

2010 No. 382

BUILDING REGULATIONS

**The Building (Amendment No. 2) Regulations (Northern
Ireland) 2010**

Made - - - - - *24th November 2010*

Coming into operation - - - - - *31st December 2010*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Articles 3, 5(1), (2) and (3) of, and paragraphs 4, 6, 9, 13, 17, 17C, 17D and 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).

Citation and commencement

1. These regulations may be cited as the Building (Amendment No. 2) Regulations (Northern Ireland) 2010, and shall come into operation on 31st December 2010.

Interpretation

2. In these regulations “the principal Regulations” means the Building Regulations (Northern Ireland) 2000(d).

Transitional provisions

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

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

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

(2) In paragraph (1)—

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

(a) S.I. 1979/1709 (N.I. 16), Article 5(1); as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Sch. 1, Part II; 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)

(d) 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, and S.R. 2010 No. 1

- (b) “building work” has the same meaning as in the principal Regulations.

Amendment of Part A (Interpretation and general) of the principal Regulations

4.—(1) After regulation A10 (Giving of notices and deposit of plans) there shall be inserted—

“A10A. 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 A10; 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.”.

(2) In Regulation A11 (Notice of commencement and completion of certain stages of work)—

(a) for Regulation A11(5)(e) there shall be substituted—

“(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;”;

(b) for Regulation A11(5)(f) there shall be substituted—

“(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;”.

(3) For Regulation A13(2)(b)(ii) there shall be substituted—

“(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 and Rescue Services (Northern Ireland) Order 2006(a) and has been requested to do so in respect of that notification.”.

Amendment of Schedule 2 to the principal Regulations

5.—(1) In Part A (Giving of notices and deposit of plans) of Schedule 2—

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

- (a) in paragraph 5 of Rule A (General), for the phrase “is put or is intended to be put to a use which is a designated use for the purposes of the Fire Services (Northern Ireland) Order 1984(a)”, there shall be substituted—

“is or will become a relevant premises for the purposes of the Fire and Rescue Services (Northern Ireland) Order 2006”; and

- (b) in Rule E (Material changes of use), paragraph 6 shall be deleted.

(2) In paragraph 4 of Part B (Particulars to be given in a building notice) of Schedule 2, the phrase “or the creation of a dwelling by a material change of use,” shall be deleted.

Amendment of Schedule 5 (Deemed-to-satisfy provisions) to the principal Regulations

6.—(1) In Table E (Fire safety), against all references in column 3 to “DFP Technical Booklet E: 2005”, under the references “AMD 3” in column 4 there shall be inserted “AMD 5”.

(2) For Table F (Conservation of fuel and power) there shall be substituted the Table set out in the Schedule.

(3) In Table L (Combustion appliances and fuel storage systems), against all references in column 3 to “DFP Technical Booklet L: 2006”, for the symbol “—” in column 4 there shall be substituted “AMD 5”.

Sealed with the Official Seal of the Department of Finance and Personnel on 24th November 2010



Philip Irwin
A senior officer of the
Department of Finance and Personnel

SCHEDULE

Regulation 6(2)

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

Table F

(Conservation of fuel and power)

Regulations (1)	Buildings (2)	Publications (3)	Amendments (4)
F2 Conservation measures	Any dwelling	DFP Technical Booklet F1: 2006	AMD4 AMD5
	Any other building	DFP Technical Booklet F2: 2006	AMD4 AMD5
F3 Target carbon dioxide Emissions Rate	Any dwelling	The Government's Standard Assessment Procedure for energy rating of dwellings (SAP): 2005 edition	—
	Any other building	(a) The Simplified Building Energy Model (SBEM): 2006 edition;	—
		(b) IES "Virtual Environment" software, version 5.5; or (c) EDSL TAS software, version 9.0.9	—
F4 Provision of information	Any dwelling	DFP Technical Booklet F1: 2006	AMD4 AMD5
	Any other building	DFP Technical Booklet F2: 2006	AMD4 AMD5

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations amend Part A of, and Schedules 2 and 5 to, the principal Regulations as follows—

A new regulation A10A introduces provisions relating to applications for two or more buildings that are or contain dwellings. Under this regulation, where work has not been commenced on any individual building on such an application, a district council may declare the plans for those particular buildings to be of no effect under the provisions of Article 19 of the Building Regulations (Northern Ireland) Order 1979 (as amended).

Regulations A11(5)(e) and (f) have been amended to clarify that a Target carbon dioxide Emissions Rate, a Building carbon dioxide Emissions Rate or Dwelling carbon dioxide Emissions Rate shall be submitted where these have been calculated to demonstrate compliance when a building undergoes a material change of use.

Regulation A13(2)(b)(ii) has been amended to reflect changes to other fire safety legislation.

Schedule 2 has been amended to reflect consequential changes brought about by amendments to regulations A11 and A13.

Schedule 5 now takes account of the application of Amendments Booklet AMD5 to Technical Booklets E, F1, F2 and L.

A Regulatory Impact Assessment has been prepared. Copies may be downloaded from www.buildingregulationsni.gov.uk, or alternatively, hard copies may be requested from Building Standards Branch, Department of Finance and Personnel, Level 5, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG.

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

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