
STATUTORY INSTRUMENTS

1979 No. 1709

Building Regulations (Northern Ireland) Order 1979

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and to the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Act” includes an Act of the Parliament of the United Kingdom;

“Advisory Committee” has the meaning assigned to it by Article 4(1);

“authorised officer” means a person authorised in writing by a district council to act for the purposes of Article 11;

“building” and any reference to a building or the construction or erection of a building shall be construed in accordance with paragraph (3);

“building regulations” has the meaning assigned to it by Article 3(1);

“construct” includes alter, erect, extend and fit;

[^{F1}“contravention notice” has the meaning assigned to it by Article 18(2);]

“the Department” means the Department of Finance;

“local provision” means any provision contained in or operative by virtue of any local or personal Act or any Act confirming a provisional order which relates to the subject-matter of this Order or of any building regulations;

“owner” means the person for the time being receiving the rack rent of any premises whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rack rent;

“plans” includes any document, drawing, specifications or materials referred to in building regulations;

“premises” includes sites and buildings;

[^{F1}“prescribed” means prescribed by building regulations;]

^{F2} ...

“site” in relation to a house, building, or other erection means the whole space to be occupied by such house, building or other erection between the level of the bottom of the foundations and the level of the base of the walls;

“statutory provision” and “transferred provision” have the respective meanings assigned to them by paragraphs (f) and (g) of section 1 of the Interpretation Act (Northern Ireland) 1954 .

(3) In this Order—

(a) “building” means any permanent or temporary building and includes any other structure or erection of whatever kind or nature (whether permanent or temporary) and in this subparagraph “structure or erection” shall include a vehicle, vessel, hovercraft, aircraft or other moveable object of any kind in such circumstances as building regulations prescribe

(being circumstances which in the opinion of the Department justify treating it for those purposes as a building);

- (b) any reference to a building includes a reference to part of a building, and any reference to the provision of services, fittings and equipment in or in connection with buildings, or to services, fittings and equipment so provided, includes a reference to the affixing of things to buildings or, as the case may be, to things so affixed; and
- (c) without prejudice to the definition of “construct” in paragraph (2), references to the construction or erection of a building include references to—
 - (i) the carrying out of such operations (whether for the reconstruction of a building, the roofing over an open space between walls or buildings, or otherwise) as may be designated in building regulations as operations falling to be treated for those purposes as the construction or erection of a building, and
 - (ii) the conversion of a moveable object into what is by virtue of sub-paragraph (a) a building,
 and “construct” and “erect” shall be construed accordingly.

[^{F3}(4) For the purposes of this Order “low or zero carbon system” means any system used for the generation of electricity or the production of heat which, in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in paragraph (5).

(5) Those sources of energy and technologies are—

- (a) biomass;
- (b) biofuels;
- (c) fuel cells;
- (d) photovoltaics;
- (e) water (including waves and tides);
- (f) wind;
- (g) solar power;
- (h) geothermal sources;
- (i) combined heat and power systems;
- (j) other sources of energy and technologies for the generation of electricity or the production of heat, the use of which would, in the opinion of the Department, cut emissions of carbon dioxide and other greenhouse gases.

(6) In paragraph (5)(j) “other greenhouse gases” means—

- (a) methane;
- (b) nitrous oxide;
- (c) hydrofluorocarbons;
- (d) perfluorocarbons;
- (e) sulphur hexafluoride.]

F1 1990 NI 14

F2 Words in art. 2(2) repealed (15.5.2012) by [Building Regulations \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 4\), ss. 13, 15\(4\), Sch.](#); S.R. 2012/186, art. 2(d) (The repeals Sch. being fully in operation at 31.10.2012 for this amendment by S.R. 2012/186, art. 3(b))

Changes to legislation: *There are currently no known outstanding effects for the Building Regulations (Northern Ireland) Order 1979, Section 2. (See end of Document for details)*

F3 Art. 2(4)-(6) added (31.8.2009) by Building Regulations (Amendment) Act (Northern Ireland) 2009 (c. 4), **ss. 1(1), 15(4); S.R. 2009/272, art. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Building Regulations (Northern Ireland) Order 1979, Section 2.