

## 1979 No. 120

## BUILDING AND BUILDINGS

**House-Building Standards Order (Northern Ireland) 1979**

*Made* . . . . . 6th April 1979

*Coming into operation* . . . . . 7th May 1979

The Department of the Environment in exercise of the powers conferred by Article 4 of the Defective Premises (Northern Ireland) Order 1975(a) and now vested in it(b) and of all other powers enabling it in that behalf hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the House-Building Standards Order (Northern Ireland) 1979 and shall come into operation on 7th May 1979.

*Interpretation*

2. In this Order:—

“the Council” means the National House-Building Council;

“the Order” means the Defective Premises (Northern Ireland) Order 1975;

“the Scheme” means the National House-Building Council Scheme for Northern Ireland 1979.

*Approval of the Scheme*

3.—(1) The Scheme consists of the documents listed in the Schedule.

(2) The Scheme is hereby approved for the purposes of Article 4 of the Order in respect of any dwelling application for inspection of which is made to the Council after the coming into operation of this Order.

*Approval of documents*

4. The types of document headed Standard Notice of Insurance Cover and Common Parts Notice of Insurance Cover and numbered HB6(N.I.)(1979) and HB6D(N.I.)(1979) respectively being documents which state that the requirements imposed by or under the Scheme as to design and construction have, or appear to have, been substantially complied with in relation to the dwelling therein referred to are hereby approved for the purposes of Article 4 of the Order.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 6th April 1979.

(L.S.)

R. B. Spence

Assistant Secretary

SCHEDULE

**Documents contained in the National House-Building Scheme  
for Northern Ireland 1979**

The Rules of the National House-Building Council numbered HB1(N.I.)(1979).

The House Purchaser's Agreement numbered HB5(N.I.)(1979).

The documents headed Standard Notice of Insurance Cover and Common Parts Notice of Insurance Cover and numbered HB6(N.I.)(1979) and HB6D(N.I.)(1979) respectively.

The House Purchaser's Insurance Policy numbered HB7(N.I.)(1979).

## EXPLANATORY NOTE

*(This note is not part of the Order but is intended to indicate its general purport.)*

1. By this Order made under Article 4 of the Defective Premises (Northern Ireland) Order 1975 ("the Order") the Department of the Environment for Northern Ireland ("the Department") approves the Scheme to be operated from 7th May 1979 by the National House-Building Council ("the Council") and the forms of Notice of Insurance Cover issued by the Council in relation to dwellings erected pursuant to the Scheme. The Notices of Insurance Cover state that the Council's requirements as to design and construction, which are imposed under the Scheme and are approved from time to time by the Department without making an order, have, or appear to have, been substantially complied with in relation to those dwellings.

2. In relation to any dwelling falling within the approved Scheme and in respect of which a Notice of Insurance Cover is issued, no action can be brought by any person having or acquiring an interest in the dwelling for breach of the duty imposed by Article 3 of the Order (which relates to building standards), Article 2(3) of the Order, however, provides that any duty imposed by or enforceable by virtue of any provision of the Order is in addition to any duty a person may owe apart from that provision.

3. The Scheme is designed to benefit any person for whom a dwelling is built or to whom a newly built dwelling is sold (whether leasehold or freehold) for occupation by him or his tenants or licensees as a residence. Such persons, mortgagees in possession and subsequent purchasers who acquire the dwelling are also within the scope of the Scheme.

4. The Scheme applies to dwellings erected by house-builders and developers whose names are entered on the Council's Northern Ireland Register and who must observe the Council's Rules. Under the Scheme purchasers of dwellings enter into agreements in the appropriate form with house-builders or developers and are insured against defects in the state of the dwellings.

5. The Scheme differs from the National House-Building Council Scheme 1977 principally in that the maximum insurance cover in respect of a dwelling is increased in all cases to £50,000, which figure will rise in line with increases in costs and in that the liability of the National House-Building Council in respect of failure by the builder or developer to remedy a defect during the two years following the issue of a Notice of Insurance Cover excludes 10 per cent of the amount otherwise payable in respect of a claim, up to a maximum of 2 per cent of the purchase price of the dwelling, also adjusted in line with increases in costs.

6. Copies of the 1979 Scheme are available for inspection on application within normal working hours at either of the undermentioned offices:—

Department of the Environment for  
Northern Ireland,  
Stormont,  
Belfast BT4 3SS.

National House-Building Council,  
Northern Ireland,  
Bedford House,  
Bedford Street,  
Belfast BT2 7FD.