

1980 No. 332

BUILDING REGULATIONS**Building (Amendment No. 3) Regulations (Northern Ireland) 1980**

Made 1st October 1980

Coming into operation 1st November 1980

The Department of Finance, in exercise of its powers under Articles 3(1), 5(1) and (2), 16(1) and (2) and 17(1) and (2) of the Building Regulations (Northern Ireland) Order 1979(a) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appear to it to be representative of the interests concerned, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Building (Amendment No. 3) Regulations (Northern Ireland) 1980 and shall come into operation on 1st November 1980.

Interpretation

2. In these regulations “the principal regulations” means the Building Regulations (Northern Ireland) 1977(b) and any reference to a Part, regulation or schedule shall be construed as a reference to a Part or regulation of or schedule to the principal regulations.

Transitional provisions

3. These regulations shall not apply to any work which was—

- (a) completed before the date of the coming into operation of these regulations; or
- (b) completed after that date in accordance with plans deposited with the district council before that date, with or without any departure or deviation from these plans;

and for the purpose of this regulation “work” means the erection of a building, the alteration or extension of a building, the execution of works, the installation of a fitting, or the making of a material change of use.

Amendments of the principal regulations

4.—(1) In paragraph (1) of regulation A2 (Interpretation) after the definition of “kitchen or scullery purposes” there shall be inserted the following definition:—

“ “Material change of use” shall be construed in accordance with regulation A9(1);”

(2) In regulation A5 (Exemptions)—

- (a) in paragraph (1) sub-paragraphs (c), (d) and (e) shall be omitted; and
- (b) after paragraph (2) there shall be inserted the following paragraph:—

(a) S.I. 1979/1709 (N.I. 16) the relevant enabling provisions of this Order were brought into operation on 1st November 1980 by S.R. 1980 No. 331 (C. 9)

(b) S.R. 1977 No. 149 (I, p. 496)

“(3)(a) For the purposes of this paragraph a “wholly exempted building” means any building falling within one of the classes of building described in Part B of Schedule 1.

(b) These regulations shall not apply to:—

(i) any wholly exempted building (including any services, fittings and equipment provided therein or in connection therewith); and

(ii) any porch which—

(a) is constructed as an annex to an existing building of purpose group I, as set out in Regulation E2;

(b) has a floor area not exceeding 2m²; and

(c) is so situated or designed as not to enclose any opening provided for the purposes of regulations K4, K6, M3(e), M4(2) or P3(4), any inlet to a drain over which waste water is discharged, or any inspection chamber other than a chamber complying with regulation N12(3).”

(3) In regulation A16 (Appeals and prescribed periods) for paragraphs (4) and (5) there shall be substituted the following paragraphs:—

“(4) The prescribed period for the purposes of Article 16(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against refusal by a district council to relax regulations) shall be 56 days.

(5) The prescribed period for the purposes of Article 16(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of application for relaxation by a district council) shall be 56 days.

(6) The prescribed period for the purpose of Article 17(1) of the Building Regulations (Northern Ireland) Order 1979 (appeal against rejection of plans by district councils) shall be 56 days.

(7) The prescribed period for the purposes of Article 17(2) of the Building Regulations (Northern Ireland) Order 1979 (period for consideration of plans deposited with a district council) shall be 56 days.”

(4) There shall be substituted for the provisions set out in Schedule 1 (partially exempted buildings) the provisions set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 1st October 1980.

(L.S.)

F. Rodgers

Assistant Secretary

SCHEDULE

Regulation 4(4)

1150

Provisions to be substituted in Schedule 1 of the principal regulations

PART A — CLASSES OF PARTIALLY EXEMPTED BUILDINGS

Class	Description of partially exempted building	Substantive requirements with which compliance is required		
		As to materials	As to buildings	As to services, fittings and equipment
(1)	(2)	(3)	(4)	(5)
1.	<p>A single storey building (not being a building within Class 5 or a building used for any trade or business) which—</p> <p>(i) is used by day only for private occupation or used exclusively for recreational or storage purposes (such as a summer-house, poultryhouse, aviary, greenhouse, conservatory, orchardhouse, boathouse, coalshed, garden tool shed, potting-shed or cycle shed);</p> <p>(ii) is wholly detached from any other building; and</p> <p>(iii) has a floor area not exceeding 30m².</p>	<p>Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)</p>	<p>Part E and regulation K3(3) (unless the building is not less than 2m from any building which is within the same boundaries and is either of Purpose Group I (other than a building described in Regulation E2) II or III)</p>	<p>Part N (except in relation to surface water drainage) Part P Part Q</p>

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	(2)	(3)	(4)	(5)
2.	A building which is used only in connection with and during the construction, alteration, extension or repair of any building or other work by persons engaged on that work.	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Parts C and D (unless the building is a single storey building) Part L (unless the building is a single storey building and does not include any sleeping accommodation)	Part M (unless the building is a single storey building and does not include any sleeping accommodation) Part N (except in relation to surface water drainage) Part P Part Q
3.	A building being— any monument for the time being subject to Parts I, II or III of the Historic Monuments Act (Northern Ireland) 1971(c)	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Part L	Part M Part N Part P Part Q
4.	A building which— (i) is used, for a limited period only, in connection with the sale or letting of buildings or building plots in the course of the development of an estate; (ii) is erected on or in close proximity to the estate; and (iii) is wholly detached from any other building	Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)	Parts C and D (unless the building is a single storey building) Part L (unless the building is a single storey building, does not include any sleeping accommodation and is not less than 2m from any building to which these regulations apply)	Part M (unless the building is a single storey building, does not include any sleeping accommodation and is not less than 2m from any building to which these regulations apply) Part N (except in relation to surface water drainage) Part P Part Q

(1)	(2)	(3)	(4)	(5)
5.	<p>A single storey building which—</p> <ul style="list-style-type: none"> (i) is used as a garage or open carport; (ii) is wholly detached from any other building; and (iii) has a floor area not exceeding 30m². 	<p>Regulation B1 (in so far as it relates to work to which any regulation listed in column (4) or (5) applies)</p>	<p>*Part E (subject, where applicable, to regulation E18 or E19) *Regulation K3(3) *Part L *unless the building is either—</p> <ul style="list-style-type: none"> (i) wholly constructed of non-combustible materials; or (ii) is not less than 2m from any building which is within the same boundaries and is either of purpose group I (other than a building described in regulation E20) II or III 	<p>*Part M Part N (except in relation to surface water drainage) Part P Part Q</p> <p>See note in Column (4)</p>
6.	<p>A single storey building (not being a building within Class 7 or a building used for the purposes of agriculture) which—</p> <ul style="list-style-type: none"> (i) is used exclusively for the storage of materials or products, for the accommodation of plant or machinery; and (ii) is a building wherein the only persons habitually employed are engaged solely in the general care, supervision, regulation maintenance, storage or removal of the materials, products, plants or machinery in the building; and (iii) is wholly detached from any other building 	<p>Regulation B1 (in so far as it relates to work to which regulation B3 or any regulation listed in column (4) or (5) applies)</p> <p>Regulation B3</p>	<p>Parts C and D Part E (except regulation E15) Regulation K3(3) Part L</p>	<p>Part M Part N Part P Part Q</p>

(1)	(2)	(3)	(4)	(5)
7.	<p>A building which—</p> <p>(i) is used exclusively for the accommodation of plant or machinery designed for any of the processes specified against Minimum List Headings 262, 271, 272, 276, 277, 278, 279.2 and 279.4 of the Standard Industrial Classification (Third Edition) 1968 issued by the Central Statistical Office (whether or not such plant or machinery forms part of the structure);</p> <p>(ii) forms part of and is within the curtilage of a works;</p> <p>(iii) is a building wherein the only persons habitually employed are engaged solely in the general care, supervision, regulation or maintenance of such plant or machinery; and</p> <p>(iv) is wholly detached from any other building</p>	<p>Regulation B1 (in so far as it relates to work to which regulation B3 or any regulation listed in column (4) or (5) applies)</p> <p>Regulation B3</p>	<p>Parts C and D (unless the building is a single storey building having a capacity not exceeding 100m³)</p> <p>Regulations E5 and E6 (unless the building is so situated that each side may, in accordance with regulation E7, consist entirely of an unprotected area)</p> <p>Regulation E7 and E17</p> <p>Regulation K3(3)</p> <p>Part L</p>	<p>Part M</p> <p>Part N</p> <p>Part P</p> <p>Part Q</p>

PART B — CLASSES OF WHOLLY EXEMPTED BUILDINGS

CLASS	DESCRIPTION OF WHOLLY EXEMPTED BUILDING
(1)	(2)
	<ol style="list-style-type: none"> 1. A building the construction of which is subject to the Explosives Acts (Northern Ireland) 1875 and 1924(d). 2. A building (other than a building comprising one or more dwellings or a building used for office or canteen accommodation) erected on a site for which a licence has been granted under the Nuclear Installations Act 1965(e). 3. A building (other than a building comprising one or more dwellings or a building used for office or showroom accommodation) erected in connection with any mine or quarry. 4. A building used solely for housing radio or television transmitting equipment, provided that the building— <ol style="list-style-type: none"> (i) is normally unattended; (ii) does not exceed 4m in height or 150m³ in capacity; (iii) is either constructed wholly of non-combustible material or not less than 2m from any building to which these regulations apply; and (iv) is not erected over a public sewer. 5. A single storey hut, shed, shelter, kiosk or similar building provided that the building— <ol style="list-style-type: none"> (i) does not accommodate a water-closet, chemical closet or earth-closet fitting; (ii) does not exceed 9m² in area; (iii) is either constructed wholly of non-combustible material or not less than 2m from any building to which these regulations apply; and (iv) is not erected over a public sewer. 6. An air-supported structure which— <ol style="list-style-type: none"> (i) does not exceed 15m in length or diameter; (ii) has alternative means of escape; and (iii) is not less than 2m from any building to which these regulations apply. 7. An air-supported structure which— <ol style="list-style-type: none"> (i) after deflation is re-erected in accordance with plans previously approved and with any conditions imposed in connection with the approval of those plans; and (ii) is used for the same purpose as that for which it was previously erected. 8. A building erected on a site or within another building for not more than twenty-eight consecutive days including an exhibition stand and a stand for viewing a public display. 9. A tent or marquee. 10. A movable dwelling including a tent, caravan, shed or similar structure used for human habitation. 11. Mobile accommodation used in a static condition, including a houseboat, caravan or railway carriage.

(d) 1875 c. 17 and 1924 c. 5 (N.I.)

(e) 1965 c. 57

12. Any part of a dock, wharf, pier, lighthouse, dam, reservoir, railway line, airfield pavement, canal (including locks and other structures associated therewith), oil rig, tunnel, bridge, road, path, ramp, stairway, walkway or other work of public utility which does not form part of, give support to or gain support from, a building to which these regulations apply; sewage disposal works other than buildings designed to house plant or provide covered accommodation for persons.
13. A structure (other than a chimney) not incorporating any covered space with headroom exceeding 1.5m, except where the structure is attached to or within a building to which these regulations apply; a tower mast not attached to a building to which these regulations apply.
14. Unclad plant or machinery, including a vending or weighing machine.
15. Amusement, playground or fairground equipment, including a swing, roundabout and scenic railway.
16. Scaffolding, falsework, lifts and hoists used in association with engineering or construction work.
17. Storage racking not incorporating a floor.
18. Road barriers, street furniture or similar structures, including a traffic light or sign.
19. A fence, wall or gate not forming part of a building to which these regulations apply.
20. An external storage tank, not being a septic tank, settlement tank, cesspool or tower silo.
21. Gantries or galleries used solely for access to or the operation of plant or machinery.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations further amend the Building Regulations (Northern Ireland) 1977. They come into operation on 1st November 1980 but do not apply to work which has been completed, or for which plans have been deposited with a district council, before that date.

The principal amendments:—

- (a) introduce new classes of exemption; and
- (b) revise the prescribed period for appeal against the rejection of plans.