EXPLANATORY MEMORANDUM TO

The Building (Amendment) Regulations (Northern Ireland) 2024

SR 2024 No. 191

1. Introduction

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

1.2. The Statutory Rule is made under powers conferred by Articles 3, 5(1), 5(2), 5A(1) of, and paragraphs 4, 9, 21 and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of this Statutory Rule is to amend the Building Regulations (Northern Ireland) 2012 (as amended) ("the principal Regulations"). The following Parts of the principal Regulations are therefore amended as follows:

2.2. Part A (Interpretation and general) – Regulation 5 amends the Table to Regulation 8 (Application to material change of use) and 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.

2.3. Part E (Fire Safety) – Regulation 6 amends Part E as follows:

(a) 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.

(b) 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.

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

3. Background

3.1. The Department of Finance has responsibility for maintaining the Building

Regulations in Northern Ireland.

3.2. The Building Regulations apply to most building work and are made generally, to ensure the health, safety, welfare and convenience of people in and about buildings, to further the conservation of fuel and power, to protect and enhance the environment and to promote sustainable development. The current Building Regulations came into operation on 31st October 2012 through S.R. 2012 No. 192 and were later amended through S.R. 2012 No. 375, S.R. 2014 No. 44, S.R. 2016 No. 412 and S.R. 2022 No 71.

4. Consultation

4.1. There is a statutory duty to consult the Northern Ireland Building Regulations Advisory Committee (NIBRAC) and such other bodies as appear to the Department to be representative of the interests concerned.

4.2. NIBRAC was consulted on the development of these amendments to the principal Regulations.

4.3. Public consultation on this amendment took place from 3rd July 2023 to 25th September 2023. The Government response to the consultation including a summary of consultation responses is published on the Department's website. A total of 40 responses were received which were largely supportive in relation to the Phase 2 fire safety proposals

4.4. Consultation proposals, a summary of consultation responses and outcomes were submitted to the Finance Committee of the Northern Ireland Legislative Assembly.

5. Equality Impact

5.1. A screening test indicated that there was no adverse impact on equality of opportunity or the needs of rural customers therefore a full Equality Impact Assessment was not considered necessary.

6. Regulatory Impact

6.1. A Final Regulatory Impact Assessment has been completed for Part E (Fire Safety) and is published on the Department's website.

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7. Financial Implications

7.1. Financial implications are set out in the final Regulatory Impact Assessment for Part E that is published on the Department's website. Costs of £5.47M per annum for industry are estimated. For the first year, further familiarisation costs of £234k per annum to industry and £25k to district councils are estimated. The total cost for the first year is £5.73M with a recurring annual cost of £5.47M to industry thereafter. Longer-term benefits to society from the proposals are estimated to be £421K per annuum and savings from prevention of property loss are estimated to be £1.34M per annuum.

8. Section 24 of the Northern Ireland Act 1998

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

9. EU Implications

9.1. These Regulations were notified (2023/7005/XI) in draft to the European Commission in accordance with Directive 2015/1535/EU. The standstill period ended on the 09 October 2023. There was a request for further information from the Commission with a deadline to respond of 25 August 2023. A response was sent on 22 August 2023 which satisfied the Commission and no further comments from the Commission were received.

10. Parity or Replicatory Measure

10.1. The Regulations bring standards in Northern Ireland closer into line with similar requirements in other jurisdictions of the UK.

11. Additional Information

11.1. Not applicable.