EXPLANATORY MEMORANDUM TO

Building (Amendment) Regulations (Northern Ireland) 2012

2012 No. 375

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 3 and 18(5) of the Building Regulations (Northern Ireland) Order 1979 and is subject to the negative resolution procedure.

2. Purpose

2.1. The overall objective of the Building Regulations is to improve the health, safety, welfare and convenience of people in or about buildings; improve the conservation of fuel and power; further the protection and enhancement of the environment; and promote sustainable development.

2.2. This Statutory Rule corrects the Building Regulations (Northern Ireland) 2012 (the new Regulations) which come into operation on 31st October 2012. It amends Part A of the new Regulations as follows-

2.3. Regulation 3(2) has been amended and a new paragraph 3(4) has been introduced to prescribe a timescale for issuing a contravention notice under Article 18 of the Building Regulations (Northern Ireland) Order 1979 in relation to work completed on plans deposited before the 31st October 2012.

2.4. This Statutory Rule regularises the transitional provisions in the period between making and coming into operation of the newRegulations by imposing a time limit for the issue of a contravention notice.

3. Background

3.1. In May 2012 the Department of Finance and Personnel revoked and replaced the Building Regulations (Northern Ireland) 2000 and all subsequent amending Regulations and replaced them with the Building Regulations (Northern Ireland) 2012 (the new Regulations). The new Regulations facilitate the introduction of new guidance-based Technical Booklets for all Parts of the regulations and introduce a number of enhanced standards.

3.2. In order to make the new Regulations, it was necessary to commence sections of the Building Regulations (Amendment) Act (Northern Ireland) 2009 from 15 May 2012. In doing so the period of time for issuing a contravention notice (18 months) which was contained within the 1979 Order was removed, and replaced by a requirement to prescribe a period within regulations. The new Regulations set a period of 12 months, but as the new Regulations only come into operation on 31st October, a time limit needs to be prescribed for work completed on plans deposited before

31st October. Failure to so prescribe would mean that there would be no legal time limit on Building Control issuing a contravention notice.

4. Consultation

4.1. A public consultation was carried out in two phases for the principal Regulations - Phase 1 ran from July - October 2010 and Phase 2 ran from July - October 2011. The Department took account of consultation comments and amended some of the proposals and incorporated these into the new Regulations. As this is a minor amendment a further consultation was not required.

5. Equality Impact

5.1. As this is a minor amendment a further Equality Impact Assessment was not required.

6. Regulatory Impact

6.1. As this is a minor amendment a further Regulatory Impact Assessment was not required.

7. Financial Implications

7.1. There are no financial implications anticipated as this is a minor amendment

8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Department that the amended Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.