
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 389

Building Regulations (Northern Ireland) 2000

PART A

Interpretation and general

Interpretation

A2.—(1) In these regulations—

AGRICULTURE includes horticulture, fruit growing, seed growing, dairy farming, breeding and keeping of livestock, fish farming, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

BOUNDARY means, in relation to a building, the boundary of the land to which the building belongs and, except for the purposes of Part R, such land shall be deemed to include any abutting part of any street, canal or river but only up to the centre line thereof; and **BOUNDARY OF THE PREMISES** shall be construed so as to include any such part to the same extent;

BUILDING WORK means the erection of a building, the structural alteration or extension of a building (including work in connection with the making of a material change of use) or the provision of a service or fitting;

CONSERVATORY means a part or extension of a building attached to and having a door giving access from the attached building and having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material;

CONSTRUCTION PRODUCTS DIRECTIVE means European Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾;

DEPARTMENT means the Department of Finance and Personnel;

DISTRICT COUNCIL in relation to any building or building work means the district council for the area in which the building is situated or the building work is carried out;

DRAIN means any pipe or drain used solely for or in connection with the rain-water or foul water drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

DWELLING (except in Part E and Part R) means a house, flat or maisonette and includes any accommodation therein of not more than 50 m² in total floor area, forming part of the dwelling and used by a resident of the dwelling for the purposes of any business, profession or calling;

EDUCATIONAL BUILDING means—

- (a) a university;

- (b) a school or college of education within the meaning of the Education and Libraries (Northern Ireland) Order 1986(2); or
- (c) any other institution providing facilities for further education under Article 27 of that Order;

EEA STATE means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, but until that Agreement comes into force in relation to Liechtenstein does not include that State;

EUROPEAN TECHNICAL APPROVAL means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a Member State to issue European Technical Approvals for those purposes and notified by that Member State to the European Commission;

EXEMPTED BUILDING means any building falling within one of the classes described in Schedule 1;

FLOOR AREA means, in relation to any building or part of a building, the aggregate area of every floor in that building or part, calculated by reference to the finished internal faces of the walls enclosing the building or extension, or if at any point there is no such wall, by reference to the outermost edge of the floor;

GARAGE includes a carport;

HABITABLE ROOM means a room in any building (whether or not that building is or contains a dwelling) used or intended to be used for dwelling purposes, including any bedroom, but not any room used only for kitchen purposes;

HARMONISED STANDARD means a standard established, as mentioned in the Construction Products Directive, by the European Standards Organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;

INSTITUTION means—

- (a) a hospital, nursing home, home for old people or for children, school, or other similar establishment used as living accommodation or for the treatment, care or maintenance of people suffering from illness or mental or physical disability or handicap; and
- (b) a place of lawful detention,

where people sleep on the premises;

KITCHEN PURPOSES means the purposes of preparing, storing, treating, cooking or manufacturing food or drink intended for human consumption or the cleansing of utensils or appliances which come into contact with such food or drink;

MATERIAL CHANGE OF USE (except in regulation A4) has the meaning assigned to it by regulation A9(1);

PORCH means a single storey enclosure providing protection to an access door to a building and having an external door or an opening to the external air;

PRIVATE SEWER means any part of a sewer, not being a public sewer, which serves two or more properties;

PROVISION OF A SERVICE OR FITTING in relation to any building includes the installation of any service or fitting to which these regulations apply or the alteration or the extension of any such service or fitting;

PUBLIC BUILDING means a building consisting of or containing—

- (a) a theatre, public library, hall or other place of public resort;
- (b) an educational building; or
- (c) a place of public worship,

but a building is not to be treated as a place of public resort because it is, or it contains a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted;

REGULARISATION CERTIFICATE shall be construed in accordance with regulation A12(1);

SAP ENERGY RATING in relation to a dwelling means the rating of the overall energy efficiency for that dwelling calculated using The Government's Standard Assessment Procedure for Energy Rating of Dwellings: 1998 edition;

SEWER includes all sewers, pipes or drains, other than a drain as defined in this regulation, and includes any apparatus used in connection with a sewer;

SHOP means—

- (a) premises used for the retail of goods or services and includes premises—
 - (i) used for the sale to members of the public of food or drink for consumption on or off the premises;
 - (ii) used for retail sales by auction to members of the public;
 - (iii) used to provide hairdressing or similar personal services to members of the public;
 - (iv) where members of the public may take goods for repair or other treatment; and
 - (v) where members of the public may go to hire an item; and
- (b) premises used for wholesale self-selection trading;

SINGLE STOREY BUILDING means a building consisting of one storey only the floor of which is at or about the level of the finished surface of the ground adjoining the building;

SITE, in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

STATUTORY PROVISION includes any instrument made under any statute;

STATUTORY UNDERTAKING means an undertaking authorised by any statutory provision being a railway, road transport, air transport, water transport, inland navigation, dock or harbour undertaking, the Post Office Corporation or any undertaking for the generation, transmission or supply of electricity or gas;

STRUCTURAL ALTERATION means the execution of any work (other than the erection of a building and the provision of a service or fitting) to which the requirements of these regulations would apply if the work were part of a building being newly erected and includes the replacement of windows (other than replacement by ones having essentially similar features) and the insertion of material into a cavity in a wall of an existing building for the purpose of insulation;

SUBSTANTIVE REQUIREMENTS means the requirements of these regulations or, if appropriate, of any of the statutory provisions referred to in regulation A4 with respect to the design and construction of buildings and the provisions of a service or fitting, as distinct from procedural requirements;

UNDER FORMER CONTROL—

- (a) used in relation to any building, refers to a building the erection of which was—
 - (i) completed before 1st October 1973;

- (ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or
 - (iii) begun before but completed on or after 1st October 1973 (being a building the erection of which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date); and
- (b) used in relation to any alteration or extension of a building or the provision of any service or fitting, refers to any such alteration, extension or provision which was—
- (i) completed before 1st October 1973;
 - (ii) completed on or after 1st October 1973 in accordance with plans deposited with the district council before that date with or without any departures or deviations from those plans; or
 - (iii) begun before but completed on or after 1st October 1973 (being an alteration or extension or provision of a service or fitting which was exempt from compliance with the provisions of all relevant bye-laws in force immediately before that date);

WINDOW means any sash, casement or other framing and associated glazing set in an opening in a wall or roof of a building; and

WORK OF PUBLIC UTILITY means a pipeline, gas holder, gas main, electricity supply line and supports, water main, public sewer or telephone line and supports.

(2) For the purposes of these regulations any of the following operations shall be deemed to be the erection of a building—

- (a) the re-erection of any building or part of a building when an outer wall of that building or (as the case may be) that part of a building has been pulled down or burnt down to within 3 metres of the surface of the ground adjoining the lowest storey of the building or of that part of the building;
- (b) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down or burnt down as to leave only the framework of the lowest storey of the building or of that part of the building; and
- (c) the roofing over of any open space between walls or buildings.

(3) For the purpose of these regulations, the installation of a cesspool, septic tank or similar structure shall be treated as the provision of a service and not as the erection of a building.

(4) In these regulations any reference to a building shall extend to and include any part of a building, and any reference to the purpose for which a building is used shall extend to, include or mean the purpose for which it is intended to be used.

(5) Where in relation to a specific purpose, a European Council Directive prescribes a requirement in relation to a particular characteristic of a material, component or other manufactured product, or part thereof, then where that characteristic complies with that requirement, it shall be deemed to satisfy any requirement of these regulations insofar as it relates to that purpose.

And, accordingly, for the removal of doubt, it is hereby declared that products designed and manufactured in accordance with the requirements of a European Council Directive relating to a specific purpose do not have to comply with any standard or code of practice (British, International or other) prescribed or otherwise referred to in these regulations relating to any purpose covered by that Directive.

(6) In these regulations any reference to a British Standard or British Standard Code of Practice shall be construed as a reference to an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution and also to—

- (a) a relevant harmonised standard or a relevant standard or code of practice of a national standards body, or equivalent body, of any European Economic State;
- (b) any relevant international standard recognised for use in any EEA State;
- (c) any appropriate, traditional procedures of manufacture of an EEA State where these are the subject of a written technical description sufficiently detailed to permit assessment of the goods or materials for the use specified; or
- (d) a European Technical Approval issued in accordance with the Construction Products Directive (or, until procedures are available for the issue of such approvals, a specification sufficiently detailed to permit assessment):

Provided that the proposed standard, code of practice, specification, technical description or European Technical Approval provides, in use, equivalent levels of safety, suitability and fitness for purpose as that provided by the British Standard or British Standard Code of Practice.

(7) For the purposes of these regulations, any construction product (within the meaning of the Construction Products Directive) which bears a CE marking shall be treated as if it satisfied the requirements of any appropriate British Board of Agrément Certificate, British Standard or British Standard Code of Practice relating to such a product, where the CE marking relates to the same characteristic and specific purpose as the Certificate, Standard or Code of Practice.

(8) Where for the purposes of these regulations testing is carried out, it shall be carried out by an appropriate organisation offering suitable and satisfactory evidence of technical and professional competence and independence and such condition shall be satisfied where the testing organisation is accredited in an EEA State in accordance with the relevant parts of the EN 45000 series of standards for the tests carried out.

(9) Any note in a Table or Schedule shall be treated for all purposes as a substantive provision.

(10) Any reference in these Regulations to a Table identified only by a letter shall be construed as a reference to the Table so identified in Schedule 5.

(11) Any reference in these regulations, other than in paragraphs (6)(a) to (d), to a publication shall be construed as follows—

- (a) in any case where no date is included in the reference, the reference is to the edition thereof current at 22nd November 2000 together with any amendments, supplements or addenda thereto published at that date;
- (b) in any case where a date is included in the reference, the reference is to the edition of that date, together with such amendments to the publication, as are mentioned in Schedules 4, 5 and 6; and
- (c) any reference to any publication is a reference to so much only thereof as is relevant in the context in which such publication is quoted.

(12) The abbreviations and symbols listed in the following Table are used in these regulations—

Abbreviation or symbol	Definition
BS	British Standard
CP	British Standard Code of Practice
°	degree (angular measure)
°C	degree Celsius
kN/m ²	kilonewton per square metre
kW	kilowatt

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

Abbreviation or symbol	Definition
m	metre
m ²	square metre
m ³	cubic metre
mm	millimetre
%	percent
W	watt
