
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 389

Building Regulations (Northern Ireland) 2000

PART A

Interpretation and general

Citation and commencement

A1 These regulations may be cited as the Building Regulations (Northern Ireland) 2000 and shall come into operation on 1st April 2001.

Interpretation

A2.—(1) In these regulations—

AGRICULTURE includes horticulture, fruit growing, seed growing, dairy farming, breeding and keeping of livestock, fish farming, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

BOUNDARY means, in relation to a building, the boundary of the land to which the building belongs and, except for the purposes of Part R, such land shall be deemed to include any abutting part of any street, canal or river but only up to the centre line thereof; and **BOUNDARY OF THE PREMISES** shall be construed so as to include any such part to the same extent;

BUILDING WORK means the erection of a building, the structural alteration or extension of a building (including work in connection with the making of a material change of use) or the provision of a service or fitting;

CONSERVATORY means a part or extension of a building attached to and having a door giving access from the attached building and having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material;

CONSTRUCTION PRODUCTS DIRECTIVE means European Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾;

DEPARTMENT means the Department of Finance and Personnel;

DISTRICT COUNCIL in relation to any building or building work means the district council for the area in which the building is situated or the building work is carried out;

DRAIN means any pipe or drain used solely for or in connection with the rain-water or foul water drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

DWELLING (except in Part E and Part R) means a house, flat or maisonette and includes any accommodation therein of not more than 50 m² in total floor area, forming part of the dwelling and used by a resident of the dwelling for the purposes of any business, profession or calling;

EDUCATIONAL BUILDING means—

- (a) a university;
- (b) a school or college of education within the meaning of the Education and Libraries (Northern Ireland) Order 1986(2); or
- (c) any other institution providing facilities for further education under Article 27 of that Order;

EEA STATE means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, but until that Agreement comes into force in relation to Liechtenstein does not include that State;

EUROPEAN TECHNICAL APPROVAL means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a Member State to issue European Technical Approvals for those purposes and notified by that Member State to the European Commission;

EXEMPTED BUILDING means any building falling within one of the classes described in Schedule 1;

FLOOR AREA means, in relation to any building or part of a building, the aggregate area of every floor in that building or part, calculated by reference to the finished internal faces of the walls enclosing the building or extension, or if at any point there is no such wall, by reference to the outermost edge of the floor;

GARAGE includes a carport;

HABITABLE ROOM means a room in any building (whether or not that building is or contains a dwelling) used or intended to be used for dwelling purposes, including any bedroom, but not any room used only for kitchen purposes;

HARMONISED STANDARD means a standard established, as mentioned in the Construction Products Directive, by the European Standards Organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;

INSTITUTION means—

- (a) a hospital, nursing home, home for old people or for children, school, or other similar establishment used as living accommodation or for the treatment, care or maintenance of people suffering from illness or mental or physical disability or handicap; and
- (b) a place of lawful detention,

where people sleep on the premises;

KITCHEN PURPOSES means the purposes of preparing, storing, treating, cooking or manufacturing food or drink intended for human consumption or the cleansing of utensils or appliances which come into contact with such food or drink;

MATERIAL CHANGE OF USE (except in regulation A4) has the meaning assigned to it by regulation A9(1);

PORCH means a single storey enclosure providing protection to an access door to a building and having an external door or an opening to the external air;

PRIVATE SEWER means any part of a sewer, not being a public sewer, which serves two or more properties;

PROVISION OF A SERVICE OR FITTING in relation to any building includes the installation of any service or fitting to which these regulations apply or the alteration or the extension of any such service or fitting;

PUBLIC BUILDING means a building consisting of or containing—

- (a) a theatre, public library, hall or other place of public resort;
- (b) an educational building; or
- (c) a place of public worship,

but a building is not to be treated as a place of public resort because it is, or it contains a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted;

REGULARISATION CERTIFICATE shall be construed in accordance with regulation A12(1);

SAP ENERGY RATING in relation to a dwelling means the rating of the overall energy efficiency for that dwelling calculated using The Government's Standard Assessment Procedure for Energy Rating of Dwellings: 1998 edition;

SEWER includes all sewers, pipes or drains, other than a drain as defined in this regulation, and includes any apparatus used in connection with a sewer;

SHOP means—

- (a) premises used for the retail of goods or services and includes premises—
 - (i) used for the sale to members of the public of food or drink for consumption on or off the premises;
 - (ii) used for retail sales by auction to members of the public;
 - (iii) used to provide hairdressing or similar personal services to members of the public;
 - (iv) where members of the public may take goods for repair or other treatment; and
 - (v) where members of the public may go to hire an item; and
- (b) premises used for wholesale self-selection trading;

SINGLE STOREY BUILDING means a building consisting of one storey only the floor of which is at or about the level of the finished surface of the ground adjoining the building;

SITE, in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

STATUTORY PROVISION includes any instrument made under any statute;

STATUTORY UNDERTAKING means an undertaking authorised by any statutory provision being a railway, road transport, air transport, water transport, inland navigation, dock or harbour undertaking, the Post Office Corporation or any undertaking for the generation, transmission or supply of electricity or gas;

STRUCTURAL ALTERATION means the execution of any work (other than the erection of a building and the provision of a service or fitting) to which the requirements of these regulations would apply if the work were part of a building being newly erected and includes the replacement of windows (other than replacement by ones having essentially similar features) and the insertion of material into a cavity in a wall of an existing building for the purpose of insulation;

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;

UNDER FORMER CONTROL—

- (a) used in relation to any building, refers to a building the erection of which was—
 - (i) completed before 1st October 1973;
 - (ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or
 - (iii) begun before but completed on or after 1st October 1973 (being a building the erection of which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date); and
- (b) used in relation to any alteration or extension of a building or the provision of any service or fitting, refers to any such alteration, extension or provision which was—
 - (i) completed before 1st October 1973;
 - (ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or
 - (iii) begun before but completed on or after 1st October 1973 (being an alteration or extension or provision of a service or fitting which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date);

WINDOW means any sash, casement or other framing and associated glazing set in an opening in a wall or roof of a building; and

WORK OF PUBLIC UTILITY means a pipeline, gas holder, gas main, electricity supply line and supports, water main, public sewer or telephone line and supports.

(2) For the purposes of these regulations any of the following operations shall be deemed to be the erection of a building—

- (a) the re-erection of any building or part of a building when an outer wall of that building or (as the case may be) that part of a building has been pulled down or burnt down to within 3 metres of the surface of the ground adjoining the lowest storey of the building or of that part of the building;
- (b) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down or burnt down as to leave only the framework of the lowest storey of the building or of that part of the building; and
- (c) the roofing over of any open space between walls or buildings.

(3) For the purpose of these regulations, the installation of a cesspool, septic tank or similar structure shall be treated as the provision of a service and not as the erection of a building.

(4) In these regulations any reference to a building shall extend to and include any part of a building, and any reference to the purpose for which a building is used shall extend to, include or mean the purpose for which it is intended to be used.

(5) Where in relation to a specific purpose, a European Council Directive prescribes a requirement in relation to a particular characteristic of a material, component or other manufactured product, or part thereof, then where that characteristic complies with that requirement, it shall be deemed to satisfy any requirement of these regulations insofar as it relates to that purpose.

And, accordingly, for the removal of doubt, it is hereby declared that products designed and manufactured in accordance with the requirements of a European Council Directive relating to a specific purpose do not have to comply with any standard or code of practice (British,

International or other) prescribed or otherwise referred to in these regulations relating to any purpose covered by that Directive.

(6) In these regulations any reference to a British Standard or British Standard Code of Practice shall be construed as a reference to an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution and also to—

- (a) a relevant harmonised standard or a relevant standard or code of practice of a national standards body, or equivalent body, of any European Economic State;
- (b) any relevant international standard recognised for use in any EEA State;
- (c) any appropriate, traditional procedures of manufacture of an EEA State where these are the subject of a written technical description sufficiently detailed to permit assessment of the goods or materials for the use specified; or
- (d) a European Technical Approval issued in accordance with the Construction Products Directive (or, until procedures are available for the issue of such approvals, a specification sufficiently detailed to permit assessment):

Provided that the proposed standard, code of practice, specification, technical description or European Technical Approval provides, in use, equivalent levels of safety, suitability and fitness for purpose as that provided by the British Standard or British Standard Code of Practice.

(7) For the purposes of these regulations, any construction product (within the meaning of the Construction Products Directive) which bears a CE marking shall be treated as if it satisfied the requirements of any appropriate British Board of Agrément Certificate, British Standard or British Standard Code of Practice relating to such a product, where the CE marking relates to the same characteristic and specific purpose as the Certificate, Standard or Code of Practice.

(8) Where for the purposes of these regulations testing is carried out, it shall be carried out by an appropriate organisation offering suitable and satisfactory evidence of technical and professional competence and independence and such condition shall be satisfied where the testing organisation is accredited in an EEA State in accordance with the relevant parts of the EN 45000 series of standards for the tests carried out.

(9) Any note in a Table or Schedule shall be treated for all purposes as a substantive provision.

(10) Any reference in these Regulations to a Table identified only by a letter shall be construed as a reference to the Table so identified in Schedule 5.

(11) Any reference in these regulations, other than in paragraphs (6)(a) to (d), to a publication shall be construed as follows—

- (a) in any case where no date is included in the reference, the reference is to the edition thereof current at 22nd November 2000 together with any amendments, supplements or addenda thereto published at that date;
- (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 to the publication, as are mentioned in Schedules 4, 5 and 6; and
- (c) any reference to any publication is a reference to so much only thereof as is relevant in the context in which such publication is quoted.

(12) The abbreviations and symbols listed in the following Table are used in these regulations—

Abbreviation or symbol	Definition
BS	British Standard
CP	British Standard Code of Practice

Abbreviation or symbol	Definition
°	degree (angular measure)
°C	degree Celsius
kN/m ²	kilonewton per square metre
kW	kilowatt
m	metre
m ²	square metre
m ³	cubic metre
mm	millimetre
%	percent
W	watt

Deemed-to-satisfy provisions

A3 Where any provision (in these regulations called a deemed-to-satisfy provision) states that the use of a particular material, method of construction or specification shall be deemed to satisfy the requirement of any regulation or part thereof, that provision shall not be construed so as to require any person necessarily to use such material, method of construction or specification.

Transitional provisions

A4.—(1) In this regulation—

WORK means the erection of a building, the alteration or extension of a building, the execution of works, the installation of a fitting or the making of a material change of use (within the meaning of the Building Regulations (Northern Ireland) 1990(3)).

(2) These regulations (other than regulation A12) shall not apply to—

- (a) plans which were deposited with the district council before 1st April 2001;
- (b) work or building work and a material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
- (c) work or building work and a material change of use completed before that date.

(3) The Building Regulations (Northern Ireland) 1973(4) shall continue to apply to—

- (a) plans deposited in accordance with those regulations before 1st October 1977;
- (b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
- (c) work completed on or after 1st October 1973 but before 1st October 1977, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979.

(4) The Building Regulations (Northern Ireland) 1977(5) shall continue to apply to—

- (a) plans deposited in accordance with those regulations before 1st June 1990;

(3) S.R. 1990 No. 59 (N.I.) as amended by S.R. 1991 No. 169 and S.R. 1993 No. 84

(4) S.R. & O. (N.I.) 1973 No. 105 as amended by S.R. & O. (N.I.) 1973 No. 506 and S.R. 1975 No. 112

(5) S.R. 1977 No. 149 as amended by S.R. 1979 No. 79, S.R. 1980 No. 86; S.R. 1980 No. 332; S.R. 1982 No. 81; S.R. 1984 No. 295; S.R. 1984 No. 343 and S.R. 1987 No. 268

- (b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (c) work completed on or after 1st October 1977 but before 1st June 1990, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 continue to apply by virtue of paragraph (3).
- (5) The Building Regulations (Northern Ireland) 1990 shall continue to apply to—
- (a) plans deposited in accordance with those regulations before 28th November 1994;
 - (b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (c) work completed on or after 1st June 1990 but before 28th November 1994, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 and 1977 continue to apply by virtue of paragraphs (3) and (4).
- (6) The Building Regulations (Northern Ireland) 1994(6) shall continue to apply to—
- (a) plans deposited in accordance with those regulations before 1st April 2001;
 - (b) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
 - (c) building work and any material change of use completed on or after 28th November 1994 but before 1st April 2001, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977 and 1990 continue to apply by virtue of paragraphs (3), (4) and (5).

Exemptions

- A5.**—(1) Subject to paragraph (2), these regulations shall not apply to—
- (a) building work in connection with any buildings belonging to any statutory undertaking and held or used by them for the purposes of their undertaking provided that this exemption shall not extend to dwellings or to buildings used as offices, shops, showrooms or passenger stations for air, road, rail or sea travel;
 - (b) the erection of any exempted building (including the provision of any service or fitting solely in connection therewith); and
 - (c) the alteration of or extension to or the provision of any service or fitting solely in connection with an exempted building, if after the carrying out of that work the building remains an exempted building.
- (2) The building work in paragraph (1) shall not create a new or greater contravention of any relevant requirement of these regulations in any part of a building or in any other building to which these regulations apply.
- (3) In determining for the purposes of paragraph (2) whether any building work would cause a new or greater contravention of any of these regulations, sub-paragraphs (a) and (b) of regulation A7(3) shall apply.
- (4) For the purposes of paragraph (2) and Schedule 1—
- (a) a building shall not be regarded as attached to another building solely by virtue of it being attached to a fence, garden wall or similar structure; and

- (b) BUILDING TO WHICH THESE REGULATIONS APPLY means a building which, if it were being newly erected, would be subject to the control of any regulation in Parts C to K, regulations L2(2) and (3) and L5 and Parts R and V.

Application to erection of buildings

A6 Subject to the provisions of regulation A5, the following provisions, that is to say, Parts A to K, regulations L2(2) and (3) and L5 and Parts R and V shall apply to the erection of a building.

Application to alterations and extensions

A7.—(1) Subject to the provisions of paragraph (4) and regulation A5, the following provisions, that is to say, Parts A to K, regulations L2(2) and (3) and L5 and Parts R and V shall apply to—

- (a) a structural alteration or extension of an existing building; and
- (b) the existing building as affected by that alteration or extension to the extent (subject to the provisions of regulation A9) 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;
 - (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.

(4) Part R shall only apply to—

- (a) the ground storey of an extension to a building to which Part R did not apply when built if—
 - (i) the area of the ground storey of the extension exceeds 10% of the area of the ground storey of the building to be extended and is greater than 200 m²;
 - (ii) the extension incorporates an external entrance; or
 - (iii) there is access for disabled people to and within the ground storey of the building to be extended;
- (b) the alteration or extension of any storey to which Part R applied when that storey was erected;
- (c) the vertical extension of a building to the uppermost storey of which Part R applied when that storey was erected; and

- (d) the provision or alteration of a facility provided for disabled people.

Application to services and fittings

A8 Subject to any express provisions to the contrary and the provisions of regulation A5—

Part A (Interpretation and general)

In Part B (Materials and workmanship) regulation B2

Part E (Fire safety)

In Part F (Conservation of fuel and power) regulations F3 and F4

Part K (Ventilation)

In Part L (Heat-producing appliances and liquified petroleum gas installations) regulations L2(1), L3 and L4

Part N (Drainage)

Part P (Sanitary appliances and unvented hot water storage systems)

shall apply to the provision of any service and fitting (whether by way of new work, alteration or replacement) to which any of those Parts respectively relate.

Application to material change of use

A9.—(1) For the purposes of these regulations a change in the purposes for which or the circumstances in which a building, or part of a building, is used shall only be regarded as a material change of use if after that change any one of the following cases applies—

Case I— the building is used as a dwellinghouse, where previously it was not.

Case II— the building contains a flat or maisonette, where previously it did not.

Case III— the building is used as—

- (a) a hotel or boarding house, where previously it was not;
- (b) an institution, where previously it was not;
- (c) a public building, where previously it was not;
- (d) a shop, where previously it was not;
- (e) an office, where previously it was not; or
- (f) a store, where previously it was not.

Case IV— the building, by virtue of the change of use, is not an exempted building where previously it was.

(2) Where there is a material change of use to the whole or part of a building the provisions of the regulations set out in the Table to this regulation shall apply.

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

Table to Regulation A9
Application to a material change of use

Parts		Cases			
		I	II	III#	IV
A	Interpretation and general	*	*	*	*
B	Materials and workmanship	—	—	—	*
C	Preparation of site and resistance to moisture	* ¹	* ¹	* ¹	* ¹
D	Structure	* ²	* ²	* ²	*
E	Fire safety	* ³	* ³	* ³	* ³
F	Conservation of fuel and power	* ⁴	* ⁴	* ⁴	* ⁴
G	Sound insulation of dwellings	*	*	—	*
H	Stairs, ramps, guarding and protection from impact	—	—	—	*

Notes to Table

Only Parts A, D and E shall apply to Case III(d) to (f) and, in the application of Parts D and E, only in so far as indicated by Notes 2 and 3 respectively.

* Denotes Parts which apply.

— Denotes Parts which do not apply.

¹ All regulations except C2 and C3.

² Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.

³ In the application of Part E the requirements of regulation E5 shall only apply, in relation to external walls, when the height of a building exceeds 20m (such height shall be measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher).

⁴ Regulation F2 only.

⁵ Regulations L2(2) and (3) only.

⁶ All regulations except P5.

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Parts		Cases			
		I	II	III#	IV
J	Solid waste in buildings	*	*	*	*
K	Ventilation	*	*	*	*
L	Heat-producing appliances and LPG installations	* ⁵	* ⁵	* ⁵	* ⁵
N	Drainage	—	—	—	—
P	Sanitary appliances and unvented hot water storage systems	* ⁶	* ⁶	* ⁶	* ⁶
R	Access and facilities for disabled people	—	—	—	—
V	Glazing	*	*	—	—

Notes to Table

Only Parts A, D and E shall apply to Case III(d) to (f) and, in the application of Parts D and E, only in so far as indicated by Notes 2 and 3 respectively.

* Denotes Parts which apply.

— Denotes Parts which do not apply.

¹ All regulations except C2 and C3.

² Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.

³ In the application of Part E the requirements of regulation E5 shall only apply, in relation to external walls, when the height of a building exceeds 20m (such height shall be measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher).

⁴ Regulation F2 only.

⁵ Regulations L2(2) and (3) only.

⁶ All regulations except P5.

(3) Where a material change of use neither involves nor is accompanied by an alteration or extension, the provisions referred to in the Table to this regulation shall apply to the building or part of the building in which the change of use occurs as if it were a new building identical to the building as it exists and to be used for the same purpose or purposes as the building will have after the change of use.

- (4) Where a material change of use involves or is accompanied by an alteration or extension—
- (a) the provisions referred to in the Table to this regulation (other than regulation A8) shall apply to the building or part of the building in which the change of use occurs as if it were part of a new building identical to the building as altered or extended and to be used for the same purpose or purposes as that building will have after the change of use; and
 - (b) the application of regulation A7 by paragraph (2) shall apply any requirements of that regulation which are additional to those directly applied by the Table to this regulation.
- (5) Where a change of use will result in an exempted building being put to a use as described in Cases I, II or III the provisions of those regulations applicable to Case IV shall apply in precedence to those of Cases I, II or III.

Giving of notices and deposit of plans

A10.—(1) Subject to the provisions of paragraphs (3), (4) and (6) 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 Part A of Schedule 2; or
 - (b) in the case of a dwelling serve such other documents (in this regulation known as a 'building notice') as may be necessary in accordance with Part B of Schedule 2.
- (2) 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.
- (3) The provisions of paragraph (1) shall not apply to—
- (a) the provision of a heat-producing appliance to which Part L relates, by way of replacement of an existing heat-producing appliance, if compliance with the relevant regulations in that Part does not require the carrying out of any structural alteration;
 - (b) the provision of a fitting to which Part N or P (except regulation P5) relates, by way of replacement of an existing fitting, if compliance with the relevant regulations in that Part does not require the carrying out of any structural alteration; and
 - (c) the replacement of windows.
- (4) The provisions of paragraph (1) where they relate to the requirements of regulation F4 shall not apply where the work involves only the extension of an existing system and does not involve the carrying out of any structural alteration.
- (5) In paragraph (3)(a) heat-producing appliance has the same meaning as in Part L.
- (6) Notwithstanding that the replacement of windows does not require the giving of notices or deposit of plans and other particulars, the work of replacement shall in all respects meet any relevant requirements of these regulations.

Notice of commencement and completion of certain stages of work

A11.—(1) In this regulation—

- (a) BUILDER means any person carrying out or intending to carry out any building work to which any of these regulations apply; and
 - (b) in the calculation of a period of notice, DAY means any period of 24 hours commencing at midnight on the day on which the notice is given and excludes any Saturday, Sunday or public holiday.
- (2) Subject to the provisions of paragraph (6), a builder shall furnish the district council with—

- (a) not less than 2 days notice in writing of the date and time at which the operation will be commenced;
- (b) not less than 2 days notice in writing before the covering up of any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site;
- (c) not less than 2 days notice in writing before any drain or private sewer to which these regulations apply will be haunched or covered in any way; and
- (d) notice in writing not more than 5 days after the work of laying such drain or private sewer has been carried out, including any necessary work of haunching or surrounding the drain or private sewer with concrete and backfilling the trench.

(3) If the builder neglects or refuses to give any such notice, he or any person appearing to the district council to have control over the building work or the building as the case may be shall comply with any notice in writing from the district council requiring him within a reasonable time to cut into, lay open or pull down so much of the building, services or fittings as prevents the district council from ascertaining whether any of these regulations have been contravened.

(4) If the builder, in accordance with any notice in writing received from the district council which specifies the manner in which any building or services or fittings contravenes the requirements of these regulations, has altered or added to the building, services or fittings so as to secure compliance with these regulations, he shall, within a reasonable time after the completion of such alteration or addition, give notice in writing to the district council of its completion.

(5) Subject to the provisions of paragraph (6), the builder shall give to the district council notice in writing of—

- (a) the erection of a building, not more than 5 days after completion, or (if a building or part of a building is occupied before completion) not less than 5 days before occupation as well as not more than 5 days after completion;
- (b) any alteration or extension of a building, not more than 5 days after completion; and
- (c) the provision of any service or fitting in connection with a building, not more than 5 days after completion; and
- (d) the SAP energy rating for any completed dwelling, whether erected or created by a material change of use, not more than 5 days after completion.

(6) The requirements of this regulation shall not apply to the provision of any fitting if the giving of notices and the deposit of plans, sections, specifications and written particulars are not required under the provisions of regulation A10.

Regularisation certificates

A12.—(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)), any building work or any material change of use notification of which was required by building regulations to be given to a district council but was not so given.

Completion certificates

A13.—(1) Where in relation to any building work, carried out in relation to a building or part of a building, a district council has been able to ascertain after taking all reasonable steps in that behalf, that relevant requirements of these regulations have been satisfied, it may issue a certificate (in this regulation referred to as a ‘completion certificate’) specifying the requirements so satisfied.

(2) Subject to and in accordance with paragraph (1) and without prejudice to the generality of that paragraph, a district council shall issue a completion certificate in relation to any building work where—

- (a) it has approved plans for the building work; and
- (b) it has—
 - (i) been requested to do so; or
 - (ii) been notified (in accordance with paragraph 5 of Rule A of Part A of Schedule 2) that the building work is in relation to a building which is or is intended to be put to a use which is a designated use for the purposes of the Fire Services (Northern Ireland) Order 1984(7) and been requested to do so in respect of that notification.

(3) Without prejudice to paragraph (2), a district council may in accordance with paragraph (1) issue a completion certificate in such other circumstances as it may think fit and proper.

(4) For the purposes of paragraph (1) the relevant requirements of these regulations are—

- (a) in relation to building work generally – any requirement of these regulations which apply in relation to that building work; and

(b) in relation to any building work mentioned in paragraph (2)(b)(ii) – the requirements of Part E.

(5) Any person having an interest to do so may apply for a completion certificate.

(6) A completion certificate issued in accordance with this regulation shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

Testing of drains and private sewers

A14 An authorised officer of the district council shall be permitted to make such tests of any drain or private sewer as may be necessary to establish compliance with any of the provisions of Part N.

Sampling of materials

A15 An authorised officer of the district council shall at all reasonable times be permitted to take such samples of the materials used or to be used in the erection, alteration or extension of a building, or the provision of services or fittings, as may be necessary to enable the district council to ascertain whether such materials comply with the provisions of these regulations.

Exercise of power of dispensation or relaxation

A16.—(1) Subject to paragraph (2), the power under Article 15(1) of the Building Regulations (Northern Ireland) Order 1979 to dispense with or relax any requirement of building regulations shall, in accordance with Article 15(2) of the said Order, be exercisable by the district council in relation to any requirement of these regulations other than those in—

Part A (Interpretation and general)

Part D (Structure).

(2) Paragraph (1) shall not apply to any application made by a district council.

Application for dispensation or relaxation

A17.—(1) Any application for a direction dispensing with or relaxing any requirement of these regulations shall be submitted in duplicate.

(2) Before giving a direction the Department 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.

(3) Before giving a direction the Department 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 Department or, as the case may be, the district council for that purpose.

(4) After giving a direction the Department or, as the case may be, the district council shall notify the applicant and any other person who was sent a copy of the draft direction under paragraph (2), of the direction and its reasons therefor.

Appeals and prescribed periods

A18.—(1) Where the applicant has a right of appeal to the Department under Articles 16, 17 or 18B of the Building Regulations (Northern Ireland) Order 1979⁽⁸⁾ against a decision of a district council the notification of that decision to the applicant shall indicate—

- (a) that there is a right of appeal;
- (b) where the decision relates to a contravention notice, that in addition to a right of appeal against the service of the notice there is also a right to obtain a report under Article 18A of the Building Regulations (Northern Ireland) Order 1979 in respect of the notice and the periods within which he may notify the district council of his intention to obtain such a report and (where he has obtained it) submit it to the council;
- (c) the prescribed period within which the appeal may be made; and
- (d) the requirements of paragraph (2).

(2) An appeal to the Department shall set out the grounds of appeal and a copy shall be sent to the district council.

(3) The district council on receiving the copy of the appeal shall at once transmit to the Department a copy of the application and a copy of all documents furnished by the applicant for the purposes of his application.

(4) The district council shall at the same time give to the Department in writing any representations which it desires to make as regards the appeal and shall send a copy to the appellant.

(5) The prescribed period for the purposes of Article 16(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against refusal by a district council to dispense with or relax regulations or against conditions attaching to dispensation or relaxation) shall be 56 days.

(6) The prescribed period for the purposes of Article 16(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of application for relaxation by a district council) shall be 56 days.

(7) The prescribed period for the purposes of Article 17(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against rejection of plans by a district council) shall be 56 days.

(8) The prescribed period for the purposes of Article 17(2) of the Building Regulations (Northern Ireland) Order 1979 (period after which an applicant may assume plans to be rejected) shall be 56 days.

Revocations

A19 Subject to the provisions of regulation A4 the regulations specified in column 1 of the Table to this regulation are hereby revoked.

Table to Regulation A19

Regulations revoked (1)	References (2)
Building Regulations (Northern Ireland) 1994	SR 1994 No 243
Building (Amendment) Regulations (Northern Ireland) 1995	SR 1995 No 473
Building (Amendment) Regulations (Northern Ireland) 1997	SR 1997 No 481

(8) [S.I. 1979 No. 1709 \(N.I. 16\)](#), Article 18B was inserted by [S.I. 1990 No. 1510 \(N.I. 14\)](#)

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

Regulations revoked	References
(1)	(2)
Building (Amendment) Regulations (Northern Ireland) 1998	SR 1998 No 453
