

**2011 No.**

**BUILDING REGULATIONS**

**The Building Regulations (Northern Ireland) 2011**

*Made* - - - - **\*\*\***

*Coming into operation* - **\*\*\***

The Department of Finance and Personnel, in exercise of the powers conferred by Articles 3, 5(1), (2) and (3), 5A(1), 8, 12, 15, 16(1) and (2), 17(1) and (5), (2) and (2A) and 19 of, and paragraphs 1 to 7, 9 to 13 and 17 to 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(a), and now vested in it(b), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(c) makes the following Regulations:

**Part A**

**Interpretation and general**

**A1 Citation and commencement**

These regulations may be cited as the Building Regulations (Northern Ireland) ~~2000~~ **2011** and shall come into operation on ~~1st April 2001~~ **Xxth Xxxxxxx 2011**.

**A2 Interpretation**

(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;

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

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;

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(a) S.I. 1979/1709 (N.I. 16); as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Sch. 1, Part II; and 2009 c.4  
(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)

**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;

~~**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;~~

**CONSERVATORY** (except in Part F) 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;

~~**CONSTRUCTION PRODUCTS DIRECTIVE** means European Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products;~~

**DEPARTMENT** means the Department of Finance and Personnel;

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

**DISTRICT COUNCIL**, in relation to any building or building work, means 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 rain-water 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, Part F and Part R) means a dwellinghouse, flat or maisonette 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;

~~**DWELLINGHOUSE** means a dwelling on one or more storeys which is detached or forms part of a building from all other parts of which it is divided only;~~

**EDUCATIONAL BUILDING** means -

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

~~**EEA STATE** means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, but until that Agreement comes into force in relation to Liechtenstein does not include that State;~~

~~**ENERGY EFFICIENCY REQUIREMENTS** means the requirements of regulation F2;~~

~~**ENERGY PERFORMANCE CERTIFICATE** means a certificate that complies with regulation 8 of the Energy Performance of Buildings (Certificates and Inspections) (Northern Ireland) Regulations 2008(b)~~

~~**EUROPEAN TECHNICAL APPROVAL** means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a Member State to issue European Technical Approvals for those purposes and notified by that Member State to the European Commission;~~

**EXEMPTED BUILDING** means any building falling within one of the classes described in Schedule 4 2;

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(a) S.I. 1986 No. 594 (N.I. 3)

(b) S.R. 2008 No. 170 as amended by S.R. 2009 No. 369

**EXTENSION**, in relation to a building, includes 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 storey forming part of a building from some other part of which it is divided horizontally;

**FLOOR AREA** means, in relation to any building or part of a building, the aggregate area of every floor in that building or part, 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;

~~**HARMONISED STANDARD** means a standard established, as mentioned in the Construction Products Directive, by the European Standards Organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;~~

**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 or maintenance of, people suffering from illness or mental or physical disability or handicap; 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;

**MAISONETTE** means a dwelling on more than one storey forming part of a building from some other part of which it is divided horizontally;

**MATERIAL CHANGE OF USE** (except in regulation A43) has the meaning assigned to it by regulation A9 A8 (1);

**MATERIALS** means any materials whether occurring naturally, recycled or manufactured, and includes products, components and fittings;

**PLACE OF ASSEMBLY OR RECREATION** means—

- (a) a theatre, public library, hall, place of entertainment or similar buildings;
- (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 ~~or an opening to the external air~~;

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 the application as the council within which boundary the applicant intends to first use any certificate issued under this regulation;

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;

~~PUBLIC BUILDING means a building consisting of or containing—~~

~~(a) a theatre, public library, hall or other place of public resort;~~

~~(b) an educational building; or~~

~~(c) a place of public worship;~~

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

REGULARISATION CERTIFICATE shall be construed in accordance with regulation A12(4) A13(1);

~~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;~~

ROOM FOR RESIDENTIAL PURPOSES means a room, or a suite of rooms, which is not a dwelling-house, flat or maisonette 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;

~~SAP in relation to a dwelling means the Government's Standard Assessment Procedure for Energy Rating of Dwellings: 2005 edition or any later version of the software approved by the Department used to calculate the target and actual carbon dioxide emissions rate for a dwelling;~~

~~SBEM in relation to a building other than a dwelling means the Simplified Building Energy Model: 2006 edition or any later version of the software approved by the Department used to calculate the target and actual carbon dioxide emissions rate for a building;~~

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 PROVISION** includes any instrument made under any statute;~~

~~**STATUTORY UNDERTAKING UNDERTAKERS** means an undertaking authorised by any statutory provision being a railway, road transport, air transport, water transport, inland navigation, dock or harbour undertaking, the Post Office Corporation or any undertaking for the generation, transmission or supply of electricity or gas persons authorised by an enactment or statutory order to construct, work, or carry on 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 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 A4 A3 with respect to the design and construction of buildings and the provisions of a service or fitting, as distinct from procedural requirements;

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

~~**THERMAL ELEMENT** means a wall, floor or roof, but does not include windows, doors, roof windows or roof lights, which separates 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.~~

~~**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.~~

~~**TYPE APPROVAL CERTIFICATE** means any certificate issued in accordance with Article 8 of the Building Regulations (Northern Ireland) Order 1979;~~

~~**UNDER FORMER CONTROL**~~

~~(a) used in relation to any building, refers to a building the erection of which was—~~

~~(i) completed before 1st October 1973;~~

~~(ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or~~

~~(iii) begun before but completed on or after 1st October 1973 (being a building the erection of which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date); and~~

~~(b) used in relation to any alteration or extension of a building or the provision of any service or fitting, refers to any such alteration, extension or provision which was—~~

~~(i) completed before 1st October 1973;~~

~~(ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or~~

~~(iii) begun before but completed on or after 1st October 1973 (being an alteration or extension or provision of a service or fitting which was exempt from compliance with the provisions of all relevant bye laws in force immediately before that date);~~

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 a 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 purpose 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) Where in relation to a specific purpose, a European Council Directive prescribes a requirement in relation to a particular characteristic of a material, component or other manufactured product, or part thereof, then where that characteristic complies with that requirement, it shall be deemed to satisfy any requirement of these regulations insofar as it relates to that purpose.~~

~~And, accordingly, for the removal of doubt, it is hereby declared that products designed and manufactured in accordance with the requirements of a European Council Directive relating to a specific purpose do not have to comply with any standard or code of practice (British, International or other) prescribed or otherwise referred to in these regulations relating to any purpose covered by that Directive.~~

~~(6) In these regulations any reference to a British Standard or British Standard Code of Practice shall be construed as a reference to an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution and also to—~~

- ~~(a) a relevant harmonised standard or a relevant standard or code of practice of a national standards body, or equivalent body, of any European Economic State;~~
- ~~(b) any relevant international standard recognised for use in any EEA State;~~
- ~~(c) any appropriate, traditional procedures of manufacture of an EEA State where these are the subject of a written technical description sufficiently detailed to permit assessment of the goods or materials for the use specified; or~~
- ~~(d) a European Technical Approval issued in accordance with the Construction Products Directive (or, until procedures are available for the issue of such approvals, a specification sufficiently detailed to permit assessment);~~

~~Provided that the proposed standard, code of practice, specification, technical description or European Technical Approval provides, in use, equivalent levels of safety, suitability and fitness for purpose as that provided by the British Standard or British Standard Code of Practice.~~

~~(7) For the purposes of these regulations, any construction product (within the meaning of the Construction Products Directive) which bears a CE marking shall be treated as if it satisfied the requirements of any appropriate British Board of Agrément Certificate, British Standard or British Standard Code of Practice relating to such a product, where the CE~~

~~marking relates to the same characteristic and specific purpose as the Certificate, Standard or Code of Practice.~~

~~(8) Where for the purposes of these regulations testing is carried out, it shall be carried out by an appropriate organisation offering suitable and satisfactory evidence of technical and professional competence and independence and such condition shall be satisfied where the testing organisation is accredited in an EEA State in accordance with the relevant parts of the EN 45000 series of standards for the tests carried out.~~

~~(9) (5) Any note in a Table or Schedule shall be treated for all purposes as a substantive provision.~~

~~(10) Any reference in these Regulations to a Table identified only by a letter shall be construed as a reference to the Table so identified in Schedule 5.~~

~~(11) (6) Any reference in these regulations, other than in paragraphs (6)(a) to (d), 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 XXnd XXXXXX 20XX together with any amendments, supplements or addenda thereto published at that date;~~
- ~~(b) in any case where a date is included in the reference, the reference is to the edition of that date, together with such amendments to the publication, as are mentioned in Schedules 4, 5 and 6; 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.~~

~~(12) The abbreviations and symbols listed in the following Table are used in these regulations—~~

<i>Abbreviation or symbol</i>	<i>Definition</i>
BS	British Standard
CP	British Standard Code of Practice
°	degree (angular measure)
°C	degree Celsius
kN/m <sup>2</sup>	kilonewton per square metre
kW	kilowatt
m	metre
m <sup>2</sup>	square metre
m <sup>3</sup>	cubic metre
mm	millimetre
%	percent
W	watt

### **A3 Deemed to satisfy provisions**

~~Where any provision (in these regulations called a deemed to satisfy provision) states that the use of a particular material, method of construction or specification shall be deemed to satisfy the requirement of any regulation or part thereof, that provision shall not be construed so as to require any person necessarily to use such material, method of construction or specification.~~

### **A4 A3 Transitional provisions**

- ~~(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(a)).

(2) These regulations (other than regulation ~~A12~~ **A13**) shall not apply to—

- (a) plans which were deposited with the district council before ~~1st April 2001~~ **XXth Xxxxxx 2011**;
- (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. The Building Regulations (Northern Ireland) 1973 shall continue to apply to—~~

- ~~(a) plans deposited in accordance with those regulations before 1st October 1977;~~
- ~~(b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and~~
- ~~(c) work completed on or after 1st October 1973 but before 1st October 1977, other than work to which building bye laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979.~~

(4) ~~The Building Regulations (Northern Ireland) 1977 shall continue to apply to—~~

- ~~(a) plans deposited in accordance with those regulations before 1st June 1990;~~
- ~~(b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and~~
- ~~(c) work completed on or after 1st October 1977 but before 1st June 1990, other than work to which building bye laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 continue to apply by virtue of paragraph (3).~~

(5) ~~The Building Regulations (Northern Ireland) 1990 shall continue to apply to—~~

- ~~(a) plans deposited in accordance with those regulations before 28th November 1994;~~
- ~~(b) work carried out in accordance with such plans with or without any departure or deviation from those plans; and~~
- ~~(c) work completed on or after 1st June 1990 but before 28th November 1994, other than work to which building bye laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 and 1977 continue to apply by virtue of paragraphs (3) and (4).~~

(6) ~~The Building Regulations (Northern Ireland) 1994 shall continue to apply to—~~

- ~~(a) plans deposited in accordance with those regulations before 1st April 2001;~~
- ~~(b) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and~~
- ~~(c) building work and any material change of use completed on or after 28th November 1994 but before 1st April 2001, other than work to which building bye laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977 and 1990 continue to apply by virtue of paragraphs (3), (4) and (5).~~

## **A5 A4 Exemptions**

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

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

- (a) building work in connection with any buildings belonging to any statutory ~~undertaking 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
- (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.

(2) The building work in paragraph (1) 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.

(3) In determining for the purposes of paragraph (2) whether any building work would cause a new or greater contravention of any of these regulations, sub-paragraphs (a) and (b) of regulation A7(3) shall apply.

(4) For the purposes of paragraph (2) and Schedule ~~12~~—

- (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.

#### **A6 A5 Application to erection of buildings**

Subject to the provisions of regulation ~~A5~~ A4, the following provisions, that is to say, Parts A to L and Parts R and V shall apply to the erection of a building.

#### ~~A6A Application to existing buildings~~

~~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;~~

~~consequential improvements to the existing building shall be carried out to comply with the requirements of Part F in so far as this is technically, functionally and economically feasible.~~

#### **A7 Application to alterations and extensions**

(1) Subject to the provisions of regulation ~~A5~~ A4, the following provisions, that is to say, 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 ~~A9~~ A8) of prohibiting any alteration or extension which would cause a new or greater contravention of any regulation.

(2) In applying the regulations 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.

**A8 A6 Application to services and fittings**

Subject to any express provisions to the contrary and the provisions of regulation A5 A4—

- Part A (Interpretation and general)
- In Part B (Materials and workmanship) regulation B2
- 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 and unvented hot water storage systems)

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.

**~~A8A Application to thermal elements~~**

~~Where a thermal element is renovated or replaced such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of Part F (Conservation of fuel and power).~~

**~~A8B Application to a change of a building's energy status~~**

~~Subject to any express provisions to the contrary and the provisions of regulation A5, 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 requirements of Part F (Conservation of fuel and power).~~

**~~A9 A8 Application to material change of use~~**

(1) For the purposes of these regulations a change in the purposes for which or the circumstances in which 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—

- Case I                    the building is used as a dwellinghouse, where previously it was not;
- Case II                  the building contains a flat or maisonette, where previously it did not;
- Case III                 the building is used as a hotel or boarding house, where previously it was not;
- Case IV                 the building is used as an institution, where previously it was not;
- Case V                  the building is used as a place of assembly or recreation, where previously it was not;
- Case VI                 the building is used as a shop , where previously it was not;

Case VII	the building is used as an office, where previously it was not;
Case VIII	the building is used as a store, where previously it was not;
Case IX	the building which contains at least one dwelling, contains a greater or lesser number of dwellings than <del>it</del> previously it did;
Case X	the building contains a room for residential purposes, where previously 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 <del>it</del> previously it did;
Case XII	the building, by virtue of its change of use, is not an exempted building where previously it was.

(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.

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**Table to Regulation A9-A8 Application to material change of use**

Part		Cases											
		I	II	III	IV	V	VI	VII	VII I	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	*	*	-	-	-	-	-	-	*	-	-	-

~~# Only Parts A, D, E and R shall apply in Case III (d). Only Parts A, D and E shall apply to Case III (e) and (f). Parts D, E and R shall apply only in so far as indicated by notes 2, 3 and 7 respectively~~

\* Denotes Parts which apply

- Denotes Parts which do not apply

<sup>(1)</sup> All regulations except ~~C2 and~~ C3.

<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 E5 shall only apply, in relation to external walls, when the height of a building exceeds 20m (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 F2(a)(i) only.

<sup>(5)</sup> Regulation G3 only

<sup>(6)</sup> Regulations G3 and G5 only

<sup>(7)</sup> Regulation G6 only

~~<sup>(8)</sup>~~ <sup>(8)</sup> Regulations L2, L3 and ~~L4~~ L5 only.

~~<sup>(9)</sup>~~ <sup>(9)</sup> All regulations except P5.

~~<sup>(10)</sup>~~ <sup>(10)</sup> 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.

(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 ~~A8~~ A6) 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 A7 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, H, or III~~ to XI, the provisions of those regulations applicable to Case ~~IV~~ XII shall apply in precedence to those of Cases ~~I, H, III or III~~ to XI.

#### **A10 A9 Giving of notices and deposit of plans**

(1) Subject to the provisions of paragraphs ~~(3), (4) and (6)~~ (4), (5) and (7) any person who intends to ~~carry out any building work or make any material change of use to a building~~

(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 to 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.~~

- (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 building work to 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 building work that increases the floor area of the dwelling by more than 3 m<sup>2</sup>.

(3) A building notice shall only be considered to have been validly given under paragraph (1) if the building work or the material change of use 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—

- (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 P5) relates, by way of replacement of an existing fitting, if compliance with the relevant regulations in that Part does not require the carrying out of any structural alteration; ~~and~~
- (c) the replacement of windows or external doors;
- (d) the provision in a dwelling of devices to detect combustion by-products;
- (e) in relation to an existing fixed building service—
  - (i) replacing any parts (except a flue pipe or flue);
  - (ii) the provision of any output device; 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 F2(a)(ii) 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 ~~(3)~~(4)(a) combustion appliance has the same meaning as in Part L.

(7) Notwithstanding that the ~~replacement of windows~~ work identified in paragraph (4)~~(e)~~ ~~to~~ ~~(g)~~ 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.

#### **A10 Deposit of plans for the erection of two or more buildings that are or contain dwellings**

(1) 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.

(2) For the purposes of this regulation, where—

- (a) plans have been deposited in accordance with regulation A9; 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 principal Order, a district council shall consider each building on the deposited plans as if a separate deposit of plans had been made for each building.

- (3) In this regulation—
- (a) “commenced” shall mean the commencement of construction of the building after completion of the foundations; and
  - (b) “principal Order” shall mean the Building Regulations (Northern Ireland) Order 1979.

#### **A11 Application for a type approval certificate**

(1) In this regulation—

**SITE SPECIFIC MATTERS** shall include —

- (a) matters relating to Part C (Site preparation and resistance to contaminants);
- (b) matters relating to the foundations of a 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 emissions rate for the completed building; and
- (e) matters relating to Part N (Drainage).

(2) Any person who intends to apply for a type approval certificate for the erection of a dwellinghouse 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 the 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 he intends to apply the type approval; and
- (b) any other persons that appear to the processing council with which plans were deposited to be representative of the interests concerned.

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

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

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

#### **AH A12 Notice of commencement and completion of certain stages of work**

(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;
- (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; ~~and~~

- (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) ~~notice in writing of~~ 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) ~~notice in writing of~~ any alteration or extension of a building, not more than 5 days after completion;
- (c) ~~notice in writing of~~ the provision of any service or fitting in connection with a building, not more than 5 days after completion;
- (d) ~~subject to paragraph 5(g) a copy of the energy performance certificate for any completed new building, not more than 5 days after completion;~~
- (e) ~~the Target carbon dioxide Emissions Rate (TER) and Dwelling carbon dioxide Emissions Rate (DER) for—~~
  - (i) ~~any erected dwelling; or~~
  - (ii) ~~where calculated, any dwelling created by a material change of use, not more than 5 days after completion~~
- (f) ~~the Target carbon dioxide Emissions Rate (TER) and Building carbon dioxide Emissions Rate (BER) for—~~
  - (i) ~~any erected building other than a dwelling; or~~
  - (ii) ~~where calculated, any building other than a dwelling created by a material change of use, not more than 5 days after completion.~~
- (g) ~~paragraph (5)(d) does not apply to—~~
  - (i) ~~buildings that are used primarily or solely as places of worship;~~
  - (ii) ~~temporary buildings with a planned time of use of 2 years or less;~~
  - (iii) ~~industrial sites, workshops and non-residential agricultural buildings with low energy demand; and~~
  - (iv) ~~stand alone buildings with a total useful floor area of less than 50 m<sup>2</sup> that are not dwellings.~~

(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 ~~A10~~ A9.

### **A12 A13 Regularisation certificates**

(1) Where it appears to a district council that—

- (a) a person carried out unauthorised work **to a building**; and
- (b) in relation to such work **to that building**, 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.

(2) 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.

(3) Where in the opinion of a district council further work is required in relation to any work to which an application under paragraph (1) 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.

(4) 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.

(5) An application under paragraph (1) 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.

(6) In this regulation—

- (a) building regulations means these regulations and any of the statutory provisions referred to in regulation ~~A4~~ A3 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 ~~A4~~ A3(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.

### **A13 A14 Completion certificates**

(1) Where in relation to any building work, carried out in relation to a building ~~or part of a building~~, a district council has ~~been able to ascertain after taking all reasonable steps in that behalf, that relevant requirements of these regulations have been satisfied~~ —

- (a) ~~approved the building work~~; and
- (b) ~~been able to ascertain after taking all reasonable steps in that behalf, that relevant requirements of building regulations have been satisfied~~,

it ~~may~~ shall issue a certificate (in this regulation referred to as a 'completion certificate') specifying the requirements so satisfied.

~~(2) Subject to and in accordance with paragraph (1) and without prejudice to the generality of that paragraph, a district council shall issue a completion certificate in relation to any building work where—~~

- ~~(a) it has approved plans for the building work; and~~
- ~~(b) it has—
  - ~~(i) been requested to do so; or~~
  - ~~(ii) been notified (in accordance with paragraph 5 of Rule A of Part A of Schedule 2) that the building work is in relation to a building that is or will become a relevant premises for the purposes of the Fire & Rescue Services (Northern Ireland) Order 2006(a) and been requested to do so in respect of that notification.~~~~

~~(3) (2) Without prejudice to paragraph (2) (1), a district council may in accordance with paragraph (1) issue a completion certificate in such other circumstances as it may think fit and proper.~~

~~(4) For the purposes of paragraph (1) the relevant requirements of these regulations are—~~

- ~~(a) in relation to building work generally—any requirement of these regulations which apply in relation to that building work; and~~
- ~~(b) in relation to any building work mentioned in paragraph (2)(b)(ii), the requirements of Part E.~~

~~(5) (3) Any person having an interest to do so may apply for a completion certificate.~~

~~(6) (4) 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.~~

#### **A14 A15 Testing of drains and private sewers**

(1) An authorised officer of the district council shall be permitted to make such tests or to 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.

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

#### **A15 A16 Sampling of materials**

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.

#### **A16 A17 Exercise of power of dispensation or relaxation**

(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. ~~in relation to any requirement of these regulations other than those in—~~  
~~Part A (Interpretation and general)~~  
~~Part D (Structure)~~  
~~Part F (Conservation of fuel and power) regulation F3.~~

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(a) S.I. 2006 No. 1254 (N.I. 19)

- (2) Paragraph (1) shall not apply to ~~any application made by a district council~~—
- (a) any application made by a district council;
  - (b) the provisions of Part A of these regulations (except for regulation A12);
  - (c) the relaxation of any functional regulation; or
  - (d) the relaxation of regulation F3.

#### **A17 A18 Application for dispensation or relaxation**

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

(2) Before giving a direction the ~~district council~~ Department or, as the case may be, the ~~district council~~ 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~~ Department or, as the case may be, the ~~district council~~ 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~~ Department or, as the case may be, the ~~district council~~ Department for that purpose.

(4) After giving a direction the ~~district council~~ Department or, as the case may be, the ~~district council~~ 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 therefore.

#### **A19 Time limit on the serving of a contravention notice**

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 the notice of completion of the works required under regulations A12(5)(a) to (c).

#### **A18 A20 Appeals and prescribed periods**

(1) Where the applicant has a right of appeal to the Department under Articles 9, 16, 17 or 18B of the Building Regulations (Northern Ireland) Order 1979 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 Building Regulations (Northern Ireland) Order 1979 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 (2).

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

(3) 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.

(4) 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.

(5) The prescribed period for the purposes of Article 9(7) of the Building Regulations (Northern Ireland) Order 1979 (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.

(6) ~~(5)~~ The prescribed period for the purposes of Article 16(1) of the Building Regulations (Northern Ireland) Order 1979 (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.

(7) ~~(6)~~ The prescribed period for the purposes of Article 16(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of application for relaxation by a district council) shall be 56 days.

(8) ~~(7)~~ The prescribed period for the purposes of Article 17(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against rejection of plans by a district council) shall be 56 days.

(9) ~~(8)~~ The prescribed period for the purposes of Article 17(2) of the Building Regulations (Northern Ireland) Order 1979 (period after which an applicant may assume plans to be rejected) shall be 56 days.

(10) The prescribed periods for the purposes of Article 17(2A) of the Building Regulations (Northern Ireland) Order 1979 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).

#### **A19 A21 Revocations**

Subject to the provisions of regulation ~~A4~~ **A3** the regulations specified in column 1 of the Table to this regulation are hereby revoked.

<i>Regulations revoked</i>	<i>References</i>
<del>Building Regulations (Northern Ireland) 1994</del>	<del>SR 1994 No 243</del>
<del>Building (Amendment) Regulations (Northern Ireland) 1995</del>	<del>SR 1995 No 473</del>
<del>Building (Amendment) Regulations (Northern Ireland) 1997</del>	<del>SR 1997 No 481</del>
<del>Building (Amendment) Regulations (Northern Ireland) 1998</del>	<del>SR 1998 No 453</del>
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

## PART B

### Materials and workmanship

#### B1 Interpretation

In this Part—

HARMFUL SUBSTANCES includes fumes and vapours;

~~MATERIALS means any materials whether occurring naturally, recycled or manufactured;~~  
and

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).

#### B2 Fitness of materials and workmanship

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) ~~(e) the standards of materials and workmanship need be no more than are necessary to secure the health and safety of people in or about the building and, where appropriate, the convenience of people and the conservation of fuel and power—~~
  - (i) ~~secure the health, safety, welfare and convenience of persons in or about the building;~~
  - (ii) ~~further the conservation of fuel and power;~~
  - (iii) ~~further the protection and enhancement of the environment; and~~
  - (iv) ~~promote sustainable development.~~

#### B3 Suitability of certain materials

~~(1) In determining whether a material is of a suitable nature and quality for use as the weather resisting part of an external wall or roof no account shall be taken of that material being either—~~

- (a) ~~painted; or~~
- (b) ~~coated, surfaced or rendered with any other material which, when so used, does not in itself constitute effective resistance against weather.~~

~~(2) Any material which depends on periodic maintenance, replacement or renewal for its suitability shall be readily accessible or positioned so that such maintenance, replacement or renewal is practicable.~~

#### **B4 Urea formaldehyde foam**

~~(1) Subject to paragraph (2), in situ foamed urea formaldehyde shall not be used in the erection, structural alteration or extension of a building.~~

~~(2) In situ foamed urea formaldehyde may be used for filling the cavity of a cavity wall having an inner leaf constructed of bricks or blocks, provided that it is—~~

~~(a) suitable for such an application; and~~

~~(b) satisfactorily installed.~~

#### **B5 Preservative treatment of timber**

~~Where the preservative treatment of timber against decay caused by moisture is necessary it shall be carried out to provide adequate protection.~~

#### ***B6 Deemed to satisfy provisions for regulations B2, B4 and B5***

~~(1) The requirements of regulation B2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table B opposite the reference to that regulation, if the materials and workmanship used in the building are 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 B4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table B opposite the reference to that regulation, if the in situ foamed urea formaldehyde used in the building is manufactured, prepared 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).~~

~~(3) The requirements of regulation B5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table B opposite the reference to that regulation, if the preservative treatment for timber used in the building is carried out 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 C

### Preparation of ~~S~~ite ~~preparation~~ and resistance to contaminants and moisture

#### C1 Application and interpretation

(1) ~~Regulation C2(2) shall not apply in relation to an existing dwelling or part of an existing dwelling—~~

~~(a) which is altered; or~~

~~(b) which is extended by less than 30m<sup>2</sup>;~~

~~if measures to prevent or limit the ingress of radon are not already incorporated in that dwelling.~~

~~(2) (1) Regulation C4 in respect of resistance to ground moisture of floors and walls, and weather resistance of walls shall not apply where the building is intended to be used wholly for—~~

~~(a) storing goods, provided that any person who is habitually employed in the building is engaged only in storing, caring for or removing the goods; or~~

~~(b) a purpose such that compliance with regulation C4 would not serve to increase protection to the health or safety of any person habitually employed in the building.~~

~~(3) (2) Regulation C5 applies only to a dwelling.~~

~~(4) (3) In this Part—~~

~~DANGEROUS AND HARMFUL SUBSTANCES CONTAMINANT includes any substance which is or could become corrosive, explosive, inflammable, radioactive or toxic and includes deposits of faecal or animal matter;~~

~~FLOOR includes any base or structure between the surface of the ground, or the surface of any hardcore laid upon the ground, and the upper surface of the floor;~~

~~MOISTURE includes water vapour as well as liquid water; and in liquid, solid or gaseous form;~~

~~RADON AFFECTED AREA includes any area designated as such by the Health Protection Agency in the publication ‘Radon in Dwellings in Northern Ireland: 2009 Review and Atlas’; and~~

~~WALL includes piers, chimneys, columns and parapets which form part of the wall any opaque part of the external envelope of a building that is at an angle of 70° or more to the horizontal.~~

#### C2 Preparation of site and resistance to ~~dangerous and harmful substances~~ contaminants

(1) The site of a building and the ground adjacent to it shall be prepared and treated, and measures shall be taken, so as to prevent, as far as reasonably practicable, any harmful effect on the building or the health or safety of the occupants caused by—

(a) vegetable soil; and

(b) ~~dangerous or harmful substances~~ contaminants.

(2) Without prejudice to the generality of paragraph (1) measures shall be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a ~~zone marked on the map in Schedule 3~~ radon Affected Area.

#### C3 Subsoil drainage

The site of a building and the ground adjacent to it shall be drained as far as reasonably practicable, or the building otherwise protected so as to prevent any harmful effect on the building or the health of the occupants caused by—

- (a) ground water; and
- (b) existing subsoil drainage.

#### **C4 Resistance to ground moisture and weather precipitation**

Every wall, floor and roof shall be constructed so as to prevent any harmful effect on the building or the health of the occupants caused by the passage of moisture to any part of the building from—

- (a) the ground; and
- (b) the weather. ~~precipitation including wind driven spray.~~

#### **C5 Condensation**

A building to which this regulation applies shall be designed and constructed so as to prevent, as far as reasonably practicable, any harmful effect on the building from moisture in the form of interstitial condensation.

#### **C6 Deemed-to-satisfy provisions for regulations C2(2), C4 and C5**

~~(1)The requirements of regulation C2(2) shall be deemed to be satisfied, in the case of a building specified in column (2) of Table C opposite the reference to that regulation, if the measures to prevent or limit the ingress of radon into the building are in accordance with the relevant provisions of the publications or measures specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).~~

~~(2)The requirements of regulation C4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table C opposite the reference to that regulation, if the walls, floors and roofs of the building are constructed 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 C5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table C opposite the reference to that regulation, if the building is designed and constructed 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 D

### Structure

#### D1 Stability

A building shall be designed and constructed so that the combined dead, imposed and wind loads are sustained and transmitted to the ground, taking into account the nature of the ground—

- (a) safely; and
- (b) without impairing the safety of any part of another building.

#### D2 Disproportionate collapse

A building shall be designed and constructed so that in the event of damage occurring to any part of the building, the extent of any resulting collapse will not be disproportionate to the cause of the damage.

#### ~~D3 Deemed to satisfy provisions for regulations D1 and D2~~

- ~~(1) The requirements of regulation D1 shall be deemed to be satisfied—~~
  - ~~(a) if any loadings to which the building will be subjected, specified in column (2) of the Table in Schedule 4, are calculated in accordance with the relevant provisions of the publications specified opposite there to in column (3), as amended by the publications specified opposite thereto in column (4):~~

*Provided that—*

    - ~~(i) the actual loads are used, where the actual loads to which the building is to be subjected are likely to exceed the loads so calculated; and~~
    - ~~(ii) loads used allow for possible dynamic, concentrated and peak load effects which may occur; and~~
  - ~~(b) in the case of any structural work specified in column (2) of Table D opposite the reference to that regulation, if the structural work is designed and constructed 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 D2 shall be deemed to be satisfied, in the case of any structural work specified in column (2) of Table D opposite the reference to that regulation, if the structural work is designed and constructed 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 E

### Fire safety

#### E1 Application and interpretation

(1) Regulations E2 and E4(3) shall not apply to a prison within the meaning of the Prisons Act (Northern Ireland) 1953(a) or any other place of lawful detention.

(2) In this Part—

~~ASSEMBLY BUILDING includes places of entertainment or recreation; conference, exhibition, and leisure centres; museums and art galleries; law courts; churches and other buildings for worship; libraries open to the public; health centres and surgeries; passenger stations for air, rail, road and sea travel; and public toilets;~~

DWELLING means a self-contained unit of residential accommodation occupied (whether or not as a sole or main residence)—

- (a) by a single person or by people living together as a family; or
- (b) by not more than 6 people living together as a single household, including a household where care is provided for residents;

DWELLINGHOUSE means a dwelling on one or more storeys which is detached or forms part of a building from all other parts of which it is divided only vertically **and does not include a flat or maisonette;**

FLAT means a dwelling on one storey forming part of a building from some other part of which it is divided horizontally;

~~HOUSE IN MULTIPLE OCCUPATION means a building, or part of a building, occupied by people who do not form a single household and containing units of residential accommodation which are not self contained;~~

INTERNAL LININGS means the materials ~~or products~~ lining any partition, wall, ceiling or other internal structure;

MAISONETTE means a dwelling on more than one storey forming part of a building from some other part of which it is divided horizontally;

MEANS OF ESCAPE means structural means whereby, in the event of a fire, a safe route or routes is or are provided for people to travel from any point in a building to a place of safety; **and**

~~OFFICE includes premises used for the purposes of administration; clerical work; handling money; and communications;~~

PLACE OF SAFETY means a place, outside the building, in which people are in no danger from fire within the building.

~~RESIDENTIAL HEALTH CARE BUILDING includes nursing homes; homes for old people, children, mentally ill and the mentally or physically handicapped;~~

~~SHOPPING COMPLEX means a shopping complex that includes a covered mall or similar area in which—~~

- ~~(a) more than 15 m of the length of the mall section is covered by a bridge or roof; or~~
- ~~(b) at least one quarter of its plan area is obscured by a roof or by floors, bridges, galleries or canopies, unless there is a continuous open slot above the mall section in which case more than one half of its plan area is obscured; and~~

~~SPECTATOR ACCOMMODATION means covered seating accommodation at sports grounds.~~

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(a) 1953 c. 18 (N.I.)

## **E2 Means of escape**

A building shall be so designed and constructed that in the event of a fire there is—

- (a) where appropriate, adequate means of automatic detection;
- (b) adequate means of giving warning; and
- (c) adequate means of escape, which can be safely and effectively used at all material times.

## **E3 Internal fire spread – Linings**

To inhibit the spread of fire within a building the internal linings shall—

- (a) offer adequate resistance to the spread of flame over their surfaces; and
- (b) where they are located in a circulation space, have a low rate of heat release or a low rate of fire growth when ignited.

## **E4 Internal fire spread – Structure**

(1) A building shall be so designed and constructed that, in the event of a fire, its stability will be retained for a reasonable period.

(2) A wall common to two or more buildings shall be so designed and constructed that it provides adequate resistance to the spread of fire between those buildings and for the purposes of this paragraph a dwellinghouse in a terrace and a semi-detached dwellinghouse shall be considered as a separate building.

(3) To inhibit the spread of fire within it, a building shall be adequately sub-divided with fire-resisting construction.

(4) A building shall be so designed and constructed that the spread of fire (and in particular smoke) within concealed spaces in its structure and fabric is adequately inhibited.

## **E5 External fire spread**

The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire over them, and from one building to another, having regard to—

- (a) in the case of an external wall - the use, position and height of the building; and
- (b) in the case of a roof - the use and position of the building.

## **E6 Facilities and access for the Fire Brigade and Rescue Service**

(1) A building shall be designed and constructed with such reasonable facilities as are necessary to assist the Fire **Brigade and Rescue Service** in ensuring the safety of people in and about the building in the event of a fire.

(2) Reasonable provisions shall be made within the boundary of the premises for access to the building by fire **brigade and rescue service** appliances for the purpose of paragraph (1).

## ***E7 Deemed-to-satisfy provisions for regulations E2, E3, E4, E5 and E6***

~~(1) The requirements of regulation E2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table E opposite the reference to that regulation, if the means of detection, giving warning and escape in the building are 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 E3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table E opposite the reference to that regulation, if the internal linings used in the building are designed and constructed 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 E4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table E opposite the reference to that regulation, if the building and measures to inhibit the spread of fire within it are 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).~~

~~(4) The requirements of regulation E5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table E opposite the reference to that regulation, if the external walls and roof of the building are designed and constructed 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).~~

~~(5) The requirements of regulation E6 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table E opposite the reference to that regulation, if the facilities in and access to the building for the Fire Brigade are 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).~~

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## PART F

### Conservation of fuel and power

#### F1 Application and interpretation

(1) ~~Subject to paragraphs (2) and (3) †~~This Part shall apply to any building in which energy is used to condition the indoor climate 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 and~~

(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 only apply to any building or part of a building other than an extension to—~~

(a) ~~the erection of a building dwelling; or and~~

(b) ~~the extension of a building other than a dwelling, where the extension has a total useful floor area that is both—~~

(i) ~~greater than 100m<sup>2</sup> or less; and~~

(ii) ~~greater than 25% of the total useful floor area of the existing building.~~

~~(4) (3) In this Part—~~

~~CHANGE OF ENERGY STATUS means any change which results in a building becoming a building to which this Part applies where previously it was not;~~

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

~~NATIONAL CALCULATION METHODOLOGY means—~~

~~—(a) in relation to a dwelling—SAP 2009; and~~

~~—(b) in relation to a building other than a dwelling—iSBEM v4.1.a;~~

~~(i) IES “Virtual Environment” software, version 5.5; or~~

~~(ii) EDSL TAS software, version 9.0.9; and~~

~~(iii) any software approved by the Department;~~

~~NATIONAL CALCULATION METHODOLOGY means—~~

~~(a) in relation to a dwelling, the Government’s Standard Assessment Procedure (SAP) for Energy Rating of Dwellings: 2009 edition; and~~

~~(b) in relation to a building other than a dwelling—~~

~~(i) the Simplified Building Energy Model (SBEM): 2010 Edition; or~~

~~(ii) a Dynamic Simulation Model (DSM);~~

~~that is implemented with Government approved software.~~

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

~~RENOVATION OF A THERMAL ELEMENT means the provision of a new layer to a thermal element or the replacement of an existing layer but does not include thin decorative surface finishes;~~

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

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;

TARGET CARBON DIOXIDE EMISSIONS RATE means the rate of carbon dioxide emissions measured in kilograms of carbon dioxide per square metre of floor area per year;

THERMAL ELEMENT means a wall, floor or roof (but does not include windows, doors, roof windows or rooflights) which separates a thermally conditioned space from—

(a) the external environment including the ground; or

(b) in the case of floors and walls, another part of the building which is—

(i) thermally unconditioned;

(ii) an extension falling within class 8 of Schedule 2; or

(iii) in the case of a building other than a dwelling, conditioned to a different temperature,

and includes all parts of the element between the surface bounding the conditioned space and the external environment or other part of the building as the case may be; 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 Rrate**

(1) Without prejudice to the requirements of regulation F2, where a building is to be erected or extended as described in regulation F1(2)(b), a Target carbon dioxide Emissions Rrate (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 Rrate (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.~~

## **F4 Consequential improvements**

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

(a) an extension; or

(b) the initial provision of any fixed building service; or

(c) an increase in the capacity of any fixed building service,  
consequential improvements to the existing building shall be carried out to ensure that the building complies with the requirements of regulation F2 so far as this is technically, functionally and economically feasible.

#### **F5 Change of energy status**

Where there is a change of energy status such work shall be carried out as is necessary to ensure that the building complies with the requirements of regulation F2(a)(i).

#### **F6 Renovation of thermal elements**

Where a thermal element is renovated such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of regulations F2(a)(i).

#### **F7 Notice of air pressure test**

Where an air pressure test is undertaken for the purposes of demonstrating compliance with regulation F3(2), the person carrying out the work shall give to the district council, not more than 5 days after completion of the testing, a notice in writing confirming the result of the air pressure test.

#### **F8 Notice of commissioning**

The person carrying out the work shall give to the district council and to the owner of the building, not more than 5 days after completion of the commissioning, a notice in writing confirming that the fixed building services have been satisfactorily commissioned.

#### **F9 Notice of emissions rate**

Where a calculation is carried out for the purposes of demonstrating compliance with regulation F3 (2), the person carrying out the work shall give to the district council, not more than 5 days after completion, a notice in writing that gives—

- (a) the target carbon dioxide emissions rate for the building;
- (b) the calculated carbon dioxide emissions rate for the building as constructed; and
- (c) the list of specifications to which the building is constructed and which are critical to achieving compliance, where these differ from the design specifications.

#### **F10 Provision of information**

The person carrying out the work shall, not more than 5 days after completion—

- (a) give the building owner sufficient information about the building, its fixed building services and their maintenance requirements so that the building can be operated and maintained to conserve fuel and power; and
- (b) notify the district council in writing that the requirements of (a) above have been met.

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

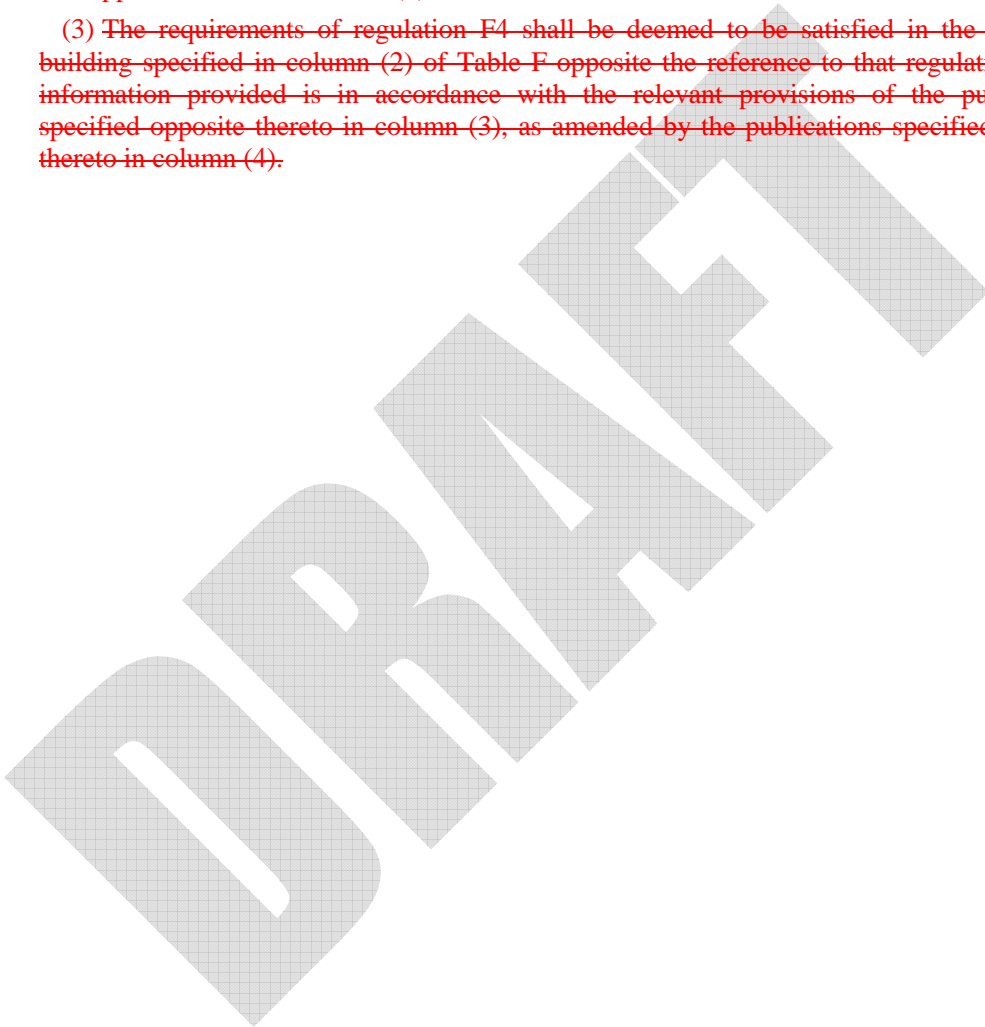
- (1) ~~The requirements of regulation F2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table F opposite the reference to that regulation, if—~~
- ~~(a) the heat gains and losses through thermal elements and other parts of the building fabric and from pipes, ducts 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 G

### Sound insulation of dwellings-Resistance to the passage of sound

#### G1 Application and interpretation

(1) This Part—

- (a) applies only to ~~a~~ dwellings, rooms for residential purposes and Schools and Colleges; but
- (b) does not apply to a wall separating a dwelling from an open access balcony.

(2) Regulations G2 and G4 shall apply to the erection of a building and to the structural alteration or extension of an existing building.

(3) Regulations G3 and G5 shall apply to the material change of use of an existing building or part of an existing building.

(4) Regulation G4 shall not apply to—

- (a) an internal wall which contains a door;
- (b) an internal wall which separates an ensuite toilet from the associated bedroom; or
- (c) existing walls and floors in a building which is subject to material change of use.

(5) Regulation G5 applies only to corridors, stairwells, hallways and entrance halls which give access to the flat, maisonette or room for residential purposes.

(6) ~~(4)~~ In this Part—

OPEN ACCESS BALCONY means a balcony which—

- (a) gives access to dwellings or a common service area; and
- (b) ignoring structural columns is open to the external air for more than one-third of its floor to ceiling height and throughout the length of the dwellings;

SEPARATING WALL AND SEPARATING FLOOR means respectively a wall or floor (including a stair) separating a dwelling from—

- (a) another dwelling or another building; or
- (b) another part of the same building which is not used exclusively with that dwelling;

DWELLINGHOUSE means a dwelling on one or more storeys which is detached or forms part of a building from all other parts of which it is divided only vertically;

FLAT means a dwelling on one storey forming part of a building from some other part of which it is divided horizontally;

MAISONETTE means a dwelling on more than one storey forming part of a building from some other part of which it is divided horizontally; and

ROOM FOR RESIDENTIAL PURPOSES means a room, or suite of rooms, which is not a dwelling-house, flat or maisonette 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.

#### G2 Separating walls and separating floors

(1) A separating wall in conjunction with its flanking construction shall provide ~~adequate~~ reasonable resistance to airborne sound transmission.

(2) Subject to paragraph (3) a separating floor in conjunction with its flanking construction shall provide ~~adequate~~ reasonable resistance to airborne sound transmission and, where such a floor is above a dwelling, ~~adequate~~ reasonable resistance to impact sound transmission.

(3) A separating floor or part of a separating floor which forms an open access balcony shall provide ~~adequate~~ reasonable resistance to impact sound transmission only.

### **G3 Existing walls and floors which become separating walls and separating floors**

- (1) An existing wall which becomes a separating wall shall provide **adequate reasonable** resistance to airborne sound transmission.
- (2) Subject to paragraph (3) an existing floor or stair which becomes a separating floor shall provide **adequate reasonable** resistance to airborne sound transmission and, where such a floor is above a dwelling, **adequate reasonable** resistance to impact sound transmission.
- (3) A separating floor or part of a separating floor which forms an open access balcony shall provide **adequate reasonable** resistance to impact sound transmission only.

### ***G4 Deemed to satisfy provisions for regulations G2 and G3***

- ~~(1) The requirements of regulation G2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table G opposite the reference to that regulation, if the separating wall or separating floor (in conjunction with its flanking construction) of the building is constructed 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 G3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table G opposite the reference to that regulation, if the separating wall or separating floor is constructed 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).~~

### **G4 Internal walls and internal floors**

- (1) An internal wall shall provide reasonable resistance to airborne sound transmission between a bedroom or a room containing a water closet and other rooms.
- (2) An internal floor shall provide reasonable resistance to airborne sound transmission.

### **G5 Reverberation**

The common internal parts of buildings which contain flats, maisonettes or rooms for residential purposes shall be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable.

### **G6 Acoustic conditions in Schools and Colleges**

Each room or other space in a school or college shall be designed and constructed in such a way that it has the acoustic conditions and insulation against disturbance by noise appropriate to its intended use.

### **G7 Notice of sound insulation test**

Where a sound insulation test is undertaken for the purposes of demonstrating the compliance of a dwelling with regulations G2 and G3, the person carrying out the work shall give to the district council, not more than 5 days after completion of the testing, a notice in writing confirming the result of the sound insulation test.

## PART H

### Stairs, ramps, guarding and protection from impact

#### H1 Application and interpretation

(1) Subject to paragraphs (2), (3), (4) and (5) this Part shall apply to any building or part of a building **and the approach thereto**.

(2) The requirements of regulation H4(1) shall not apply—

- (a) to the extent that compliance therewith would unreasonably obstruct normal movement **to**, into, out of or within any building;
- (b) in relation to the two steps at the bottom of a stair where the landing from which the stair rises does not require guarding in accordance with that paragraph;
- (c) in relation to a flight within a stair with a total rise of less than 600 mm;
- (d) in relation to a sunken area less than 600 mm in depth; and
- (e) in relation to a roof or other place to which access is solely for maintenance purposes provided that either—
  - (i) access is infrequent; or
  - (ii) any fall would be—
    - (aa) less than 2000 mm; or
    - (bb) to an area which does not present a hazard.

(3) The requirements of regulation H4(2) shall not apply in relation to a car showroom, a garage within the boundary of a dwelling, or a single storey building comprising two or more garages each of which has an area not exceeding 40 m<sup>2</sup>.

(4) The requirements of regulation H6 shall not apply to—

- (a) a dwelling; and
- (b) a door or gate which is part of a lift.

(5) Insofar as they relate to a dwelling, the requirements of regulation H7 shall only apply to a window, skylight or ventilator which opens over a public route of travel.

(6) For the purposes of this Part access to any place is infrequent if it takes place on average on less than one occasion a month during the course of a year.

(7) In this Part—

BALCONY includes a gallery;

BARRIER includes a wall or screen;

FLIGHT means that part of a stair or ladder between landings that has a step or a continuous series of steps;

LADDER means a fixed ladder having a flight with a pitch greater than 55°;

LANDING means a platform situated –

- (a) at the top or bottom of a stair, ladder or ramp; and
- (b) between consecutive flights of stairs;

RAMP means an inclined surface which provides a route of travel; and

STAIR means a flight or flights (other than a ladder) and landings that make it possible to pass on foot to another level or levels.

## H2 Provision of stairs in dwellings

Within every dwelling of more than one storey there shall be provided between such storeys access by means of a stair complying with the relevant provisions of this Part.

~~Provided that nothing in this regulation shall require the provision of a stair to any storey within a dwelling if that storey is used only as general storage accommodation.~~

## H3 Stairs, ladders, ramps and landings

A stair, ladder and a ramp and its landings, shall offer reasonable safety to people using them to approach, access, use or exit a building. ~~move between~~

- (a) ~~levels within the building; and~~
- (b) ~~an entrance or exit of the building and the general ground level immediately outside that entrance or exit.~~

## H4 Guarding

(1) A stair, ladder, ramp, floor, balcony, landing, platform and any roof or other place to which people normally have access (including access for the purpose of maintenance) and a sunken area next to a building, shall, where it is necessary to protect people when approaching, accessing, using or exiting a building ~~in or about the building~~ from the risk of falling, be adequately guarded with a barrier which does not present a hazard.

(2) Any part of a building which is a vehicle ramp, floor or roof to which vehicles have access shall, where it is necessary to protect people, be adequately guarded with a barrier which does not present a hazard.

## H5 Vehicle loading bays

A vehicle loading bay shall be designed and constructed to minimise the risk of people in it from being struck by a vehicle.

## H6 Protection against impact from and trapping by doors

- (1) In any building a door or gate which –
  - (a) is across a main route of travel; ~~and or~~
  - (b) can be pushed open from either side,

shall have a means to ensure that people approaching it have a clear view of the space on the opposite side.

(2) In any building a door or gate which slides or opens upwards shall have a means to prevent it from sliding into or falling on any person.

(3) In any building a powered door or gate shall have a means to prevent it trapping any person and a means to open it in the event of a power failure.

## H7 Protection from collision with open windows, skylights or ventilators

Reasonable provision shall be made to minimise the risk of people colliding with an open window, skylight or ventilator when moving in or about a building.

***H8 Deemed to satisfy provisions for regulations H3, H4, H5, H6 and H7***

~~(1) The requirements of regulation H3 shall be deemed to be satisfied, in the case of any element specified in column (2) of Table H opposite the reference to that regulation, if the element is designed and constructed 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 H4 shall be deemed to be satisfied, in the case of any element specified in column (2) of Table H opposite the reference to that regulation, if the element is designed and constructed 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 H5 shall be deemed to be satisfied, in the case of any element specified in column (2) of Table H opposite the reference to that regulation, if the element is designed and constructed 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).~~

~~(4) The requirements of regulation H6 shall be deemed to be satisfied, in the case of any element specified in column (2) of Table H opposite the reference to that regulation, if the element is designed and constructed 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).~~

~~(5) The requirements of regulation H7 shall be deemed to be satisfied, in the case of any element specified in column (2) of Table H opposite the reference to that regulation, if the element is designed and constructed 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 J

### Solid waste in buildings

#### J1 Interpretation

In this Part—

~~INDIVIDUAL~~ WASTE CONTAINERS means moveable containers for the storage of waste from a ~~building~~ ~~single dwelling~~;

WASTE means solid waste; and

WASTE CHUTE SYSTEM means a system comprising of a hopper or hoppers; a waste chute or chutes; a waste container chamber or waste container chambers and associated ventilation provisions.

#### J2 Solid waste storage

~~(1) A building shall be provided with adequate space for the storage of waste in containers, and such space shall be—~~

- ~~(a) sited so as not to be prejudicial to the health of any person;~~
- ~~(b) sited so as to be reasonably accessible for use by people in the building for the storage of waste and for emptying or removing each container;~~
- ~~(c) of sufficient area having regard to the number of necessary containers and the frequency and method of removal; and~~
- ~~(d) reasonably accessible to the waste collection point.~~

~~(2) Every dwelling—~~

- ~~(a) on or below the fourth storey of a building shall have adequate space for individual waste containers or access to communal waste containers or a waste chute system; and~~
- ~~(b) above the fourth storey of a building shall have access to a waste chute system.~~

~~(1) Adequate provision shall be made for the hygienic storage of solid waste from a building.~~

~~(2) Adequate means of access shall be provided—~~

- ~~(a) for people in the building to the place of storage; and~~
- ~~(b) from the place of storage to the waste collection point.~~

#### J3 Waste chute systems

~~A waste chute system shall—ensure the safe and hygienic conveyance of waste to a waste container or containers.~~

- ~~(a) be of such size, layout and construction as will ensure the hygienic conveyance of waste to a waste container;~~
- ~~(b) be capable of facilitating the segregation of waste;~~
- ~~(c) be constructed of non-combustible materials;~~
- ~~(d) have non-absorbent inner surfaces;~~
- ~~(e) have adequate means of ventilation to the external air; and~~
- ~~(f) be so constructed as to prevent the ignition of any part of the building in the event of any waste within the system catching fire.~~

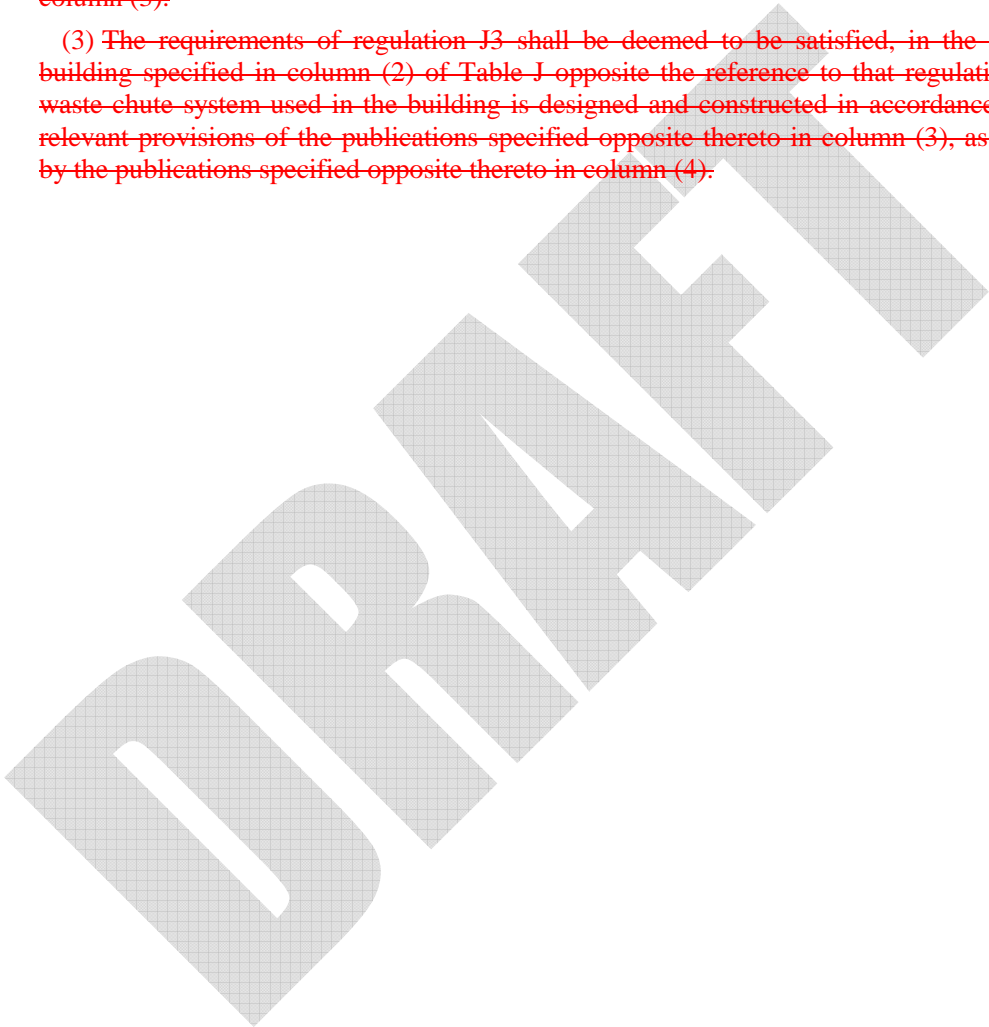
***J4 Deemed-to-satisfy provisions for regulations J2(1)(b), J2(1)(c) and J3***

(1) The requirements of regulation J2(1)(b) shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if—

- (a) ~~the waste container space is sited in accordance with the provisions specified opposite thereto in column (3); or~~
- (b) ~~the waste container space is sited 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 J2(1)(c) shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if the waste storage area is sized in accordance with the provisions specified opposite thereto in column (3).

(3) The requirements of regulation J3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if the waste chute system used in the building is designed and constructed 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 K

### Ventilation

#### **K1 Application and interpretation**

(1) Regulation K2 shall not apply to a building or a space within a building which is used solely for storage or which is otherwise not intended for use by people.

(2) Regulations K2 and K3 shall not apply to a garage used solely in connection with a single dwelling.

(3) Regulation K2(2) shall not apply to the provision or extension of any fixed mechanical ventilation system or associated controls where testing and adjustment is not possible.

~~(3) In this Part—~~

~~DOMESTIC BUILDING means a building or part of a building used for residential purposes such as a house, flat, maisonette, student accommodation or residential care premises but does not include a hotel, hostel or similar building where people reside only temporarily; and~~

~~NON-DOMESTIC BUILDING means a building or part of a building which is not a domestic building.~~

#### **K2 Means of ventilation**

(1) Adequate means of ventilation shall be provided for people in a building.

~~(2) Fixed mechanical ventilation systems and any associated controls shall be commissioned by testing and adjusting as necessary to ensure that the requirement of K2(1) is met.~~

#### **K3 Ventilation of car parks**

Adequate means of ventilation shall be provided for every space in a car park.

#### **K4 Provision of information**

~~Not more than 5 days after completion, the person carrying out the work shall give the owner of the building sufficient information about the building, the fixed services and their maintenance requirements so that the building can be operated and maintained to maximise its design potential for ventilation.~~

~~The person carrying out the work shall, not more than 5 days after completion—~~

- ~~(a) give the building owner sufficient information about the buildings ventilation system, the fixed mechanical ventilation system and their maintenance requirements so that the ventilation system can be operated and maintained to provide adequate means of ventilation;~~
- ~~(b) notify the district council in writing that the requirements of (a) above have been met; and~~
- ~~(c) notify the district council in writing of the results of the air flow tests required by K2(2).~~

#### **~~K4 Deemed to satisfy provisions for regulations K2 and K3~~**

~~(1) The requirements of regulation K2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table K opposite the reference to that regulation, if the ventilation for the building is designed and constructed 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 K3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table K opposite the reference to that regulation, if the ventilation for the building is designed and constructed 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).~~

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## PART L

### Combustion appliances and fuel storage systems

#### L1 Application and interpretation

(1) Any provision in regulations L2, L3, L4, L5, ~~L6~~ and ~~L8~~ ~~L9~~ 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.

(2) ~~Regulation L4 shall not apply to a combustion appliance designed solely for cooking purposes.~~

(3) ~~Regulation L6~~ ~~L7~~ 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~~ ~~L8~~ 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.

(5) 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.

#### 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 Warning of release of carbon monoxide

Where a combustion appliance is installed in a dwelling, reasonable provision shall be made to detect and give warning of the release of carbon monoxide at levels harmful to people.

#### **L4 L5 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 L6 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 L7 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 L8 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 L9 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 (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).~~

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(a) S.I. 1981 No. 158 (N.I. 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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## PART N

### Drainage

#### **N1 Application and interpretation**

(1) Regulation N5 shall not apply to a drainage system intended for use in connection with a roof or balcony of 6 m<sup>2</sup> or less in area, unless that roof or balcony receives a flow of rain-water from another part of a building

(2) In this Part—

**FOUL WATER** means waste from a sanitary appliance and water which has been used for cooking or washing purposes and not contaminated by trade effluent;

**RAIN-WATER DRAINAGE** includes gutters, pipes, drains and fittings which convey rain-water only;

**SANITARY APPLIANCE** has the meaning assigned to it by regulation P1;

**SANITARY PIPEWORK** means a pipe or system of pipes for conveying foul water from a fitting to an underground foul drain; and

**UNDERGROUND FOUL DRAINAGE** includes drains and private sewers used in connection with buildings but not a system which is solely for the conveyance of subsurface water.

#### **N2 Drainage systems**

Every building shall be provided with such sanitary pipework, underground foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water from that building.

#### **N3 Sanitary pipework**

Sanitary pipework shall—

- (a) consist of pipes and fittings -
  - (i) of such size, layout, construction and watertightness; and
  - (ii) with sufficient ventilation,to ensure the hygienic conveyance of foul water to an underground foul drainage system; and
- (b) have such means of access as is necessary to facilitate the clearance of blockages.

#### **N4 Underground foul drainage**

Underground foul drainage shall—

- (a) consist of pipes and fittings -
  - (i) of such size, layout, construction and watertightness; and
  - (ii) with sufficient ventilation,to ensure the hygienic conveyance of foul water to a sewer, cesspool, septic tank or similar structure; and
- (b) have such means of access as is necessary to facilitate the clearance of blockages.

## **N5 Rain-water drainage**

Rain-water drainage shall—

- (a) consist of pipes and fittings -
  - (i) of such size, layout, construction and watertightness; and
  - (ii) with sufficient ventilation,to ensure the hygienic conveyance of rain-water to a surface water or combined sewer, a soakaway or a watercourse; and
- (b) have such means of access as is necessary to facilitate the clearance of blockages.

## **N6 Cesspools, septic tanks and similar structures**

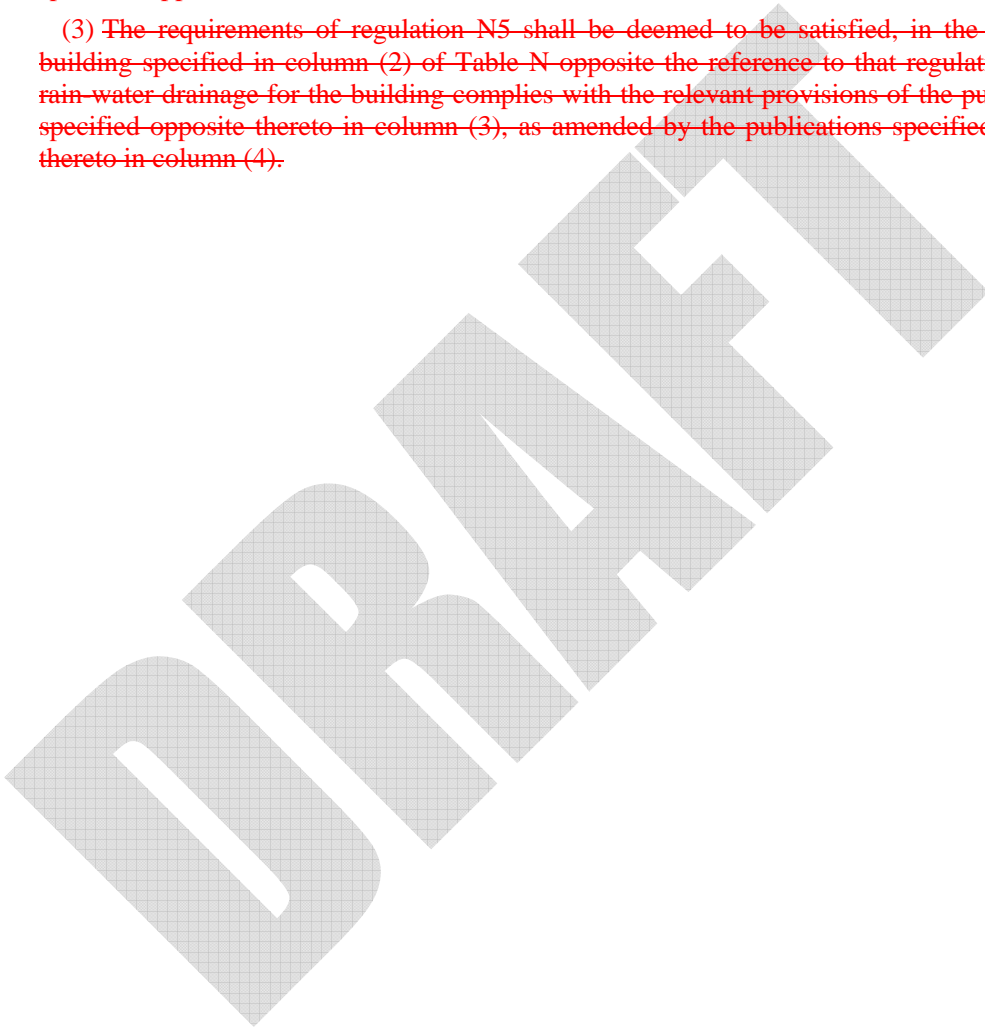
- (1) Any cesspool, septic tank or similar structure shall be—
  - (a) so constructed as to be impervious to both liquid from the inside and subsoil water from the outside; and
  - (b) so sited—
    - (i) as not to render liable to pollution any spring, stream, well, adit or other source of water which is used, or is likely to be used, for drinking, domestic or kitchen purposes;
    - (ii) that there is ready means of access for cleansing it and removing its contents without carrying them through any building in which any person resides or is employed in any manufacture, trade or business, or to which the public has access; and
    - (iii) as not to be in such proximity to any building in which any person resides or is employed in any manufacture, trade or business, or to which the public has access, as to be liable to become a source of nuisance or a danger to health.
  - (2) A cesspool shall be—
    - (a) of suitable depth to enable it to be emptied completely;
    - (b) properly covered so as to be impervious to surface water and rain-water;
    - (c) fitted with a suitable manhole cover for the purposes of inspection (including inspection of the inlet), emptying and cleansing;
    - (d) adequately ventilated;
    - (e) without any outlet for overflow or discharge other than the outlet provided for emptying or cleansing; and
    - (f) of a capacity, measured below the level of the inlet, of not less than 18 m<sup>3</sup>.
  - (3) Any structure to which paragraph (1) applies other than a cesspool shall be—
    - (a) of suitable depth;
    - (b) of adequate size, having in no case a capacity of less than 2.7 m<sup>3</sup>;
    - (c) covered or fenced in;
    - (d) if covered, adequately ventilated and constructed with means of access for the purposes of inspection (including inspection of the inlet and outlet), emptying and cleansing; and
    - (e) fitted with filter or other treatment facility for effluent (including subsurface irrigation) or both, sited to comply with the requirements of paragraph (1)(b)(i) and (iii).

***N7 Deemed-to-satisfy provisions for regulations N3, N4 and N5***

~~(1) The requirements of regulation N3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table N opposite the reference to that regulation, if the sanitary pipework used in 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 N4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table N opposite the reference to that regulation, if the underground foul drainage for 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).~~

~~(3) The requirements of regulation N5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table N opposite the reference to that regulation, if the rain-water drainage for 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).~~



## PART P

Sanitary appliances, ~~and~~ unvented hot water storage systems ~~and reducing the risk of scalding~~

### P1 Application and interpretation

(1) Regulation P6 applies when a dwelling is—

- (a) erected; or
- (b) formed by a material change of use.

(2) In this Part—

DOMESTIC HOT WATER means water that has been heated for ablution, culinary and cleansing purposes irrespective of the type of building;

SANITARY ACCOMMODATION means a room or space which contains a water closet or urinal whether or not it contains other sanitary appliances;

SANITARY APPLIANCES includes a water closet or urinal and a bath, shower, wash-hand basin, bidet or other fitting for ablutionary purposes;

SANITARY PIPEWORK and UNDERGROUND FOUL DRAINAGE have the meaning assigned to them by regulation N1; and

URINAL includes one or more slabs, stalls, troughs, bowls and other suitable receptacles.

### P2 Provision of sanitary appliances

(1) A dwelling shall have at least one water closet, one wash-hand basin and one fixed bath or shower.

(2) A wash-hand basin shall be provided, in the case of—

- (a) a dwelling - either in the same room as a water closet or in an adjoining room; and
- (b) any other building - either in the same room as a water closet or in an adjoining room which provides the sole means of access to the room containing the water closet:

provided that where the wash-hand basin is located in the adjoining room, that room is not used for the preparation of food.

(3) A water closet fitted with a macerator shall not be provided in any building unless the building has another water closet, accessible to all occupants, which discharges directly to sanitary pipework or underground foul drainage.

### P3 Sanitary appliances

(1) Every sanitary appliance shall have smooth and readily cleansed, non-absorbent surfaces and shall discharge through an effective trap of suitable dimensions.

(2) Every wash-hand basin, bath and shower shall have provision for the piped supply of hot and cold water and where a sequential single control mixer valve is provided it shall start from the cold supply.

(3) Every water closet and urinal shall have flushing apparatus capable of effectively cleansing the receptacle, no part of which shall be directly connected to any pipe other than a flush pipe or sanitary pipework.

(4) The outlet of an urinal shall have an effective grating.

(5) A sanitary appliance fitted with a macerator, pump and drainage pipe shall ensure the hygienic conveyance of foul water to an underground foul drainage system.

#### **P4 Sanitary accommodation**

(1) Sanitary accommodation in any building other than a dwelling shall not open directly into a room used for kitchen purposes.

(2) Any sanitary accommodation which can be entered directly from a room used for sleeping purposes, shall be so constructed that it can also be entered without passing through any such room, but this paragraph shall not apply if in the case of—

- (a) a dwelling - there is other such sanitary accommodation within the dwelling which can be entered without passing through any such room; or
- (b) any other building - there is within the building other such sanitary accommodation which is available for common use.

#### **P5 Unvented hot water storage systems**

(1) This regulation shall apply to any hot water storage system (other than a system or part of a system used solely for space heating or an industrial process) that has a storage vessel which—

- (a) has a capacity greater than 15 litres; and
- (b) does not incorporate a vent pipe to the atmosphere.

(2) A hot water storage system to which this regulation applies, whether heated directly or indirectly, shall incorporate—

- (a) safety devices to ensure that the temperature of the stored water does not exceed 100 °C at any time; and
- (b) devices to control the working pressure and to relieve excessive pressure.

(3) Any discharge from devices provided for the purpose of paragraph (2) shall be conveyed safely to where it can be seen readily and will cause no danger to people.

#### **P6 Reducing the risk of scalding**

(1) The domestic hot water distribution system shall be so designed and installed as to incorporate measures to ensure that the temperature of water that can be delivered is not excessive; and

(2) The hot water supply to any fixed bath shall be so designed and installed as to incorporate measures to ensure that the temperature of water that can be delivered to that bath does not exceed 48 °C.

#### **~~P6 Deemed to satisfy provisions for regulation P5~~**

~~The requirements of regulation P5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table P opposite the reference to that regulation, if the unvented domestic hot water storage system used in the building 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).~~

## PART R

### Access to and use of buildings

#### **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).~~

## PART V

### Glazing

#### **V1 Application and interpretation**

(1) Subject to paragraphs (2) and (3) this Part shall apply to any building or part of a building.

(2) Regulation V3 shall not apply to glazing in a dwelling.

(3) Regulation V5 shall not apply to glazing that is not intended to be cleaned.

(4) In this Part—

GLAZING includes glass, plastic and other transparent or translucent materials.

#### **V2 Impact with glazing**

Reasonable provision shall be made to limit the risk of people sustaining cutting and piercing injuries from accidental impact with glazing.

#### **V3 Transparent glazing**

Transparent glazing, of which people may otherwise be unaware and with which they are likely to collide while in passage in or about a building, shall incorporate features which make it apparent.

#### **V4 Safe opening and closing of windows, skylights and ventilators**

Any window, skylight or ventilator which can be opened by a person shall be so constructed or equipped that it may be opened, closed and adjusted safely.

#### **V5 Safe means of access for cleaning glazing**

Reasonable provision shall be made for safe means of access to clean glazing in walls, ceilings and roofs.

#### **~~V6 Deemed to satisfy provisions for regulations V2, V3, V4 and V5~~**

~~(1) The requirements of regulation V2 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table V opposite the reference to that regulation, if the glazing used in 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 V3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table V opposite the reference to that regulation, if the glazing used in 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).~~

~~(3) The requirements of regulation V4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table V opposite the reference to that regulation, if the windows, skylights and ventilators 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).~~

~~(4) The requirements of regulation V5 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table V opposite the reference to that regulation, if the means of access to the glazing 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).~~

Sealed with the Official Seal of the Department of Finance and Personnel on XXth Xxxxx 2011

*Philip Irwin*

A senior officer of the  
Department of Finance and Personnel



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# SCHEDULE 1

Regulation A3(3)

## Transitional provisions

1. The Building Regulations (Northern Ireland) 1973(a) shall continue to apply to—
  - (1) plans deposited in accordance with those regulations before 1st October 1977;
  - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
  - (3) work completed on or after 1st October 1973 but before 1st October 1977, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979.
2. The Building Regulations (Northern Ireland) 1977(b) shall continue to apply to—
  - (1) plans deposited in accordance with those regulations before 1st June 1990;
  - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
  - (3) work completed on or after 1st October 1977 but before 1st June 1990, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 continue to apply by virtue of paragraph (1).
3. The Building Regulations (Northern Ireland) 1990(c) shall continue to apply to—
  - (1) plans deposited in accordance with those regulations before 28th November 1994;
  - (2) work carried out in accordance with such plans with or without any departure or deviation from those plans; and
  - (3) work completed on or after 1st June 1990 but before 28th November 1994, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973 and 1977 continue to apply by virtue of paragraphs (1) and (2).
4. The Building Regulations (Northern Ireland) 1994(d) shall continue to apply to—
  - (1) plans deposited in accordance with those regulations before 1st April 2001;
  - (2) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and
  - (3) building work and any material change of use completed on or after 28th November 1994 but before 1st April 2001, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977 and 1990 continue to apply by virtue of paragraphs (1), (2) and (3).
5. The Building Regulations (Northern Ireland) 2000(e) shall continue to apply to—
  - (1) plans deposited in accordance with those regulations before [INSERT DATE];
  - (2) building work and any material change of use carried out in accordance with such plans with or without any departure or deviation from those plans; and

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(a) S.R. & O. (N.I.) 1973 No. 105 as amended by S.R. & O. (N.I.) 1973 No. 506 and S.R. 1975 No. 112  
(b) S.R. 1977 No. 149 as amended by S.R. 1979 No. 79, S.R. 1980 No. 86; S.R. 1980 No. 332; S.R. 1982 No. 81; S.R. 1984 No. 295; S.R. 1984 No. 343 and S.R. 1987 No. 268  
(c) S.R. 1990 No. 59 (N.I.) as amended by S.R. 1991 No. 169 and S.R. 1993 No. 84  
(d) S.R. 1994 No. 243 (N.I.) as amended by S.R. 1995 No. 473, S.R. 1997 No. 481 and S.R. 1998 No. 453  
(e) S.R. 2000 No. 389, as amended by S.R. 2005 No. 295, S.R. 2006 No. 355, S.R. 2006 No. 440, S.R. 2008 No. 170 as amended by S.R. 2008 No. 241 and S.R. 2009 No. 369, S.R. 2010 No. 1 and S.R. 2010 No. 382

(3) building work and any material change of use completed on or after 1st April 2000 but before 1st April 20XX, other than work to which building bye-laws continue to apply in accordance with paragraph 2 of Schedule 2 to the Building Regulations (Northern Ireland) Order 1979 and work to which the Building Regulations (Northern Ireland) 1973, 1977, 1990 and 1994 continue to apply by virtue of paragraphs (1), (2), (3) and (4).

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## SCHEDULE 2

Regulation A4(1)

### Classes of exempted buildings

In Classes ~~2~~ 3 and ~~3~~ 4 of this Part HEIGHT shall be measured from the lowest level of the ground adjoining the building to the highest point of the building.

<i>Class</i> <i>(1)</i>	<i>Description of exempted building</i> <i>(2)</i>
<b>1</b>	<b>Buildings controlled under other legislation</b> <ul style="list-style-type: none"><li>(a) Any building the construction of which is subject to the Explosives Acts (Northern Ireland) 1875 and 1924.<sup>(1)</sup></li><li>(b) Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965<sup>(2)</sup> is for the time being in force.</li><li>(c) A building being any monument for the time being subject to Part II of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995<sup>(3)</sup> other than any such building or part thereof which is used as residential accommodation or as an institution.</li></ul>
<b>2</b>	<b>Buildings used for the purposes of national security</b> <ul style="list-style-type: none"><li>(a) A building used or to be used for the purposes of national security;</li><li>(b) a building occupied for the purposes of—<ul style="list-style-type: none"><li>(i) the Secretary of State for Defence;</li><li>(ii) the Defence Council;</li><li>(iii) any of the armed forces of the Crown;</li><li>(iv) any visiting force as defined in the Visiting Forces Act 1952<sup>(4)</sup>; or</li><li>(v) any international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(5)</sup>; or</li></ul></li><li>(c) Class 2 shall not apply to a building used as a dwelling or a building used for office or canteen accommodation.</li></ul>
<del><b>2</b></del> <b>3</b>	<b>Buildings not frequented by people</b> <p>A detached building into which people do not normally go, or into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery, unless any point of such a building is less than one and a half times its height from –</p> <ul style="list-style-type: none"><li>(a) any point of a building into which people can or do normally go;</li><li>(b) the nearest part of a road; or</li><li>(c) the nearest point of the boundary of the land on which the building is to be erected.</li></ul>

<sup>(1)</sup> 1875 c.17, 1924 c.5 (N.I.)

<sup>(2)</sup> 1965 c. 57, the only relevant amending instrument is S.I. 1974/2056

<sup>(3)</sup> S.I. 1995/1625 (N.I. 9)

<sup>(4)</sup> 1952 c. 67

<sup>(5)</sup> 1964 c. 5

<i>Class</i>	<i>Description of exempted building</i>
<i>(1)</i>	<i>(2)</i>

### **3 4 Buildings for agriculture and keeping of animals**

A building used for agriculture, but not including a building used principally for retailing (including storage for retailing), packaging, exhibiting or as an office, provided that—

- (a) no part of the building is used as a dwelling;
- (b) no point of the building is less than one and a half times its height from—
  - (i) any point of a building which contains sleeping accommodation;
  - (ii) the nearest part of a road; or
  - (iii) the nearest point of the boundary of the land on which it is to be erected; and
- (c) the building is provided with a fire exit which is not more than 30 m from any point in the building.

### **4 5 Temporary buildings**

A building, including an exhibition stand and a stand for viewing a public display, which is not intended to remain where it is erected for more than 28 days.

### **5 6 Ancillary Buildings**

- (a) A building on a construction site, being a building which is intended to be used only in connection with the disposal of buildings, or building plots on that site and which contains no sleeping accommodation.
- (b) A building on or close to the site of construction or civil engineering work, which is intended to be used only by people engaged on those works during the course of those works and which contains no sleeping accommodation.
- (c) A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

### **6 7 Small detached buildings**

- (a) A detached single storey building, having a floor area which does not exceed 30 m<sup>2</sup>, which contains no sleeping accommodation and is a building which is either—
  - (i) constructed substantially of non-combustible material; or
  - (ii) at no point less than 1 m from -
    - (aa) the nearest point of a dwelling;
    - (bb) the nearest part of a road; or
    - (cc) the nearest point of the boundary of the land on which it is to be erected.
- (b) A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if—
  - (i) its floor area does not exceed 30 m<sup>2</sup>; and
  - (ii) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus 1 m.

- (c) A detached single storey building, having a floor area which does not exceed 15 m<sup>2</sup>, which contains no sleeping accommodation and is not less than 1 m from a dwelling.

## 7 8 Extensions

~~The extension of a building by the addition at ground level of—~~

- (a) ~~a conservatory, covered area or covered way; or~~  
(b) ~~a carport open on at least 2 sides,~~

~~where the floor area of the extension does not exceed 30 m<sup>2</sup>, provided that in the case of a conservatory or porch which is wholly or partially glazed, the glazing satisfies the requirements of Part V;~~

~~An extension to a building by the addition at ground level of—~~

- (a) a conservatory;  
(b) a porch, covered area or covered way; or  
(c) a carport open on at least two sides,

where the floor area of the extension does not exceed 30m<sup>2</sup> (or, in the case of a porch attached to a dwelling, does not exceed 3m<sup>2</sup>), provided that in the case of a conservatory or porch—

- (a) the extension, if it is to a dwelling, satisfies the radon requirements of regulation C2(2);  
(b) the thermal performance of the building is retained;  
(c) the building's heating or cooling system is not extended into it;  
(d) a fixed combustion appliance or fixed cooling appliance is not installed; and  
(e) the glazing satisfies the requirements of Part V.

## 8 9 Other buildings

- (a) An air-supported structure which -  
(i) does not exceed 15 m in length or diameter;  
(ii) has alternative means of escape;  
(iii) is not less than 2 m from any building to which these regulations apply; and  
(iv) is used solely in connection with a dwelling.  
(b) An air-supported structure which -  
(i) after deflation is re-erected in accordance with plans previously approved and with any conditions imposed in connection with the approval of those plans; and  
(ii) is used for the same purpose as that for which it was previously erected.  
(c) A tent or marquee.  
(d) A movable dwelling including a tent, caravan, shed or similar structure used for human habitation, **but not a structure that requires disassembly to facilitate being moved on- or off-site.**  
(e) Mobile accommodation used in a static condition, including a houseboat, caravan or railway carriage.  
(f) Any part of a dock, wharf, pier, lighthouse, dam, reservoir, railway line, airfield, pavement, canal (including locks and other structures associated therewith), oil rig, tunnel, bridge, road, path, ramp, stairway, walkway or work of public utility which does not form part of, give support to or gain support from, a building to which these regulations apply and which is not required for

the purposes of Part R of these regulations; sewage disposal works other than buildings designed to house plant or provide covered accommodation for persons.

- (g) A structure (other than a chimney) not incorporating any covered space with headroom exceeding 1.5 m, except where the structure is attached to or within a building to which these regulations apply; a tower mast not attached to a building to which these regulations apply.
  - (h) Unclad plant or machinery, including a vending or weighing machine.
  - (i) Amusement, playground or fairground equipment, including a swing, roundabout and scenic railway.
  - (j) Scaffolding, falsework, lifts and hoists used in association with engineering or construction work.
  - (k) Storage racking not incorporating a floor.
  - (l) Road barriers, street furniture or similar structures, including a traffic light or sign.
  - (m) A fence, wall or gate not forming part of a building to which these regulations apply.
  - (n) An external storage tank, not being a septic tank, settlement tank, cesspool, fixed oil storage tank, liquefied petroleum gas storage tank or tower silo.
  - (o) Gantries or galleries used solely for access to or the operation of plant or machinery.
  - (p) Greenhouses, including greenhouses attached to other buildings, but not including greenhouses used principally for retailing, packaging or exhibiting.
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## SCHEDULE 3

Regulation A9

### Part A – Giving of notices and deposit of plans

#### **Rule A: General**

The following provisions shall be observed in relation to the giving of any notices and the deposit of any plans, sections, specifications and particulars referred to in the other rules of this Schedule:

- (1) Notices and other particulars shall be in writing.
- (2) Drawings shall be executed or reproduced in a clear and intelligible manner with suitable and durable materials. Plans and sections shall be to a scale of not less than 1:100 or, if the building is so extensive as to render a smaller scale necessary, not less than 1:200; block plans shall be to a scale of not less than 1:1250; and key plans shall be to a scale of not less than 1:2500. The scale shall be indicated on all plans, sections and other drawings and the north point on all block plans and key plans.
- (3) Every notice, drawing or other document shall be signed by the person required to furnish it to the district council or by his duly authorised agent, and in all cases shall state the full name and address of the person on whose behalf it has been furnished.
- (4) Every such document, together with a duplicate thereof, shall be sent or delivered to the offices of the district council and the district council may retain one copy.
- (5) Where the building, or part thereof, is or will become a relevant premises for the purposes of the Fire and Rescue Services (Northern Ireland) Order 2006(a), a statement to that effect, accompanied by a further 2 copies of such plans as demonstrate compliance with the requirements of Part E (Fire safety) of these regulations, shall be deposited with the district council which may retain both such copies.

#### **Rule B: Erection of buildings**

The following are the notices to be given and the plans, specifications and particulars to be deposited by a person intending to erect a building which is not exempted from the operation of these regulations under regulation A4:

- (1) Notice of intention to erect a building not exempted from the operation of these regulations.
- (2) Particulars, so far as necessary to show whether the building complies with all such requirements of these regulations as apply to it, of—
  - (a) the intended use of the building;
  - (b) the materials of which the building will be constructed;
  - (c) the mode of drainage; and
  - (d) the means of water supply.
- (3) A block plan showing—
  - (a) the size and position of the building and its relationship to adjoining buildings;
  - (b) the width and position of every street adjoining the premises; and
  - (c) the boundaries of the premises and the size and position of every other building and of every road, path, garden, yard and other open space within such boundaries.
- (4) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.

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(a) 2006 No. 1254 (N.I. 9)

(5) A plan of every floor and roof of the building and a section of every storey of the building, upon which shall be shown (where not already shown on the particulars and plans required by items 2 to 4), so far as necessary to enable the district council to determine whether the building complies with these regulations—

- (a) the levels of the site of the building, of the lowest floor of the building and of any street adjoining the premises, in relation to one another and above some known datum;
  - (b) the position of the damp-proof courses and any other barriers to moisture;
  - (c) the position, form and dimensions of the foundations, walls, windows, floors, roofs, chimneys and several parts of the building;
  - (d) the intended use of every room in the building;
  - (e) the provision made in the structure for protection against fire;
  - (f) the provision made in the building or part of the building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times; and
  - (g) the provision made in the structure for insulation against the transmission of heat and sound.
- (6) The ~~T~~target carbon dioxide ~~E~~missions ~~R~~ate (~~TER~~) for each building.
- (7) The ~~D~~dwelling carbon dioxide ~~E~~missions ~~R~~ate (~~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. A list of specifications (used for the calculation of the design-stage carbon dioxide emissions rate) to which the building is to be constructed.~~
- (9) ~~The site investigation report where one has been produced.~~
- (10) ~~Any valid type approval certificate relevant to the application.~~

### **Rule C: Alterations and extensions**

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to make any alteration of or extension to a building other than an alteration or extension which is exempted from these regulations:

- (1) Notice of intention to alter or extend a building.
- (2) In the case of alterations not involving any extension of a building—
  - (a) the plans and sections required by item 5 of Rule B of the alterations and of the building so far as affected by the alterations, so far as necessary to establish whether the proposals comply with these regulations; and
  - (b) a key plan showing the position of the site when it is not sufficiently identifiable from such plans.
- (3) In the case of an extension of a building—
  - (a) the plans, sections, specifications and particulars referred to in items 2, 3, 4 and 5 of Rule B in relation to the extension as if the extension was the building therein referred to; ~~and~~
  - (b) the plans and sections as required by item 5 of Rule B of the building so far as affected by the extension; ~~and~~
  - (c) ~~the site investigation report where one has been produced,~~

so far as necessary to enable the district council to determine whether the proposals comply with the requirements of these regulations.

### **Rule D: Services and fittings**

The following are the notices to be given and the plans, sections, specifications and written particulars to be deposited by a person intending to provide any services or fittings to which regulation A6 relates:

- (1) Notice of intention to provide any services or fittings in connection with a building.
- (2) i) Particulars of the services or fittings so far as is necessary to establish whether they comply with all such requirements of these regulations as apply to them; and
  - (a) where it is proposed to provide an unvented hot water storage system to which Part P of these regulations apply, the particulars required by paragraph (a) shall include—
    - (i) the name, make, model and type of hot water storage system to be installed;
    - (ii) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of Part P; and
    - (iii) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.
  - (3) Where it is proposed to execute works of drainage or to construct or install a water closet fitting, urinal fitting, cesspool, septic tank or similar structure (for the reception or disposal of foul water from buildings), a block plan. Such plan shall, if the work is in connection with an operation to which Rule B or C relates, be the block plan required by such rule and the block plan shall in any case show, so far as necessary to establish whether the proposals comply with all such requirements of these regulations as apply to them—
    - (a) the position of services or fittings;
    - (b) the lines of drainage; the size, depth and inclination of every drain and the means of access to be provided for the inspection and clearance of blockages;
    - (c) the position and level of the outfall of the drains; and
    - (d) where the drainage is intended to be connected to a sewer, the position of the sewer.
  - (4) Where it is proposed to construct or install a water closet fitting, urinal fitting, cesspool, septic tank or similar structure (for the reception or disposal of foul water from buildings), plans and sections of the works or fittings, so far as necessary to show that they comply with all such requirements of these regulations as apply to them.
  - (5) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.

### **Rule E: Material changes of use**

The following are the notices to be given and the plans, specifications and particulars to be deposited by a person intending to make any material change of use to which these regulations are applied by regulation A8, in addition to anything required by Rule C in a case to which that rule relates:

- (1) Notice of intention to make, and description of, any change in the purposes for which the building or part of the building is used.
- (2) A block plan showing the size and position of the building and its relationship to adjoining buildings.
- (3) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.
- (4) The provision made in the structure for protection against fire; and the provisions made in the building or part of a building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times.
- (5) In the case of a material change of use involving an increase in imposed loadings, the plans and sections required by items 5(c) and (d) of Rule B.
- (6) The site investigation report where one has been produced.

## **Rule F: Additional requirements**

Where it is considered necessary for the purpose of examining any proposals submitted in accordance with Rule B, C or E, an authorised officer of the district council may require the deposit of any of the following drawings and particulars in addition to plans, sections, specifications and particulars required by such rule:

- (1) A specification of any particular material or materials proposed to be used.
- (2) The proportions of the materials in any concrete or mortar or the specified minimum strength of the concrete or mortar.
- (3) Calculations of loading and strength:

Provided that where the dimensions of a structural member accord with the provisions of DFP Technical Booklet D: ~~2009~~ 2012, calculations of strength to demonstrate the adequacy of those dimensions shall not be required.

- (4) Drawings showing details of particular construction.
- (5) Calculations relating to the space separation of buildings for the purposes of regulation E5.
- (6) Calculations for the purposes of regulation E2.
- (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).~~
- (8) Soil investigation report.
- (9) Details of measures proposed for protection against radon.

## Part B – Particulars to be given in a building notice

(1) The following are the particulars to be given in a building notice by a person intending to carry out any building work ~~to a dwelling, renovation or replacement of a thermal element, change to a building's energy status or make any material change of use of a building~~—

- (a) the full name and address of the person on whose behalf it has been furnished;
- (b) a notice of intention signed by, or on behalf of, the person intending to carry out building work ~~or make a material change of use of a building~~;
- (c) a description of the proposed building work, ~~renovation or replacement of a thermal element, change to a building's energy status or material change of use~~;
- (d) particulars, so far as necessary, to show –
  - (i) the materials ~~to be used during construction; of which the building will be constructed~~;
  - (ii) the mode of drainage;
  - (iii) the precautions to be taken in building over a drain or sewer;
  - (iv) the means of water supply; and
  - (v) the number of storeys (each basement level being counted as one storey) in the ~~building~~ **dwelling** to which the proposal relates;
- (e) particulars giving the size and position of the building and its relationship to adjoining buildings and indicating its distance from the boundary of the premises; and
- (f) particulars giving the location of the site.

(2) Where it is considered necessary for the purposes of examining any proposals submitted in accordance with this Schedule an applicant shall give to a district council, on request in writing by an authorised officer, such particulars as are necessary for the discharge of its function in relation to building regulations.

(3) Paragraphs (1) to (4) of Rule A of Part A of this Schedule shall apply in relation to any notices or other documents given or served under this Part as they apply in relation to such notices or other documents given or deposited under that Part.

~~(4) Where a building notice relates to the erection of a dwelling, an applicant shall provide calculations for the Target carbon dioxide Emissions Rate (TER) and the Dwelling calculated carbon dioxide Emissions Rate (DER) and a list of specifications used for the calculation of the design stage carbon dioxide emissions rate used for design purposes for each dwelling.~~

## Part C – Particulars to be given with an application for a type approval certificate

(1) The following are the particulars to be given in an application for a type approval certificate by a person intending to erect a dwelling—

- (a) the full name and address of the person on whose behalf it has been furnished;
- (b) a notice of intention signed by, or on behalf of, the person intending to carry out building work;
- (c) the district council areas within which the applicant proposes to use any type approval certificate issued against the application.
- (d) a description of the proposed building work;

(2) Paragraphs (1) to (4) of Rule A of Part A of this Schedule shall apply in relation to any notices or other documents given or served under this Part as they apply in relation to such notices or other documents given or deposited under that Part.

(3) A plan of every floor and roof of the building and a section of every storey of the building, upon which shall be shown (where not already shown on the particulars and plans required by items 2 to 4), so far as necessary to enable the district council to determine whether the building complies with these regulations—

- (a) the number of storeys (each basement level being counted as one storey) in each dwelling type to which the proposal relates;
- (b) the position of the damp-proof courses and any other barriers to moisture;
- (c) the position, form and dimensions of the walls, windows, floors, roofs, chimneys and several parts of the building;
- (d) the intended use of every room in the building;
- (e) the materials of which the building will be constructed
- (f) the provision made in the structure for protection against fire and for the means of escape;
- (g) the provision made in the structure for insulation against the transmission of heat and sound.
- (h) The ~~T~~target carbon dioxide ~~E~~missions ~~R~~ate (~~TER~~) for each dwelling type.
- (i) The ~~D~~dwelling carbon dioxide ~~E~~missions ~~R~~ate (~~DER~~) used for design purposes for each dwelling type.

(4) Where it is considered necessary for the purposes of examining any proposals submitted in accordance with this Schedule an applicant shall give to the processing council, on request in writing by an authorised officer, such additional particulars as are necessary for the discharge of its function in relation to building regulations.