

**2006 No. 355**

**BUILDING REGULATIONS**

**The Building (Amendment) Regulations (Northern Ireland) 2006**

*Made* - - - - - *31st August 2006*

*Coming into operation* *30th November 2006*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Articles 3, 5(1), (2) and (3) of, and paragraphs 2, 6, 9, 13, 15, 16, 17, 18, 19, 20, 21 and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979<sup>(a)</sup> and now vested in it<sup>(b)</sup>, and after consultation with the Building Regulations Advisory Committee<sup>(c)</sup> and such other bodies as appear to be representative of the interests concerned.

**Citation and commencement**

1. These Regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 30th November 2006.

**Interpretation**

2. In these Regulations “the principal Regulations” means the Building Regulations (Northern Ireland) 2000<sup>(d)</sup>.

**Application of certain regulations to existing buildings**

3. Where it is proposed to execute building work in relation to any existing building with a total useful floor area greater than 1000 m<sup>2</sup> and that work consists of or includes—

- (a) an extension;
- (b) the initial provision of any fixed building service; or
- (c) an increase in the capacity of any fixed building service,

regulations A10, A11, F2, F4 and F5 shall apply in relation to that building as they apply to any other building work after the commencement of these Regulations.

**Transitional provisions**

4.—(1) The principal Regulations shall continue to apply to—

- (a) plans deposited or a building notice given in accordance with the principal Regulations before the commencement of these Regulations;
- (b) building work carried out in accordance with such plans or such a building notice with or without any departure or deviation from those plans or that building notice; and

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(a) S.I. 1979/1709 (N.I.16); Article 5(1) as amended by S.I. 1990/1510 (N.I.14), Article 38 (1) and Sch. 1, Part II  
(b) See S.R. 1999 No. 481 Art. 6 and Sch. 4, Part II  
(c) S.I. 1979/1709 (N.I.16); Article 5(4)  
(d) S.R. 2000 No. 389, as amended by S.R. 2005 No. 295

(c) building work completed before the commencement of these Regulations, as if the amendments effected by these Regulations had not been made.

(2) (a) In paragraph (1) “building notice” means a notice given under regulation A10 (Giving of notices and deposit of plans) of the principal Regulations; and

(b) in regulations 3 and 4 “building work” has the same meaning as in the principal Regulations.

### **Amendment of the principal Regulations**

5. The principal Regulations shall be amended as provided in regulations 6 to 15.

### **Amendment of Part A (Interpretation and general)**

6.—(1) In paragraph (1) of regulation A2 (Interpretation)—

(a) after the definition “BUILDING WORK” there shall be inserted—

“CHANGE TO A BUILDING’S ENERGY STATUS means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;”;

(b) after the word “CONSERVATORY” there shall be inserted “(except in Part F)”;

(c) in the definition “DWELLING” after the words “except in Part E” there shall be inserted “, Part F”;

(d) after the definition “EEA STATE” there shall be inserted—

“ENERGY EFFICIENCY REQUIREMENTS means the requirements of regulation F2;”;

(e) after the definition “REGULARISATION CERTIFICATE” there shall be inserted—

“RENOVATION in relation to a thermal element means the provision of a new layer in the thermal element or the replacement of an existing layer but does not include thin decorative surface finishes;”;

(f) for the definition “SAP ENERGY RATING” there shall be substituted—

“SAP in relation to a dwelling means the Government’s Standard Assessment Procedure for Energy Rating of Dwellings: 2005 edition used to calculate the target and actual carbon dioxide emissions rate for a dwelling;”;

(g) after the definition “SAP” there shall be inserted—

“SBEM in relation to a building other than a dwelling means the Simplified Building Energy Model: 2006 edition used to calculate the target and actual carbon dioxide emissions rate for a building;”;

(h) after the definition “SUBSTANTIVE REQUIREMENTS” there shall be inserted—

“THERMAL ELEMENT means a wall, floor or roof, but does not include windows, doors, roof windows or roof-lights, which separate a thermally conditioned space from—

(a) the external environment, including the ground; and

(b) in the case of floors and walls, another part of the building which is thermally unconditioned or, where this paragraph applies, conditioned to a different temperature;”.

(2) For paragraph (4)(b) of regulation A5 (Exemptions) there shall be substituted—

“(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 L3, L4, L5 and L6 and Parts R and V.”.

(3) Under regulation A6 (Application to erection of buildings) there shall be substituted—

“Subject to the provisions of regulation A5, the following provisions, that is to say, Parts A to K, regulations L3, L4, L5 and L6 and Parts R and V shall apply to the erection of a building.”.

(4) In regulation A7 (Application to alterations and extensions)—

(a) for paragraph (1) there shall be substituted—

“(1) Subject to the provisions of paragraph (1A) and regulation A5, the following provisions, that is to say, Parts A to K, regulations L3, L4, L5 and L6 and Parts R and V shall apply to—”;

(b) after paragraph (1) of regulation A7 there shall be inserted—

“(1A) This regulation shall not apply in relation to any work to which it is proposed to execute works in relation to any existing building with a total useful floor area greater than 1000 m<sup>2</sup> and those works consist of or include—

- (a) an extension;
  - (b) the initial provision of any fixed building service; or
  - (c) an increase in the installed capacity of any fixed building service.”; and
- (c) paragraph (4) shall be deleted.
- (5) In regulation A8 (Application to services and fittings)—
- (a) for the words “In Part F (Conservation of fuel and power) regulations F3 and F4” there shall be substituted—  
“In Part F (Conservation of fuel and power) regulations F2(a)(ii), F2(b) and F2(c)”;
  - (b) for the words “In Part L (Heat-producing appliances and liquified petroleum gas installations) regulations L2(1), L3 and L4” there shall be substituted—  
“Part L (Combustion appliances and fuel storage systems) regulations L2, L3, L4, L5, L6 and L8”.
- (6) After regulation A8 there shall be inserted—

#### **“A8A Application to thermal elements**

Where a thermal element is renovated or replaced Part F shall apply in relation to it.

#### **A8B Application to a change to a building’s energy status**

Subject to any express provisions to the contrary and the provisions of regulations A5 and A7, where there is a change to a building’s energy status such work, if any, shall be carried out as necessary to ensure that the building complies with the provisions of Part F (Conservation of fuel and power) as it relates to the calculation of a Target carbon dioxide Emissions Rate.”.

- (7) In regulation A9 (Application to material change of use)—
- (a) in the Table to Regulation A9—
    - (i) for the words “Heat-producing appliances and LPG installations” there shall be substituted “Combustion appliances and fuel storage systems”;
    - (ii) for the words “Access and facilities for disabled people” there shall be substituted “Access to and use of buildings”;
    - (iii) in Case III opposite Part R for the “—” symbol there shall be substituted “\*7”;
    - (iv) in Case IV opposite Part R there shall be substituted “\*”;
  - (b) in Notes to Table—
    - (i) for the note after the “#” symbol there shall be substituted—  
“Only Parts A, D and E shall apply to Case III (e) and (f). Only Parts A, D, E and R shall apply in Case III (d). In the application of Parts D, E and R, only in so far as indicated by notes 2, 3 and 7 respectively.”;
    - (ii) for note 4 there shall be substituted—  
“4 Regulation F2(a)(i) only.”;
    - (iii) for note 5 there shall be substituted—  
“5 Regulations L3 and L4 only.”; and
    - (iv) after note 6 there shall be inserted—  
“7 Where the change of use is to part of a building, (i) Part R shall apply to that part and any sanitary accommodation provided in or in connection with that part and (ii) access to that part shall be provided by either independent access or suitable access through the building.”.
- (8) In regulation A10 (Giving of notices and deposit of plans)—
- (a) for paragraph (1) there shall be substituted—  
“(1) Subject to the provisions of paragraphs (3), (4) and (6) any person who intends to—

- (a) carry out any building work;
- (b) replace or renovate a thermal element in a building to which Part F applies;
- (c) make a change to a building's energy status; or
- (d) make any material change of use of a building,

shall, if the provisions of these regulations apply to such work or change of use, give notices, deposit full plans, sections, specifications and written particulars in accordance with the relevant rules of Part A of Schedule 2; or 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.”;

(b) for paragraph (3)(a) there shall be substituted—

“(a) the provision of a combustion appliance to which Part L relates, by way of replacement of an existing combustion appliance, if compliance with the relevant regulations in that Part does not require the carrying out of any structural alteration;”;

(c) in paragraph (4) for “F4” there shall be substituted “F2(a)(ii)”; and

(d) for paragraph (5) there shall be substituted—

“(5) In paragraph (3)(a) combustion appliance has the same meaning as in Part L.”.

(9) In regulation A11 (Notice of commencement and completion of certain stages of work)—

(a) in paragraph (5)(b) “and” shall be deleted;

(b) in paragraph (5)(c) “and” shall be deleted;

(c) in paragraph (5)(d) for the full stop there shall be substituted “;”;

(d) after paragraph (5)(d) there shall be inserted—

“(e) the Target carbon dioxide Emissions Rate (TER) and Dwelling carbon dioxide Emissions Rate (DER) for any completed dwelling, whether erected or created by a material change of use, not more than 5 days after completion; and

(f) the Target carbon dioxide Emissions Rate (TER) and Building carbon dioxide Emissions Rate (BER) for any completed building other than a dwelling, whether erected or created by a change of use, not more than 5 days after completion.”.

(10) In regulation A16 (Exercise of power of dispensation or relaxation) the full stop at the end of Part D (Structure) shall be deleted and there shall thereafter be added—

“Part F regulation 3 insofar as it relates to the Target carbon dioxide Emissions Rate (TER).”.

#### **Amendment of Part B (Materials and workmanship)**

7. In paragraph (b) of regulation B2 (Fitness of materials and workmanship) the word “disabled” shall be deleted.

#### **Substitution of Part F (Conservation of fuel and power)**

8. For Part F (Conservation of fuel and power) there shall be substituted the Part set out in Schedule 1.

#### **Substitution of Part L (Heat-producing appliances and liquefied petroleum gas installations)**

9. For Part L (Heat-producing appliances and liquefied petroleum gas installations) there shall be substituted the Part set out in Schedule 2.

#### **Substitution of Part R (Access and facilities for disabled people)**

10. For Part R (Access and facilities for disabled people) there shall be substituted the Part set out in Schedule 3.

### **Amendment of Part V (Glazing)**

11. In paragraph (4) of regulation V6 (Deemed-to-satisfy provisions for regulations V2, V3, V4 and V5) for the words “means of access to the building” there shall be substituted “means of access to the glazing”.

### **Amendment of Schedule 1 (Classes of exempted buildings — Regulation A5(1))**

12. In paragraph (n) of Class 8 (Other buildings) after the word “cesspool,” there shall be inserted “fixed oil storage tank.”.

### **Amendment of Schedule 2**

13.—(1) Part A (Giving of notices and deposit of plans)—

(a) in Rule B: Erection of buildings—

(i) for paragraph 6 there shall be substituted—

“6. The Target carbon dioxide Emissions Rate (TER) for each building.”; and

(ii) after paragraph 6 there shall be inserted—

“7. The Dwelling carbon dioxide Emissions Rate (DER) used for design purposes for each dwelling.

8. The Building carbon dioxide Emissions Rate (BER) used for design purposes for each building other than a dwelling.”;

(b) in Rule E: Material changes of use, for paragraph 6 there shall be substituted—

“6. In the case of a material change of use creating a dwelling or dwellings, the Target carbon dioxide Emissions Rate (TER) and the Dwelling carbon dioxide Emissions Rate (DER) used for design purposes for each dwelling.”; and

(c) in Rule F: Additional requirements, for paragraph 7 there shall be substituted—

“7. Calculations for the purposes of regulations F2 and F3 and those for the Target carbon dioxide Emissions Rate (TER), the Dwelling carbon dioxide Emissions Rate (DER) and the Building carbon dioxide Emissions Rate (BER).”.

(2) Part B (Particulars to be given in a building notice)—

(a) in paragraph 1—

(i) after the words “building work” there shall be inserted “, renovation or replacement of a thermal element, change to a building’s energy status”; and

(ii) in sub-paragraph (c) after the words “building work” there shall be inserted “, renovation or replacement of a thermal element, change to a building’s energy status”; and

(b) for paragraph 4 there shall be substituted—

“4. Where a building notice relates to the erection of a dwelling, or the creation of a dwelling by a material change of use, an applicant shall provide the calculations for the Target carbon dioxide Emissions Rate (TER) and the Dwelling carbon dioxide Emissions Rate (DER) used for design purposes for each dwelling.”.

### **Amendment of Schedule 5 (Deemed-to-satisfy provisions)**

14.—(1) In column (4) of Table E for the character “—” opposite the references in column (3) to “DFP Technical Booklet E: 2005” there shall be substituted “AMD 3”.

(2) For Table F there shall be substituted the Table set out in Schedule 4.

(3) For Table H there shall be substituted the Table set out in Schedule 5.

(4) For Table L there shall be substituted the Table set out in Schedule 6.

(5) For Table R there shall be substituted the Table set out in Schedule 7.

(6) For Table V there shall be substituted the Table set out in Schedule 8.

**Amendment of Schedule 6**

**15.** In Schedule 6 Table B. Other Publications, shall be deleted.

Sealed with the Official Seal of the Department of Finance and Personnel on 31st August 2006.

(L.S.)

*B. Stuart*  
Assistant Secretary

Part to be substituted for Part F (Conservation of fuel and power) of the principal Regulations

## Part F

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### Conservation of fuel and power

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#### F1 Application and interpretation

- (1) Subject to paragraphs (2) and (3) this Part shall apply to any building and, where a building contains one or more dwellings, to each dwelling separately.
- (2) Regulations F2, F3 and F4 shall not apply to a building or part of a building other than a dwelling which—
  - (a) in the case of a building used for industrial or storage purposes — is unheated or has a space heating system with a design output rating not exceeding 50 W per square metre of floor area; or
  - (b) in the case of any other building — is unheated or has a space heating system with a design output rating not exceeding 25 W per square metre of floor area.
- (3) Regulation F3 shall apply to any building or part of a building other than an extension to—
  - (a) a dwelling; or
  - (b) a building other than a dwelling, where the extension has a total useful floor area of—
    - (i) 100 m<sup>2</sup> or less; and
    - (ii) 25% or less of the total useful floor area of the existing building.
- (4) In this Part—

BER means the Building carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year;

DER means the Dwelling carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year;

DWELLING means a house, flat or maisonette which is a self-contained unit designed to be used solely to accommodate a single household;

FIXED BUILDING SERVICE means any part of, or any controls associated with—

- (a) fixed internal or external lighting systems, but does not include emergency escape lighting or specialist process lighting; or
- (b) fixed systems for heating, hot water service, air conditioning or mechanical ventilation;

NATIONAL CALCULATION METHODOLOGY means—

- (a) in relation to a dwelling — SAP;
- (b) in relation to a building other than a dwelling—
  - (i) SBEM;
  - (ii) IES “Virtual Environment” software, version 5.5; or
  - (iii) EDSL TAS software, version 9.0.9;

PIPES, DUCTS AND STORAGE VESSELS means any pipe, any duct and any storage vessel in a space heating or space cooling system which is intended to carry a heated or chilled liquid or gas, and includes associated fittings;

SPACE HEATING SYSTEM does not include a system or that part of a system which heats or stores water solely for a commercial or industrial process;

TER means the Target carbon dioxide Emissions Rate measured in kilograms of carbon dioxide per square metre of floor area per year; and

TOTAL USEFUL FLOOR AREA means the total area of all enclosed spaces measured to the inside face of the external walls, that is, the gross floor area, and in the case of sloping surfaces such as staircases, galleries, raked auditoria and tiered terraces shall be taken as their area on plan but shall exclude areas that are not enclosed such as open floors, covered ways and balconies.

## **F2 Conservation measures**

Reasonable provision shall be made for the conservation of fuel and power in any building by—

- (a) limiting heat gains and losses—
  - (i) through thermal elements and other parts of the building fabric; and
  - (ii) from pipes, ducts and storage vessels;
- (b) providing energy efficient fixed building services with effective controls; and
- (c) commissioning the energy efficient fixed building services prior to the completion of the building work.

## **F3 Target carbon dioxide Emissions Rate**

- (1) Without prejudice to the requirements of regulation F2, where a building is to be erected a Target carbon dioxide Emissions Rate (TER) for that building shall be calculated using a National Calculation Methodology.
- (2) The building shall be so designed and constructed as not to exceed its calculated Target carbon dioxide Emissions Rate (TER).

## **F4 Provision of information**

Reasonable provision shall be made to ensure that the owner of the building is provided with sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated and maintained to maximise its design potential for the conservation of fuel and power.

## **F5 Deemed-to-satisfy provisions for regulations F2, F3 and F4**

- (1) *The requirements of regulation F2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table F opposite the reference to that regulation, if—*
  - (a) the heat gains and losses through thermal elements and other parts of the building fabric and from pipes, ducts and storage vessels are limited in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4); and*
  - (b) energy efficient fixed building services with effective controls are provided and commissioned in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (2) *The requirements of regulation F3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table F opposite the reference to that regulation, if—*
  - (a) a Target carbon dioxide Emissions Rate (TER) for the building is calculated using an approved National Calculation Methodology in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4); and*
  - (b) the building as erected does not exceed its calculated Target carbon dioxide Emissions Rate (TER) when checked in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (3) *The requirements of regulation F4 shall be deemed to be satisfied in the case of a building specified in column (2) of Table F opposite the reference to that regulation, if the information provided is in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*



Part to be substituted for Part L (Heat-producing appliances and liquefied petroleum gas installations) of the principal Regulations

## **Part L**

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### **Combustion appliances and fuel storage systems**

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#### **L1 Application and interpretation**

- (1) In this part—  
COMBUSTION APPLIANCE means a fixed appliance (including a cooker) which—
  - (a) is designed to burn solid fuel, gas or oil; or
  - (b) is an incinerator.
- (2) Any provision in regulations L2, L3, L4, L5 and L8 which applies to a combustion appliance, shall also apply where solid fuel is intended to burn directly on a hearth without the installation of any appliance.
- (3) Regulation L6 shall only apply to a liquid fuel storage tank and connecting pipework located outside the building, which serves a fixed combustion appliance within the building and which is—
  - (a) a fixed oil storage tank with a capacity greater than 90 litres; or
  - (b) a fixed liquefied petroleum gas storage tank with a capacity greater than 150 litres.
- (4) Regulation L7 shall only apply to a fixed oil storage tank, which serves a dwelling and to which any one of the following applies—
  - (a) it has a capacity of more than 2500 litres but less than 3500 litres;
  - (b) it is located within 10 m of inland freshwaters or coastal waters;
  - (c) it is located within 50 m of a source of potable water, such as a well, bore-hole or spring;
  - (d) it is located where spilled oil from the installation could reach the waters in (b) or (c) by running across hard ground;
  - (e) it is located where spillage could run into an open drain or loose fitting manhole cover; or
  - (f) it is located where the tank vent pipe outlets cannot be seen from the intended filling point.

#### **L2 Air supply**

A combustion appliance shall be so installed as to receive a sufficient supply of air to ensure the safe and efficient operation of the combustion appliance and any connected flue.

#### **L3 Discharge of products of combustion**

A combustion appliance shall be so installed and any connected flue-pipe, flue or chimney shall be so constructed and installed as to ensure that the products of combustion are discharged to the external air without causing a hazard to the health of any person.

#### **L4 Protection of people and buildings**

- (1) A combustion appliance shall be so installed and any connected flue-pipe, flue or chimney shall be so constructed and installed as to ensure that their use shall not cause—
  - (a) burns to any person; or
  - (b) damage to a building by heat or fire.
- (2) A hearth or fireplace recess shall be so designed and constructed as to prevent damage to a building by heat or fire as a result of the operation of a combustion appliance installed in it or on it.

## **L5 Provision of information**

Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on its performance capabilities shall be affixed to a suitable place in the building for the purpose of enabling a compatible combustion appliance to be safely connected to that hearth, fireplace, flue or chimney.

## **L6 Protection of liquid fuel storage tanks**

Reasonable provision shall be made to ensure that a liquid fuel storage tank and connecting pipework is so constructed and separated from adjacent buildings and the boundary of the premises as to reduce to a reasonable level the risk of the fuel contained inside it igniting in the event of a fire occurring in adjacent buildings or premises.

## **L7 Protection against pollution**

An oil storage tank and connecting pipework shall be so constructed and protected as to minimise the risk of an escape of oil causing pollution to the environment.

## **L8 Prevention of smoke emission**

A combustion appliance installed in a building for the purpose of heating or cooking, and which discharges its combustion products to the external air shall be capable of, or readily adaptable to, the burning of fuel smokelessly, unless it is—

- (a) a furnace which complies with Article 5 of the Clean Air (Northern Ireland) Order 1981(a) (which requires that new furnaces shall so far as practicable be smokeless); or
- (b) an appliance of a class exempted conditionally or unconditionally from the provisions of Article 17 of the Clean Air (Northern Ireland) Order 1981(a) (which relates to smoke control areas) by any order for the time being in force under paragraph (7) of that Article.

## **L9 Deemed-to-satisfy provisions for regulations L2, L3, L4, L5, L6 and L7**

- (1) *The requirements of regulations L2, L3 and L4 shall be deemed to be satisfied, in the case of a combustion appliance specified in column (2) of Part 1 of Table L opposite the reference to that regulation, if the combustion appliance and its associated construction is designed, constructed and installed in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (2) *The requirements of regulation L5 shall be deemed to be satisfied, in the case of the aspect specified in column (2) of part 2 of Table L opposite the reference to that regulation, if the information is provided in accordance with the notice template specified in the publication specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (3) *The requirements of regulation L6 shall be deemed to be satisfied, in the case of the aspect specified in column (2) of part 2 of Table L opposite the reference to the regulation, if the tank is sited or protected in accordance with the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (4) *The requirements of regulation L7 shall be deemed to be satisfied, in the case of the aspect specified in column (2) of part 2 of Table L opposite the reference to regulation, if the tank is sited or protected in accordance with the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

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(a) S.I. 1981 No. 158 (N.I. 4)

Part to be substituted for Part R (Access and facilities for disabled people) of  
the principal Regulations

**Part R**

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**Access to and use of buildings**

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**R1 Application and interpretation**

- (1) Subject to paragraphs (2), (3) and (4) this Part shall apply to any building or part of a building.
- (2) This Part shall not apply to—
  - (a) any garage or outbuilding associated with a dwelling;
  - (b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, maintained or repaired; and
  - (c) the alteration or extension of an existing dwelling to which this Part did not apply when the dwelling was erected other than where the alteration or extension affects a facility suitable for use by people with an impairment of mobility, hearing or sight, in the existing building.
- (3) The requirements of regulation R3 shall not apply to—
  - (a) a dwelling; and
  - (b) any building that is being extended where reasonable provision for access to the extension is provided through the building being extended.
- (4) The requirements of regulation R4 shall not apply to—
  - (a) a dwelling; and
  - (b) an extension to a building where there is provision for suitable sanitary accommodation in the building being extended and all users of the extension can gain access to and use that sanitary accommodation.
- (5) In this Part—

DWELLING means a house, flat or maisonette;

ENTRANCE STOREY in a dwelling means the storey which contains the principal entrance for the dwelling;

INDEPENDENT ACCESS to a part of or extension to a building means a route of access to that part or extension which does not require the user to pass through any other part of the building;

PRINCIPAL ENTRANCE in relation to a dwelling means the entrance a visitor (not familiar with the dwelling) will normally expect to use to enter it;

PRINCIPAL STOREY in a dwelling means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey;

SANITARY ACCOMMODATION has the meaning assigned to it by regulation P1; and

SANITARY CONVENIENCE means a water closet and wash-hand basin.

**R2 Access and use**

Reasonable provision shall be made for people to have access to, into, within and to use a building and its facilities:

Provided that in a dwelling this requirement shall be limited to the entrance storey or, where that storey contains no habitable room, to the principal storey.

**R3 Access to extensions**

Reasonable provision shall be made for independent access to an extension to a building.

**R4 Sanitary accommodation in extensions**

Where sanitary accommodation is provided in a building, reasonable provision shall be made for the provision of suitable sanitary accommodation in any extension to the building.

**R5 Sanitary conveniences in dwellings**

In a dwelling a sanitary convenience shall be provided—

- (a) in the entrance storey; or
- (b) where the entrance storey contains no habitable rooms — in the principal storey.

**R6 Deemed-to-satisfy provisions for regulations R2, R3, R4 and R5**

- (1) *The requirements of regulation R2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table R opposite the reference to that regulation, if provision for access to and use of the building complies with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*
- (2) *The requirements of regulation R3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table R opposite the reference to that regulation, if provision for access to an extension to the building complies with the relevant provisions of the publications specified opposite thereto in column (4).*
- (3) *The requirements of regulation R4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table R opposite the reference to that regulation, if the sanitary accommodation provided in an extension to the building complies with the relevant provisions of the publications specified opposite thereto in column (4).*
- (4) *The requirements of regulation R5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table R opposite the reference to that regulation, if the sanitary conveniences provided in the building comply with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

SCHEDULE 4

Regulation 14(2)

Table to be substituted for Table F to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations.

**Table F**

*(Conservation of fuel and power)*

Regulations (1)	Buildings (2)	Publications (3)	Amendments (4)
<b>F2</b> Conservation measures	any dwelling	DFP Technical Booklet F1: 2006	—
	any other building	DFP Technical Booklet F2: 2006	—
<b>F3</b> Target carbon dioxide Emissions Rate	any dwelling	The Government’s Standard Assessment Procedure for energy rating of dwellings (SAP): 2005 edition	—
	any other building	(a) The Simplified Building Energy Model (SBEM): 2006 edition;  (b) IES “Virtual Environment” software, version 5.5; or  (c) EDSL TAS software, version 9.0.9	—  —  —
<b>F4</b> Provision of information	any dwelling	DFP Technical Booklet F1: 2006	—
	any other building	DFP Technical Booklet F2: 2006	—

SCHEDULE 5

Regulation 14(3)

Table to be substituted for Table H to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

**Table H**

*(Stairs, ramps, guarding and protection from impact)*

Regulations (1)	Elements (2)	Publications (3)	Amendments (4)
<b>H3</b> Stairs, ladders, ramps and landings	stair	DFP Technical Booklet H: 2006: Sections 1 and 2	—
	ramp and landing	DFP Technical Booklet H: 2006: Sections 1 and 3	—
	spiral or helical stair in a dwelling	BS 5395: Part 2: 1984	AMD 6076
	ladder or stair <sup>#</sup>	(a) BS 5395: Part 3: 1985; or (b) BS 4211: 2005	AMD 14247 —
<b>H4</b> Guarding	spiral or helical stair in a dwelling	BS 5395: Part 2: 1984	AMD 6076
	ladder or stair <sup>#</sup>	(a) BS 5395: Part 3: 1985; or (b) BS 4211: 1994	AMD 14247 —
	vehicle barrier	BS 6180: 1999	AMD 13292
	any other barrier	DFP Technical Booklet H: 2006: Sections 1 and 4	—
<b>H5</b> Vehicle loading bays	vehicle loading bay	DFP Technical Booklet H: 2006: Section 5	—
<b>H6</b> Protection against impact from and trapping by doors	door or gate	DFP Technical Booklet H: 2006: Section 6	—
<b>H7</b> Protection from collision with open windows, skylights or ventilators	open window, skylight or ventilator	DFP Technical Booklet H: 2006: Section 7	—

Note—

<sup>#</sup> Providing access solely for the purpose of maintenance

SCHEDULE 6

Regulation 14(4)

Table to be substituted for Table L to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

**Table L**

*(Combustion appliances and fuel storage systems)*

**Part 1**

Regulations (1)	Appliances (2)	Publications (3)	Amendments (4)
<b>L2</b> Air supply	Solid fuel having a rated heat output up to 50 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 2; or (b) BS 8303-1: 1994	—  —
	Gas having a rated heat input up to 70k W (nett)	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 3; or (b) BS 5440-2: 2000	—  AMD 13368 AMD 14912
	Oil having a rated heat output up to 45 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 4; or (b) BS 5410-1: 1997	—  AMD 11022 AMD 13155
<b>L3</b> Discharge of products of combustion	Solid fuel having a rated heat output up to 50 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 2; or (b) BS 8303-1: 1994	—  —
	Gas having a rated heat input up to 70 kW (nett)	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 3; or (b) BS 5440-2: 2000	—  AMD 13368 AMD 14912
	Oil having a rated heat output up to 45 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 4; or (b) BS 5410-1: 1997	—  AMD 11022 AMD 13155

Regulations (1)	Appliances (2)	Publications (3)	Amendments (4)
<b>L4</b> Protection of people and buildings	Solid fuel having a rated heat output up to 50 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 2; or (b) BS 8303-1: 1994	—  —
	Gas having a rated heat input up to 70 kW (nett)	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 3; or (b) BS 5440-2: 2000	—  AMD 13368 AMD 14912
	Oil having a rated heat output up to 45 kW	(a) DFP Technical Booklet L: 2006: Sections 0, 1 and 4; or (b) BS 5410-1: 1997	—  AMD 11022 AMD 13155

## Part 2

Regulations (1)	Aspects (2)	Publications (3)	Amendments (4)
<b>L5</b> Provision of information	Technical information regarding the hearth, fireplace, flue and/or chimney	DFP Technical Booklet L: 2006: Sections 0 and 1	—
<b>L6</b> Protection of liquid fuel storage tanks	Gas (LPG)	(a) DFP Technical Booklet L: 2006: Sections 0 and 5; or (b) BS 5440-2: 2000	—  AMD 13368 AMD 14912
	Oil	(a) DFP Technical Booklet L: 2006: Sections 0 and 5; or (b) BS 5410-1: 1997	—  AMD 11022 AMD 13155
<b>L7</b> Protection against pollution	Oil tank located above ground	DFP Technical Booklet L: 2006: Sections 0 and 5	—



SCHEDULE 7

Regulation 14(5)

Table to be substituted for Table R to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

**Table R**

*(Access to and use of buildings)*

Regulations (1)	Buildings (2)	Publications (3)	Amendments (4)
<b>R2</b> Access and use	a dwelling	DFP Technical Booklet R: 2006: Sections 1, 7, 8 and 11	—
	a block of dwellings	DFP Technical Booklet R: 2006: Sections 1, 7, 9 and 11	—
	any other building or part of a building	DFP Technical Booklet R: 2006: Sections 1, 2, 3, 4, 5 and 6	—
<b>R3</b> Access to extensions	any building other than a dwelling	DFP Technical Booklet R: 2006: Sections 1, 2 and 3	—
<b>R4</b> Sanitary accommodation in extensions	any building other than a dwelling	DFP Technical Booklet R: 2006: Sections 1 and 6	—
<b>R5</b> Sanitary conveniences in dwellings	a dwelling	DFP Technical Booklet R: 2006: Sections 1 and 10	—

Table to be substituted for Table V to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

**Table V***(Glazing)*

Regulations (1)	Buildings (2)	Publications (3)	Amendments (4)
<b>V2</b> Impact with glazing	any building	DFP Technical Booklet V: 2000: Sections 1 and 2	AMD 3
<b>V3</b> Transparent glazing	any building other than a dwelling	DFP Technical Booklet V: 2000: Section 3	AMD 3
<b>V4</b> Safe opening and closing of windows, skylights and ventilators	any building	DFP Technical Booklet V: 2000: Section 4	AMD 3
<b>V5</b> Safe means of access for cleaning glazing	any building	DFP Technical Booklet V: 2000: Section 5	AMD 3

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building Regulations (Northern Ireland) 2000 (the principal Regulations). They do not apply to building work which has been completed, or for which plans or building notices have been deposited with a district council before the commencement of these Regulations.

The changes to the principal Regulations are as follows—

1. Part F has been replaced. New regulations to raise energy performance standards have been introduced and compliance will be measured against an overall emissions target. For the first time, buildings over 1000 m<sup>2</sup> undergoing major refurbishment will have to be upgraded to comply with the energy performance requirements.

2. Part L has been replaced and renamed “Combustion appliances and fuel storage systems” to become more inclusive of solid fuel, oil and gas fired appliances and the storage of their associated fuel. New regulations for the provision of information, the protection of liquid fuel storage tanks and the protection against pollution have also been introduced and all references to the deemed-to-satisfy documents for Part L have been updated.

3. Part R has been replaced and renamed “Access to and use of buildings”. The amendment is only in relation to buildings other than dwellings with the introduction of new regulations for access to extensions and sanitary accommodation in extensions.

4. New tables have been substituted for Tables F, H, L, R and V of Schedule 5 so that updated deemed-to-satisfy references are inserted.

5. Consequential amendments have been made to Part A.

6. Minor amendments have been made to Parts B and V and to Table E of Schedule 5.

Regulatory Impact Assessments have been prepared. Copies can be obtained on request from the Building Standards Branch, Department of Finance and Personnel, 10th Floor River House, 48 High Street, Belfast BT1 2AW. Alternatively, they can be downloaded from [www.buildingregulationsni.gov.uk](http://www.buildingregulationsni.gov.uk).

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.