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STATUTORY INSTRUMENTS

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**1979 No. 1709**

**Building Regulations (Northern Ireland) Order 1979**

**[<sup>F1</sup>Relaxation of building regulations for existing work**

**15A.**—(1) This Article applies to a direction under Article 15(1)(a) that will affect the application of building regulations to work that has been carried out before the giving of the direction.

(2) Neither the Department nor a district council shall give a direction to which this Article applies if, when the application is made, there is in force an injunction or other direction given by a court that requires the work to be pulled down, removed or altered.

(3) Subject to paragraph (8), after the making of an application for a direction to which this Article applies, and until the application is withdrawn or finally disposed of, no contravention notice shall be served as regards the work to which the application relates on the ground that it contravenes the requirement to which the application relates.

(4) If an application for a direction to which this Article applies is made before the expiration of 18 months from the date of completion of the work to which the application relates, Article 18(5) shall not prevent the service of a contravention notice as regards that work at any time within a period of 3 months from the date on which the application is withdrawn or finally disposed of.

(5) Subject to paragraph (8), if an application for a direction to which this Article applies is made after a contravention notice has been served on the ground that the work to which the application relates contravenes the requirement to which the application relates (not being an application prohibited by paragraph (2)), Article 18(4) shall have effect in relation to that work as if for the reference to the period there mentioned there were substituted a reference to a period expiring 28 days after the application is withdrawn or finally disposed of.

(6) Subject to paragraph (8), if an application for a direction to which this Article applies is made after any person has, in consequence of the carrying out of the work to which the application relates in contravention of building regulations, become liable to a fine continuing from day to day, the daily fine shall not be recoverable in respect of any day after the making of the application and before it is withdrawn or finally disposed of.

(7) In a case where an application is withdrawn or is finally disposed of without any direction being given, the Department or, as the case may be, the district council may order that the daily fine shall not be recoverable in respect of any day during such further period not exceeding 28 days as may be specified in the order.

(8) Paragraphs (3), (5) and (6) do not apply to an application that is a repetition, or substantially a repetition, of a previous application under Article 15(1)(a).

(9) The giving of a direction to which this Article applies shall not affect the liability of a person for an offence committed before the giving of the direction, except so far as that liability depends on the continuation of the offence after the giving of the direction.

(10) If, before the giving of a direction to which this Article applies, a contravention notice has been served, and the contravention of building regulations by virtue of which the notice was served comes to an end when the direction is given, the district council shall not, after the giving of the direction, be entitled to proceed under Article 18(4) by virtue of that notice.]

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**Status:** Point in time view as at 01/01/2006.

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

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**F1** 1990 NI 14

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