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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 192**

**The Building Regulations (Northern Ireland) 2012**

**PART A**

Interpretation and general

**Citation and commencement**

1. These regulations may be cited as the Building Regulations (Northern Ireland) 2012 and shall come into operation on 31st October 2012.

**Interpretation and general**

2.—(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;

“Department” means the Department of Finance and Personnel;

“District council” means, in relation to any building or building work, 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 rainwater 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 or flat and includes any accommodation therein of not more than 50 m<sup>2</sup> 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;

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- (b) a school or college of education within the meaning of the Education and Libraries (Northern Ireland) Order 1986<sup>M1</sup>; or
- (c) any other institution providing facilities for further education under Article 27 of that Order;

“Exempted building” means any building falling within one of the classes described in Schedule 2;

“Extension” in relation to a building includes, but is not limited to, the conversion of—

- (a) a roofspace; or
- (b) a garage or other enclosed space attached to a dwelling, to a room;

“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 (but excluding process heating), hot water service, air conditioning or mechanical ventilation;

“Flat” means a dwelling on one or more storeys forming part of a building from some other part of which it is divided horizontally and includes a maisonette;

“Floor area” means, in relation to any building or part of that building, the aggregate area of every floor in that building or part of that building, 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;

“Functional regulation” means any regulation that sets a requirement but does not prescribe in the regulation a specific standard that should be attained;

“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;

“Institution” means—

- (a) a hospital, nursing home, home for older people or for children, school, or other similar establishment used as living accommodation for, or for the treatment or care of, people with an illness or mental or physical disability; 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 3) has the meaning assigned to it by regulation 8(1);

“Materials” means any materials whether occurring naturally, recycled or manufactured, and includes products, components and fittings;

“Place of assembly or recreation” means a building consisting of or containing—

- (a) a theatre, public library, hall, place of entertainment or similar building of public resort;
- (b) a leisure centre, gymnasium, sports pavilion or similar building used for sport or recreation;

- (c) an educational building;
- (d) a place of public worship; or
- (e) a non-residential day care centre or clinic, including a crèche, nursery, health centre, dental surgery or similar building,

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

“Porch” means a single storey enclosure providing protection to an access door to a building and having an external door;

“Private sewer” means any part of a sewer, not being a public sewer, which serves two or more properties;

“Processing council” means the council identified in an application under regulation 11 as the council within which boundary the applicant intends to first use any certificate issued under Article 8 of the Building Regulations (Northern Ireland) Order 1979;

“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;

“Regularisation certificate” shall be construed in accordance with regulation 13(2);

“Room for residential purposes” means a room, or a suite of rooms, which is not a dwelling and which is used by one or more persons to live and sleep and includes a room in a hostel, a hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital or other similar establishment, used for patient accommodation;

“School” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986;

“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 undertakers” means persons authorised by an enactment or statutory order to construct, work, or operate a railway, canal, inland navigation, dock, harbour, tramway or other public undertaking;

“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

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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 3 with respect to the design and construction of buildings and the provision of a service or fitting, as distinct from procedural requirements;

“Type approval certificate” means any certificate issued in accordance with Article 8 of the Building Regulations (Northern Ireland) Order 1979;

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

(6) Any reference in these regulations 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 15th May 2012;
- (b) in any case where a date is included in the reference, the reference is to the edition of that date, together with any amendments, supplements or addenda thereto published at that date; 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.

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

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Abbreviation or symbol	Definitions
°	degree (angular measure)
°C	degree Celsius
m	metre
m <sup>2</sup>	square metre
m <sup>3</sup>	cubic metre

mm	millimetre
%	percent

#### Marginal Citations

**M1** S.I. 1986/594 (N.I. 3) Article 2 as amended by S.I. 2005/1963 (N.I. 13) Article 14(1) and Schedule 3, para. 2

#### Transitional provisions

**3.—**(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<sup>M2</sup>).

(2) [<sup>F1</sup>Subject to paragraph (4), these] regulations (other than regulation 13) shall not apply to—

- (a) plans which were deposited with the district council before 31st October 2012;
- (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) Building Regulations specified in Schedule 1 shall continue to apply in accordance with that Schedule.

[<sup>F2</sup>(4) In relation to work or building work and a material change of use referred to in paragraph (2), a district council may serve a contravention notice under Article 18 of the Building Regulations (Northern Ireland) Order 1979 (including a notice in respect of anything of which particulars were not required to be shown in the plans deposited with the district council) at any time up to 12 months from the date of completion of the work in question.]

**F1** Words in reg. 3(2) substituted (31.10.2012) by The Building (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/375), regs. 1, 3(a)

**F2** Reg. 3(4) inserted (31.10.2012) by The Building (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/375), regs. 1, 3(b)

#### Marginal Citations

**M2** S.R. 1990 No. 59 (N.I.) as amended by S.R. 1991 No. 169 and S.R. 1993 No. 84

#### Exemptions

**4.—**(1) These regulations shall not apply to building work for the purposes of national security.

(2) Subject to paragraph (3), these regulations shall not apply to—

- (a) building work in connection with any buildings belonging to any statutory undertakers 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

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(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.

(3) The building work in paragraph (2) 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.

(4) In determining for the purposes of paragraph (3) whether any building work would cause a new or greater contravention of any of these regulations, sub-paragraphs (a) and (b) of regulation 7(3) shall apply.

(5) For the purposes of paragraph (3) and Schedule 2—

- (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 L and Parts R and V.

#### **Application to erection of buildings**

5. Subject to the provisions of regulation 4, Parts A to L and Parts R and V shall apply to the erection of a building.

#### **Application to services and fittings**

6. Subject to any express provisions to the contrary and the provisions of regulation 4—

Part A (Interpretation and general)

Part B (Materials and workmanship)

Part E (Fire safety)

Part F (Conservation of fuel and power)

Part K (Ventilation)

Part L (Combustion appliances and fuel storage systems)

Part N (Drainage)

Part P (Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding)

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 alterations and extensions**

7.—(1) Subject to the provisions of regulation 4, Parts A to L 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 8) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation.

(2) In applying the regulation 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.

#### **Application to material change of use**

**8.—(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—

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Case I	the building is used as a dwellinghouse, where immediately prior to the change it was not;
Case II	the building contains a flat, where immediately prior to the change it did not;
Case III	the building is used as a hotel or boarding house, where immediately prior to the change it was not;
Case IV	the building is used as an institution, where immediately prior to the change it was not;
Case V	the building is used as a place of assembly or recreation, where immediately prior to the change it was not;
Case VI	the building is used as a shop, where immediately prior to the change it was not;
Case VII	the building is used as an office, where immediately prior to the change it was not;
Case VIII	the building is used as a store, where immediately prior to the change it was not;
Case IX	the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did immediately prior to the change;
Case X	the building contains a room for residential purposes, where immediately prior to the change it did not;
Case XI	the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did immediately prior to the change;
Case XII	the building, by virtue of its change of use, is not an exempted building where immediately prior to the change it was.

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(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.

(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 6) 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 7 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 to XI, the provisions of those regulations applicable to Case XII shall apply in precedence to those of Cases I to XI.

**Table to Regulation 8 (Application to material change of use)**

Part	Cases											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
A Interpretation and general	*	*	*	*	*	*	*	*	*	*	*	*
B Materials and workmanship	—	—	—	—	—	—	—	—	—	—	—	*
C Site preparation and resistance to contaminants and moisture	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>
D Structure	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	*
E Fire safety	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>
F Conservation of fuel and power	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>
G Resistance to the passage of sound	* <sup>5</sup>	* <sup>6</sup>	* <sup>6</sup>	—	* <sup>7</sup>	—	—	—	* <sup>6</sup>	* <sup>6</sup>	* <sup>6</sup>	*
H Stairs, ramps, guarding and protection from impact	—	—	—	—	—	—	—	—	—	—	—	*
J Solid waste in buildings	*	*	*	*	*	—	—	—	*	*	*	*
K Ventilation	*	*	*	*	*	—	—	—	*	*	*	*
L Combustion appliances and fuel storage systems	* <sup>8</sup>	* <sup>8</sup>	* <sup>8</sup>	* <sup>8</sup>	* <sup>8</sup>	—	—	—	* <sup>8</sup>	—	—	* <sup>8</sup>
N Drainage	—	—	—	—	—	—	—	—	—	—	—	—
P Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	—	—	—	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>
R Access to and use of buildings	—	—	* <sup>10</sup>	* <sup>10</sup>	* <sup>10</sup>	* <sup>10</sup>	—	—	—	—	—	*

V Glazing

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**Notes to Table to Regulation 8 (Application to material change of use)** \* Denotes Parts which apply. – Denotes Parts which do not apply.<sup>1</sup> All regulations except regulation 27 in Part C.<sup>2</sup> Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.<sup>3</sup> In the application of Part E the requirements of regulation 36 in that part shall only apply, in relation to external walls, when the height of a building exceeds 20 m (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).<sup>4</sup> Regulation 39 only in Part F.<sup>5</sup> Regulations 49 and 50 only in Part G.<sup>6</sup> Regulations 49, 50 and 51 only in Part G.<sup>7</sup> Regulation 52 in Part G in relation to school buildings only.<sup>8</sup> Regulations 70, 71, and 73 only in Part L.<sup>9</sup> All regulations except regulation 88 in Part P.<sup>10</sup> In the application of Part R—

- (a) when satisfying the reasonable provision requirements for access and that access is by means of stairs and/or ramps, such stairs and/or ramps shall also satisfy the relevant requirements of Part H;
- (b) where the change of use is only 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 making reasonable provision for either independent access or suitable access through the building.

**Giving of notices and deposit of plans**

9.—(1) Subject to the provisions of paragraphs (4), (5) and (7) 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 3; or
- (b) in the case of an existing single dwelling give such other documents (in this regulation known as a “building notice”) as may be necessary in accordance with Part B of Schedule 3.

(2) Subject to paragraph (3), a building notice may not be given for—

- (a) the erection of a dwelling;
- (b) a material change of use from an existing dwelling; or
- (c) building work to an existing dwelling that—
  - (i) creates a new storey—
    - (aa) with a floor area of more than 3 m<sup>2</sup>; and
    - (bb) to which the requirement of regulation 55 in Part H applies; or
  - (ii) increases the floor area of the dwelling by more than 10 m<sup>2</sup>.

(3) A building notice shall only be considered to have been validly given under paragraph (1) (b) if the building work to which it relates commenced within three years of the date on which the notice was given.

(4) The provisions of paragraph (1) shall not apply to—

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- (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;
  - (b) the provision of a fitting to which Part N or P (except regulation 88 in Part P) relates, by way of replacement of an existing fitting, if compliance with the relevant regulations in those Parts does not require the carrying out of any structural alteration;
  - (c) the replacement of windows or external doors of a dwelling;
  - (d) the provision in a dwelling of devices to detect and give warning of the presence of carbon monoxide gas;
  - (e) in relation to an existing fixed building service—
    - (i) the replacement of any parts (except a flue pipe or flue);
    - (ii) the provision of any output device such as an energy meter; or
    - (iii) the provision of a control device;
  - (f) the provision of a self-contained fixed building service, where—
    - (i) testing and adjustment is not possible or would not affect its energy efficiency; and
    - (ii) in the case of a mechanical ventilation appliance, the appliance is not installed in a room containing an open-flued combustion appliance whose combustion by-products are discharged through a natural draught flue; and
  - (g) in an existing building, the provision of fixed internal lighting where not more than 100 m<sup>2</sup> of the floor area of the building is served by the lighting.
- (5) The provisions of paragraph (1) where they relate to the requirements of regulation 39(a)(ii) in Part F 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.
- (6) In paragraph (4)(a) “combustion appliance” has the meaning assigned to it by regulation 69 in Part L.
- (7) Notwithstanding that the work identified in paragraph (4) does not require the giving of notices or deposit of plans and other particulars, the work of replacement or provision shall in all respects meet any relevant requirements of these regulations.

### **Deposit of plans for the erection of two or more buildings that are or contain dwellings**

- 10.**—(1) In this regulation—  
 “Commenced” means the commencement of construction of the building after completion of the foundations.
- (2) This regulation shall apply only to plans deposited with a district council for the erection of buildings that are or contain dwellings where work has not commenced on each building within three years of the date on which the plans were deposited.
- (3) For the purposes of this regulation, where—
- (a) plans have been deposited in accordance with regulation 9; and
  - (b) those plans are for the erection of two or more buildings that are or contain dwellings,
- then if declaring the plans to be of no effect under Article 19 of the Building Regulations (Northern Ireland) Order 1979, a district council shall consider each building on the deposited plans as if a separate deposit of plans had been made for each building.

### **Application for a type approval certificate for the erection of a dwelling or dwellings**

- 11.**—(1) In this regulation—

“Building” means a dwelling or dwellings; and

“Site specific matters” include, but are not limited to—

- (a) matters relating to Part C (Site preparation and resistance to contaminants and moisture);
- (b) matters relating to the foundations of the building;
- (c) matters relating to a building's distance to the boundary;
- (d) matters relating to a building's target carbon dioxide emission rate and calculated carbon dioxide emission rate for the completed building;
- (e) matters relating to external ramps, stairs and handrails;
- (f) matters relating to Part N (Drainage); and
- (g) matters relating to access to or egress from the building.

(2) Any person who intends to apply for a type approval certificate for the erection of a building shall, if the provisions of these regulations apply to such work, give notices, deposit full plans, sections, specifications and written particulars to the processing council in accordance with the relevant rules of Part C of Schedule 3.

(3) The provisions of paragraph (2) shall not apply to site specific matters.

(4) Before notifying the applicant of its decision to approve or reject an application for a type approval certificate or a variation of a type approval certificate, the processing council must consult with—

- (a) all other district councils identified by the applicant as councils within which boundaries the applicant intends to use the type approval; and
- (b) any other persons that appear to it to be representative of the interests concerned.

(5) A type approval certificate issued in accordance with this regulation shall specify—

- (a) the requirements of building regulations to which the certificate relates;
- (b) any conditions subject to which it shall continue to have effect; and
- (c) the end of such period which it shall cease to have effect.

(6) The processing council shall publish notice in writing of—

- (a) any type approval certificate issued in accordance with this regulation; and
- (b) any variation to a type approval certificate (including any variation to a class or case),

and shall provide a copy of this notice to all other district councils and persons identified in paragraph (4).

### **Notice of commencement and completion of certain stages of work**

**12.—**(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;

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*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Building Regulations (Northern Ireland) 2012, PART A. (See end of Document for details)*

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- (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;
- (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; and
- (e) not less than 2 days notice in writing before the covering of—
  - (i) any above-ground structural elements; and
  - (ii) any sound insulation measures.

(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 the date of completion 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.

(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 9.

### **Regularisation certificates**

**13.—(1)** In this regulation—

- (a) “Building regulations” means these regulations and any of the statutory provisions referred to in regulation 3 and Schedule 1 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 3(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.

(2) 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.

(3) A district council shall not issue a regularisation certificate in relation to any unauthorised work unless it has taken such steps (if any) or required such steps to be taken, by 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, 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.

(4) Where in the opinion of a district council further work is required in relation to any work to which an application under paragraph (2) 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.

(5) 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.

(6) An application under paragraph (2) 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.

### Completion certificates

14.—(1) In this regulation—  
“Relevant requirements of building regulations” means these regulations and the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 <sup>M3</sup>.

(2) Where in relation to any building work carried out in relation to a building—

- (a) the relevant requirements of regulation 9 have been satisfied; and
- (b) the district council has been able to ascertain after taking all reasonable steps in that behalf, that relevant requirements of building regulations have been satisfied,

the district council shall issue a certificate (in this regulation referred to as a ‘completion certificate’) specifying the requirements so satisfied.

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

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

(5) 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.

#### Marginal Citations

M3 S.R. 1997 No. 482 (N.I.)

### **Testing of drains and private sewers**

15.—(1) A district council may—

- (a) require in writing any person by whom or on whose behalf work on drains and private sewers was carried out to carry out such tests of any drain or private sewer as may be necessary to establish compliance with any of the provisions of Part N; or
- (b) carry out, or arrange to have carried out, such tests itself.

(2) A person who carries out any tests under paragraph (1)(a) shall give notice of the results to the district council not more than 5 days after the tests are carried out.

### **Sampling of materials**

16. 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**

17.—(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.

(2) Paragraph (1) shall not apply to—

- (a) any application made by a district council;
- (b) the requirements of this Part of these regulations (except for regulation 12);
- (c) the relaxation of any functional regulation; or
- (d) the relaxation of regulation 40 in Part F.

### **Application for dispensation or relaxation**

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

(2) Before giving a direction the district council or, in respect of regulation 17(2) the Department, 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 district council or, in respect of regulation 17(2) the Department, 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 district council or, as the case may be, the Department for that purpose.

(4) After giving a direction the district council or, in respect of regulation 17(2) the Department, 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.

### **Time limit on the serving of a contravention notice**

19. A district council may serve a contravention notice under Article 18 of the Building Regulations (Northern Ireland) Order 1979 at any time up to 12 months after the date of receipt of a valid notice of completion of the works required under regulation 12(5).

### **Appeals and prescribed periods**

20.—(1) In this regulation—

“Principal Order” means the Building Regulations (Northern Ireland) Order 1979.

(2) Where the applicant has a right of appeal to the Department under Articles 9, 16, 17 or 18B of the principal Order 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 principal Order 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 (3).

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

(4) 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.

(5) 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.

(6) The prescribed period for the purposes of Article 9(7) of the principal Order (appeal against the decision of a district council to reject plans that show the proposed work would include or consist of materials etc. prescribed as unsuitable for permanent buildings, or to fix or refuse to extend any period or to impose or refuse to vary any condition) shall be 56 days.

(7) The prescribed period for the purposes of Article 16(1) of the principal Order (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.

(8) The prescribed period for the purposes of Article 16(2) of the principal Order (period for consideration of application for relaxation by a district council) shall be 56 days.

(9) The prescribed period for the purposes of Article 17(1) of the principal Order (appeal against rejection of plans by a district council) shall be 56 days.

(10) The prescribed period for the purposes of Article 17(2) of the principal Order (period after which an applicant may assume plans to be rejected) shall be 56 days.

(11) The prescribed periods for the purposes of Article 17(2A) of the principal Order shall be—

- (a) 56 days with respect to the period within which a district council may approve any particular type of building matter; and
- (b) 56 days with respect to the period within which an applicant may appeal to the Department if a district council does not approve a particular type of building matter within the prescribed period at sub-paragraph (a).

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**Changes to legislation:** There are currently no known outstanding effects for the The Building Regulations (Northern Ireland) 2012, PART A. (See end of Document for details)

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## Revocations

**21.** Subject to the provisions of regulation 3 the regulations specified in column (1) of the Table to this regulation are hereby revoked.

**Table to Regulation 21 (Revocations)**

<i>Regulations revoked (1)</i>	<i>References (2)</i>
Building Regulations (Northern Ireland) 2000	SR 2000 No. 389
Building (Amendment) Regulations (Northern Ireland) 2005	SR 2005 No. 295
Building (Amendment) Regulations (Northern Ireland) 2006	SR 2006 No. 355
Building (Amendment No. 2) Regulations (Northern Ireland) 2006	SR 2006 No. 440
Regulation 43 of the Energy Performance of Building (Certificates and Inspections) Regulations (Northern Ireland) 2008	SR 2008 No. 170
Building (Amendment) Regulations (Northern Ireland) 2010	SR 2010 No. 1
Building (Amendment No. 2) Regulations (Northern Ireland) 2010	SR 2010 No. 382

**Status:**

Point in time view as at 31/10/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the The Building Regulations (Northern Ireland) 2012, PART A.