

STATUTORY INSTRUMENTS

1979 No. 1709

Building Regulations (Northern Ireland) Order 1979

Relaxation of building regulations

15.—(1) Subject to this Article^[F1] and Article 15A] if, in relation to any particular building or any class of building, it appears to the Department that it is unreasonable that any provision of the building regulations (being a provision which apart from this Article applies, or by reason of a proposed change of use will apply, to that building or class of building) should apply to the building or class of building, or should so apply without relaxation, the Department may—

- (a) in the case of a particular building, on an application made to it in that behalf give a direction dispensing with or relaxing that provision in relation to that building;
- (b) in the case of a class of building, either on an application made to it in that behalf or of its own accord and in either case after consultation with the Advisory Committee give a direction dispensing with or relaxing that provision generally in relation to that class of building.

(2)^{F2} [F1 Building regulations may provide, as regards any provision of the regulations], that the power to dispense with or relax that provision under paragraph (1)(a) shall be exercisable by district councils instead of by the Department, but any regulations made under this paragraph shall except applications made by district councils and may except applications of any other description.

(3) A direction under paragraph (1) shall not be given in respect of any provision of the building regulations which is described in those regulations as not being subject to such a direction.

(4) Subject to paragraph (5), a direction under paragraph (1) may be given either unconditionally or subject to such conditions specified in the direction as appear to the Department or, as the case may be, the district council to be required as a direct result of the dispensation or relaxation, not being conditions by virtue of which the direction is to cease to have effect in whole or in part, or an obligation to carry out any operation is to arise for any person, either—

- (a) on a fixed date, or
- (b) on, or on a date fixed by reference to, the occurrence of any event.

(5) A direction under paragraph (1)(b) for the purposes of a notice served under Article 13(3) shall have effect during such period as may be specified in the direction.

(6) The Department shall notify all district councils of the giving of a direction under paragraph (1)(b) and shall make available to them a copy of any such direction without charge.

[F1(7) The Department may by building regulations make provision with respect to the procedure to be followed in connection with applications and directions under this Article.]

(8) Unless the context otherwise requires, references in this or any other transferred provision including a local provision (whether passed or made before or after the making of this Order) to building regulations shall, in relation to any building or class of building with respect to which a direction under this Article or Article 16(3) is for the time being in force, be construed as references to building regulations as, subject to that direction, they apply to that building or class of building.

Changes to legislation: *There are currently no known outstanding effects for the Building Regulations (Northern Ireland) Order 1979, Section 15. (See end of Document for details)*

F2 mod. by [1984 NI 11](#)

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