and major renovation works to a building.</p>
8.2	<p>All newly constructed multi-dwelling buildings, and all multi-dwelling buildings undergoing major renovations works, for which applications for building permits are submitted after 31st December 2016 must be equipped with an access point</p>	<p>Yes, except for one addition</p>	<p>Access point is described as “common access point” for clarity.</p>	<p>Regulation 77B in the new Part M applies these requirements through paragraph (2).</p> <p>Items 2-6 above apply to the requirements of Articles 8.1 and 8.2 of the Directive equally.</p>

8.4	Member States may provide for exemptions from the obligations provided for in 8.1 and 8.2 in respect of various categories of buildings.	No	Copy out is inapplicable as Member States have discretion to put in place specific exemptions for categories of buildings if duly reasoned.	Regulation 77A(2) in the new Part M sets out cases of exemptions specific to Part M. The full range of exemptions suggested by Article 8.4 has been implemented, other than for holiday homes. Regulation 4 of the Building Regulations (as amended by Regulation 5(2) of these Regulations) sets out other cases of exempt work and refers to classes of exempted buildings in Schedule 2 of the Building Regulations. Classes 2-9 of this schedule remain exempt from Article 8 requirements.
11	Requirement for suitable penalties applicable to infringements of national measures adopted as part of the Directive	No	Copy out is inapplicable as Member States are responsible for determining penalties	Article 21(Penalties) of the Order ⁶ provides for fines to be imposed on conviction of a contravention of a provision in building regulations.
13	Laws, regulations and administrative provisions necessary to comply with the Directive shall contain a reference to the Directive.	No	Copy out is inapplicable	The Directive is referred to in the Explanatory Notes at after these Regulations and in the accompanying Explanatory Memorandum.

⁶ S.I. 1979 No. 1709 (N.I. 16), as amended by 2009 c.4, S.I. 1990 No. 1510 (N.I. 14)