

*These notes refer to the Building Regulations (Amendment) Act (Northern Ireland) 2009 (c.4) which received Royal Assent on 2 March 2009*

# Building Regulations (Amendment) Act (Northern Ireland) 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***Section 1 Building Regulations:***

Schedule 1 to the 1979 Order is amended to enable building regulations made by the Department to regulate energy performance of buildings, including the proportion of energy used which is to come from a particular source.

#### ***Section 2 Protected Buildings:***

this amendment requires district councils to take account of the preservation of the character of protected buildings when carrying out their functions under building regulations.

#### ***Section 3 Building Regulations Advisory Committee:***

the process for appointing members is amended to reflect the Office of the Commissioner of Public Appointments for Northern Ireland's Code of Practice, which recommends that nominations to public bodies should come from suitable individuals or bodies.

#### ***Section 4 Further provisions as to the making of building regulations:***

the deemed-to-satisfy provision is removed and replaced by a guidance-based system. The scope of building regulations is extended to include the protection and enhancement of the environment and the promotion of sustainable development.

#### ***Section 5 Guidance documents:***

procedures are set out under which guidance with respect to the requirements of building regulations will be prepared and published.

#### ***Section 6 Type-approvals:***

district councils are to be given the power to 'type-approve' certain non-site specific building matters (e.g. house type superstructures) in consultation with prescribed bodies, allowing for greater flexibility. Applicants may appeal the

decision of a district council to the Department. Building regulations will detail the matters for which ‘type-approval’ may be sought.

***Section 7 Power to require or carry out tests:***

The Department is given the power to prescribe in building regulations the type of tests which a district council may carry out or require to be carried out to ensure that building regulations are not being contravened.

***Section 8 Contravention notices:***

district councils will not be allowed to issue contravention notices after a time (not exceeding 12 months after works are completed) to be prescribed by building regulations. The Department intends to make Regulations to make it mandatory to inform a district council of the date when those works are completed.

***Section 9 Registers of information:***

a new requirement for district councils to keep registers of information for public inspection formalises current practice and allows the Department to prescribe the format and content of registers.

***Section 10 False or misleading statements:***

this creates a new criminal offence of knowingly or recklessly submitting false information.

***Section 11 Application of building regulations to the Crown:***

Article 22 has not been commenced. To reflect modern procurement practice within the Crown estate, we now intend to do so. “Crown building” is defined as a building occupied by the Crown and Crown buildings are required (except where prescribed) to be compliant with the substantive requirements of building regulations.

***Section 12 Interpretation:***

this defines some of the terms used in the Act.

***Section 13 Minor amendment:***

this removes the definition of “rack rent” from the 1979 Order.

***Section 14 Repeals:***

this states that the repeals of certain provisions of the 1979 Order are set out in the Schedule to the Act.

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***Section 15 Commencement:***

provisions of this Act will be brought into operation on such day or days as the Department may appoint by order.

***Schedule Repeals:***

The Schedule sets out the provisions of the 1979 Order that are repealed by the Act.