

2022 No. 71

BUILDING REGULATIONS

**The Building (Amendment) Regulations (Northern Ireland)
2022**

Made - - - - - *28th February 2022*

Coming into operation - - - - - *1st April 2022*

The Department of Finance(a), in exercise of the powers conferred by Articles 3, 5(1), 5(2), 5A(1) and 9 of, and paragraphs 1, 2, 4, 5, 9, 17C, 21 and 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(b) and now vested in it(c), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(d), makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 1st April 2022.

Interpretation

2. In these regulations “the principal Regulations” means the Building Regulations (Northern Ireland) 2012(e).

Transitional provisions

3.—(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 building notice with or without any departure or deviation from those plans or that building notice; and
- (c) building work completed before the commencement of these Regulations,

as if the amendments effected by these Regulations had not been made.

(2) In paragraph (1)—

- (a) “building notice” means a notice given under regulation 9 (Giving of notices and deposit of plans) of the principal Regulations; and
- (b) “building work” has the same meaning as in the principal Regulations.

(a) 2016 c.5 (N I)

(b) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c4

(c) See S.R. 1999 No.481 Article 6 and Schedule 4, Part II

(d) S.I. 1979/1709 (N.I. 16); Article 5(4)

(e) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375, S.R. 2014 No. 44 and S.R. 2016 No. 412

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 to 7.

Amendment of Part A (Interpretation and general)

5.—(1) In regulation 8 (Application to material change of use) for the Table to Regulation 8 substitute the Table set out in the Schedule.

(2) In Notes to Table to Regulation 8 (Application to material change of use)—

(a) for note 1 substitute—

“Regulation 23(2) only in Part B. In Cases X and XI where the building created is a hostel, hotel or boarding house, all of Part B shall not apply.”;

(b) for note 2 substitute—

“All regulations except regulation 27 in Part C.”; and

(c) for note 3 substitute—

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

Amendment of Part B (Materials and workmanship)

6.—(1) For regulation 22 substitute—

“Interpretation

22. In this Part—

“External wall” of a building includes reference to—

- (a) anything located within any space forming part of the wall;
- (b) any decoration or other finish applied to any external (but not internal) surface forming part of the wall;
- (c) any windows and doors in the wall; and
- (d) any part of a roof pitched at an angle of more than 70° to the horizontal if that part of the roof adjoins a space within the building to which persons have access, but not access only for the purpose of carrying out repairs or maintenance.

“Harmful substances” includes fumes and vapours;

“Relevant work” means—

- (a) the erection of a building;
- (b) the structural alteration or extension of a building;
- (c) the provision of any service or fitting; or
- (d) the backfilling of any excavation carried out in connection with (a), (b) or (c); and

“Specified attachment” means—

- (a) a balcony attached to an external wall;
- (b) a device for reducing heat gain within a building by deflecting sunlight which is attached to an external wall; or
- (c) a solar panel attached to an external wall.”.

(2) For regulation 23 substitute—

“Fitness of materials and workmanship

23.—(1) In any relevant work—

- (a) the materials used shall—
 - (i) be of a suitable nature and quality in relation to the purposes for and the conditions in which they are used;
 - (ii) be adequately mixed and prepared;
 - (iii) be applied, used or fixed so as adequately to perform the functions for which they are designed; and
 - (iv) not continue to emit any harmful substance longer than is reasonable in the circumstances; and
- (b) the standards of materials and workmanship need be no more than are necessary to—
 - (i) secure the health, safety, welfare and convenience of persons in or about the building; and
 - (ii) further the conservation of fuel and power.

(2) Subject to paragraph (3), building work shall be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-s1, d0 or Class A1, classified in accordance with BS EN 13501-1:2018.

(3) Paragraph (2) does not apply to—

- (a) cavity trays when used between two leaves of masonry;
- (b) any part of a roof (other than any part of a roof which falls within paragraph (d) of the definition of ‘External wall’ in regulation 22), if that part is connected to an external wall;
- (c) door frames and doors;
- (d) electrical installations;
- (e) insulation and water proofing materials used below ground level;
- (f) intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part E;
- (g) membranes;
- (h) seals, gaskets, fixings, sealants and backer rods;
- (i) thermal break materials where the inclusion of the materials is necessary to meet thermal bridging requirements of Part F; or
- (j) window frames and glass.

(4) In this regulation—

- (a) a “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 m above ground level and which—
 - (i) contains one or more dwellings;
 - (ii) contains an institution; or
 - (iii) contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house); and
- (b) “above ground level”, in relation to a storey, means above ground level when measured from the lowest ground level adjoining the outside of a building to the top of the floor surface of the storey.”.

Amendment of Part C (Site preparation and resistance to contaminants and moisture)

7. In paragraph (3) of regulation 25 (Application and interpretation) for the definition “Radon affected area” substitute—

““Radon affected area” means any area designated as such by Public Health England in the publication ‘Radon in Northern Ireland: Indicative Atlas’; and”.

Sealed with the Official Seal of the Department of Finance on 28th February 2022



Desmond C McDonnell
A senior officer of the
Department of Finance

SCHEDULE

Regulation 5

Table to be substituted for the Table to Regulation 8 (Application to material change of use) to the principal Regulations.

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	*	*	*	*	*	*	*	*	*	*	*	*
B	*1	*1	-	*1	-	-	-	-	*1	*1	*1	*
C	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2
D	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*
E	*	*	*	*	*	*	*	*	*	*	*	*
F	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4
G	*5	*6	*6	-	*7	-	-	-	*6	*6	*6	*
H	-	-	-	-	-	-	-	-	-	-	-	*
J	*	*	*	*	*	-	-	-	*	*	*	*
K	*	*	*	*	*	-	-	-	*	*	*	*
L	*8	*8	*8	*8	*8	-	-	-	*8	-	-	*8
M	-	-	-	-	-	-	-	-	-	-	-	-
N	-	-	-	-	-	-	-	-	-	-	-	-
P	*9	*9	*9	*9	*9	-	-	-	*9	*9	*9	*9
R	-	-	*10	*10	*10	*10	-	-	-	-	-	*
V	*	*	-	-	-	-	-	-	*	-	-	-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations (Northern Ireland) 2012 (as amended) (the principal Regulations) and they come into operation on 1st April 2022. 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 that date. These Regulations were notified in draft to the European Commission in accordance with Directive 2015/1535/EU.

These Regulations amend the principal Regulations as follows—

Regulation 5 amends the Table to Regulation 8 (Application to material change of use) and the Notes to Table to Regulation 8 in Part A (Interpretation and general) to demonstrate for each Case whether the new requirement in Regulation 23(2) applies.

Regulation 6 amends Part B (Materials and workmanship):

1. Regulation 22 has been amended to give two new definitions for “External wall” and “Specified attachment”.

2. Regulation 23 has been amended to include:

- (i) a new requirement 23(2) which requires that only materials achieving European Classification A2-s1, d0 or A1 may become part of an external wall or specified attachment of a ‘relevant building’. It in effect bans the use of combustible materials in those situations;
- (ii) in 23(3) a list of various items that are to be exempt from the new requirement in 23(2); and
- (iii) in 23(4) new definitions for “relevant building” and “above ground level”.

Regulation 7 amends Part C (Site preparation and resistance to contaminants and moisture) to amend the definition of “Radon affected area” to make reference to a Public Health England publication ‘Radon in Northern Ireland: Indicative Atlas’ of 2015.

The Department of Finance has prepared an Amendments Booklet (AMD 7) giving guidance for the purposes of the Part B and Part C requirements. Copies of AMD 7 and the Regulatory Impact Assessments may be downloaded from www.finance-ni.gov.uk/topics/building-regulations-and-energy-efficiency-buildings or alternatively, hard copies may be requested from Building Standards Branch, Department of Finance, 6th Floor, Goodwood House, 44-58 May Street, Belfast, BT1 4NN.

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