STATUTORY RULES OF NORTHERN IRELAND

2024 No. 191

BUILDING REGULATIONS

The Building (Amendment) Regulations (Northern Ireland) 2024

Made - - - -	*4th November 2024*
Coming into operation -	*6th May 2025*

The Department of Finance(**a**), in exercise of the powers conferred by Articles 3, 5(1), 5(2) and 5A(1) of, and paragraphs 4, 9, 21 and 22 of Schedule 1 to, the Building Regulations (Northern Ireland) Order 1979(**b**) and now vested in it(**c**), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to be representative of the interests concerned(**d**), makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2024 and shall come into operation on 6th May 2025.

Interpretation

2. In these regulations "the principal Regulations" means the Building Regulations (Northern Ireland) 2012(**e**).

Transitional provisions

3.—(1) The principal Regulations shall continue to apply to—

(a) plans deposited or a building notice given in accordance with the principal Regulations before the commencement of these Regulations;

(b) building work carried out in accordance with such plans or such building notice with or without any departure or deviation from those plans or that building notice; and

(c) building work completed before the commencement of these Regulations,

as if the amendments effected by these Regulations had not been made.

(2) In paragraph (1)—

(a) "building notice" means a notice given under regulation 9 (Giving of notices and deposit of plans) of the principal Regulations; and

(b) "building work" has the same meaning as in the principal Regulations.

(**a**) 2016 c.5(N.I.)
(**b**) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c.4(N.I)
(**c**) See S.R. 1999 No.481 Article 6 and Schedule 4, Part II
(**d**) S.I. 1979/1709 (N.I. 16); Article 5(4)
(**e**) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375, S.R. 2014 No. 44, S.R. 2016 No. 412 and S.R. 2022 No.71

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 and 6.

Amendment of Part A (Interpretation and general)

5. In regulation 8 (Application to material change of use) for the Table to Regulation 8 substitute the Table set out in the Schedule.

Amendment of Part E (Fire safety)

6.—(1) For regulation 32 substitute—

"Application and interpretation

32.—(1) Regulations 33 and 35(3) shall not apply to a prison within the meaning of the Prisons Act (Northern Ireland) 1953 or any other place of lawful detention.

(2) Regulation 37B applies when a building is—

(a) erected;

(b) formed by a material change of use; or

(c) altered and/or extended, only where regulation 37B has been applied to the building.

(3) In this Part—

"Above ground level" has the meaning assigned to it by regulation 23(4)(b) in Part B;

"Dwelling" means a self-contained unit of residential accommodation occupied (whether or not as a sole or main residence)—

(a) by a single person or by people living together as a family; or

(b) by not more than 6 people living together as a single household, including a household where care is provided for residents;

"Dwellinghouse" means a dwelling on one or more storeys which is detached or forms part of a building from all other parts of which it is divided only vertically and does not include a flat;

"Fire safety duties" has the meaning given by Article 52 of the Fire and Rescue Services (Northern Ireland) Order 2006 or duties associated with the fire safety measures in a building containing one or more flats;

"Fire safety information" means as-built information relating to the design and construction of a building or extension, and the services, fittings and equipment provided in or in connection with a building or extension which will assist the person with fire safety duties to operate and maintain the building or extension with reasonable safety;

"Flat" has the meaning assigned to it by regulation 2 in Part A;

"Internal linings" means the materials lining any partition, wall, ceiling or other internal structure;

"Means of escape" means structural means whereby, in the event of a fire, a safe route or routes is or are provided for people to travel from any point in a building to a place of safety;

"Place of safety" means a place, outside the building, in which people are in no danger from fire within the building;

"Purpose built student accommodation" means housing built specifically for students to live in;

"Relevant premises" has the meaning given by Article 50 of the Fire and Rescue Services (Northern Ireland) Order 2006; and

"Residential care premises" includes residential care homes, nursing homes, children's homes and residential family centres, each having the same meaning as in the Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003.".

(2) After regulation 37, insert—

"**Fire safety information**

37A. Where a building is a relevant premises or contains one or more flats, the person carrying out the work shall—

(a) provide adequate fire safety information to the person with fire safety duties in a building not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier; and

(b) not later than 5 days after the date provided for in subparagraph (a), give a notice in writing to the district council stating that the requirements of subparagraph (a) have been met.

Automatic fire suppression systems

37B.—(1) A building shall be designed and constructed with a suitable automatic fire suppression system.

(2) This regulation applies only to —

(a) a building, containing one or more flats, with a storey more than 11m above ground level;

(b) a building, containing purpose built student accommodation, with a storey more than 11m above ground level; and

(c) a residential care premises.".

Sealed with the Official Seal of the Department of Finance on 4th November 2024

L.S.

Desmond C McDonnell
A senior officer of the
Department of Finance

SCHEDULE

Regulation 5

Table to be substituted for the Table to Regulation 8 (Application to material change of use) to the principal Regulations.

Table to Regulation 8 (Application to material change of use)

Part		Cases											
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
A	Interpretation and general	*	*	*	*	*	*	*	*	*	*	*	*
B	Materials and workmanship	*1	*1	–	*1	–	–	–	–	*1	*1	*1	*
C	Site preparation and resistance to contaminants and moisture	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2
D	Structure	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*
E	Fire safety	*4	*	*5	*	*5	*5	*5	*5	*	*6	*6	*
F	Conservation of fuel and power	*7	*7	*7	*7	*7	*7	*7	*7	*7	*7	*7	*7
G	Resistance to the passage of sound	*8	*9	*9	–	*10	–	–	–	*9	*9	*9	*
H	Stairs, ramps, guarding and protection from impact	–	–	–	–	–	–	–	–	–	–	–	*
J	Solid waste in buildings	*	*	*	*	*	–	–	–	*	*	*	*
K	Ventilation	*	*	*	*	*	–	–	–	*	*	*	*
L	Combustion appliances and fuel storage systems	*11	*11	*11	*11	*11	–	–	–	*11	–	–-	*11
M	Physical infrastructure for high-speed electronic communications networks	–	–	–	–	–	–	–	–	–	–	–	–
N	Drainage	–	–	–	–	–	–	–	–	–	–	–	–
P	Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding	*12	*12	*12	*12	*12	–	–	–	*12	*12	*12	*12
R	Access to and use of buildings	–	–	*13	*13	*13	*13	–	–	–	–	–	*
V	Glazing	*	*	–	–	–	–	–	–	*	–	–	–

Notes to Table to Regulation 8 (Application to material change of use)

* Denotes Parts which apply.

– Denotes Parts which do not apply.

[1] Regulation 23(2) only in Part B . In Cases X and X1 where the building created is a hostel, hotel or boarding house, all of Part B shall not apply.

[2] All regulations except regulation 27 in Part C.

[3] Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.

[4] All regulations except regulation 37A and 37B in Part E.

[5] All regulations except regulation 37B in Part E.

[6.] Regulation 37B in Part E in relation to halls of residence buildings only.

[7] Regulation 39 only in Part F.

[8] Regulations 49 and 50 only in Part G.

[9] Regulations 49, 50 and 51 only in Part G.

[10] Regulation 52 in Part G in relation to school buildings only.

[11] Regulations 70, 71 and 73 only in Part L.

[12] All regulations except regulation 88 in Part P.

[13] In the application of Part R—

(a) when satisfying the reasonable provision requirements for access and that access is by means of stairs and/or ramps, such stairs and/or ramps shall also satisfy the relevant requirements of Part H;

(b) where the change of use is only to part of a building—

(i) Part R shall apply to that part and any sanitary accommodation provided in or in connection with that part; and

(ii) access to that part shall be provided by making reasonable provision for either independent access or suitable access through the building.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Regulations (Northern Ireland) 2012 (as amended) (the principal Regulations) and they come into operation on 6th May 2025. They do not apply to building work which has been completed, or for which plans or building notices have been deposited with a district council before that date. These Regulations were notified in draft to the European Commission in accordance with Directive 2015/1535/EU.

These Regulations amend the principal Regulations as follows—

Regulation 5 amends the Table to Regulation 8 (Application to material change of use) and the Notes to Table to Regulation 8 in Part A (Interpretation and general) to demonstrate for each Case whether the new requirements in Regulation 37A and Regulation 37B applies. This amendment has added three new notes, note 4, note 5 and note 6, with renumbering of other notes.

Regulation 6 amends Part E (Fire safety):

1. Regulation 32 has been replaced and includes the following:

(i) Regulation 32(2) applies Regulation 37B (Automatic fire suppression systems) when a building as prescribed in 37B(2), is erected or formed by a material change of use. It also limits the application to alterations and/or extensions, so that it only applies where regulation 37B has been applied to the building;

(ii) Regulation 32(3) inserts new definitions in Part E.

2. Regulation 37A has been added and requires, for relevant premises and buildings containing one or more flats, the provision of adequate fire safety information not later than the date of completion of the work or the date of occupation of the building whichever is earlier.

3. Regulation 37B has been added so buildings, as prescribed in 37B(2), are designed and constructed with a suitable automatic fire suppression system.

The Department of Finance has prepared an Amendments Booklet (AMD 9) giving guidance for the purposes of the Part E requirements. Copies of AMD 9 and the Regulatory Impact Assessments may be downloaded from www.finance-ni.gov.uk/topics/building-regulations-and-energy-efficiency-buildings.

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