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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 412**

**BUILDING REGULATIONS**

**The Building (Amendment)  
Regulations (Northern Ireland) 2016**

*Made - - - - 23rd November 2016*

*Coming into operation 28th November 2016*

The Department of Finance<sup>(1)</sup>, being a Department designated<sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(3)</sup> in relation to the environment and in exercise of the powers conferred by section 2(2) of the said Act and Articles 3, 5(1), 5(2), 5(3), 5A(1) and 8 of, and paragraphs 6, 9, 13, 14, 17, 17A, 17C, 17D, 18, 19 and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979<sup>(4)</sup> and now vested in it<sup>(5)</sup>, and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned<sup>(6)</sup>, makes the following regulations:

**Citation and commencement**

1. These regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 28th November 2016.

**Interpretation**

2. In these Regulations “the principal Regulations” means the Building Regulations (Northern Ireland) 2012<sup>(7)</sup>.

**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;

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(1) The Department of Finance and Personnel was renamed the Department of Finance, section 1(4) of the Departments Act (NI) 2016 (c.5)  
(2) S.I. 2008 No. 301  
(3) 1972c. 68  
(4) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c4  
(5) See S.R. 1999 No. 481 Article 6 and Schedule 4, Part II  
(6) S.I. 1979/1709 (N.I. 16); Article 5(4)  
(7) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375 and S.R. 2014 No. 44

(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) The amendments made by regulations 5, 7, 8 and 9 shall not apply to—

- (a) plans deposited or a building notice given in accordance with the principal Regulations before 1st January 2017;
- (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 1st January 2017.

(3) In paragraphs (1) and (2)—

“building notice” means a notice given under regulation 9 (Giving of notices and deposit of plans) of the principal Regulations; and

“building work” has the same meaning as in the principal Regulations.

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

4. The principal Regulations shall be amended as provided in regulations 5 to 9.

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

5.—(1) In regulation 2 (Interpretation and general) in the Table to paragraph (7)—

- (a) below the Abbreviation or symbol “%” there shall be inserted “Mbps”; and
- (b) below the Definitions “percent” there shall be inserted “Megabits per second”.

(2) In regulation 4 (Exemptions)—

- (a) in paragraph (2) for “(3) and (6)” substitute “(3), (6) and (7)”;
- (b) in paragraph (5)(b) for “Parts C to L” substitute “Parts C to M”;
- (c) in paragraph (6) after “43B” insert “, and subject to regulation 77A, comply with the requirements of regulation 77B”; and
- (d) after paragraph (6) insert the following paragraph—

“(7) Regulation 77B shall apply to buildings controlled under other legislation falling within Class 1 of Schedule 2.”.

(3) In regulation 5 (Application to erection of buildings) for “Parts A to L” substitute “Parts A to M”.

(4) In regulation 7 (Application to alterations and extensions) in paragraph (1) for “Parts A to L” substitute “Parts A to M”.

(5) In regulation 8 (Application to material change of use) for the Table to regulation 8 there shall be substituted the Table set out in Schedule 1 of these Regulations.

(6) In regulation 11 (Application for a type approval certificate for the erection of a dwelling or dwellings)—

- (a) in paragraph (1)(f) delete “and”;
- (b) in paragraph (1)(g) for “.” substitute “; and”; and
- (c) after paragraph (1)(g) insert—

“(h) matters relating to Part M (Physical infrastructure for high-speed electronic communications networks).”.

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

- 6.—(1) In regulation 40 (Target carbon dioxide emission rate)—
- (a) in paragraph (1) after “38(3)(b),” insert “minimum energy performance requirements in the form of”;
  - (b) in paragraph (1) after “calculated” insert “and expressed”; and
  - (c) in paragraph (2) after “rate” insert “, with all carbon dioxide emission rates calculated and expressed using a national calculation methodology”.
- (2) In regulation 43B (Nearly zero-energy requirements for new buildings) in paragraph (2)(a) after “occupied” insert “and owned”.

### **Insertion of Part M (Physical infrastructure for high-speed electronic communications networks)**

7. After Part L (Combustion appliances and fuel storage systems) there shall be inserted the Part set out in Schedule 2 of these Regulations.

### **Amendment of Schedule 2 (Classes of exempted buildings)**

8. For paragraph (a) in Class 1 of Schedule 2, substitute—
- “(a) Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006(8).”.

### **Amendment of Schedule 3**

- 9.—(1) Part A (Giving of notices and deposit of plans) in Rule B: Erection of buildings—
- (a) in paragraph (5)(g) delete “and”;
  - (b) in paragraph (5)(h) for “.” substitute “; and”; and
  - (c) after paragraph (5)(h) insert—
    - “(j) the provisions made in the building or part of the building for physical infrastructure for high-speed electronic communications networks.”.
- (2) Part C (Particulars to be given with an application for a type approval certificate) in paragraph (2)(d)—
- (a) in sub-paragraph (viii) delete “and”;
  - (b) in sub-paragraph (ix) for “.” substitute “; and”; and
  - (c) after sub-paragraph (ix) insert—
    - “(x) the provisions made in the building for physical infrastructure for high-speed electronic communications networks.”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Finance on 23rd November 2016



*Desi McDonnell*  
A senior officer of the  
Department of Finance