1991 No. 162 (C. 10)

BUILDING REGULATIONS

The Planning and Building Regulations (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1991

Made . . . . . 17th April 1991

The Department of the Environment, in exercise of the powers conferred by Article 1(3) and (4) of the Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990(**a**) and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, and interpretation

1.—(1) This Order may be cited as the Planning and Building Regulations (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1991.

(2) In this Order—

(*a*) ''the Order of 1990'' means the Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990; and

(*b*) ''the principal Order'' has the same meaning as in Part III of the Order of 1990.

Commencement

2.—(1) Subject to paragraph (2) and Article 3 the following provisions of the Order of 1990 shall come into operation on 1st June 1991, namely:—

(*a*) Part III;

(*b*) Part II of Schedule 1; and

(*c*) Part II of Schedule 3.

(2) The following provisions of the Order of 1990 shall come into operation on 17th April 1991, namely:—

(*a*) Article 36 insofar as it gives effect to Article 18(1)(*c*) of the principal Order; and

(*b*) Article 38(1) and Part II of Schedule 1 insofar as they relate to the substitution of Article 15(7) of the principal Order.

(**a**) S.I. 1990/1510 (N.I. 14)
(**b**) 1974 c. 28

Transitional provisions

3.—(1) The principal Order, as it had effect immediately before 1st June 1991 shall continue to apply in relation to—

(*a*) plans deposited in accordance with building regulations before that date;

(*b*) work carried out in accordance with such plans with or without any departure or deviation from those plans;

(*c*) work completed before that date,

as if the Order of 1990 had not been made.

(2) For the purposes of paragraph (1)—

(*a*) ''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; and

(*b*) ''building regulations'' has the same meaning as in the principal Order.

Sealed with the Official Seal of the Department of the Environment on 17th April 1991.

(L.S.) *J. O'Neill*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

The Order brings into operation those provisions of the Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990 which amend the Building Regulations (Northern Ireland) Order 1979 ("the principal Order").

The main changes which these provisions make are as follows—

(*a*) a new Article 15A permits relaxation of building regulations by means of a direction in relation to work existing at the time of the direction;

(*b*) a substituted Article 18 prevents the service of a contravention notice more than 18 months after completion of the work to which it relates;

(*c*) a new Article 18A enables a person on whom a contravention notice is served to challenge that notice by obtaining a report from a suitably qualified person;

(*d*) a new Article 18B provides for an appeal to the Department against a contravention notice by the person on whom it is served;

(*e*) a new Article 18C enables the Department to prescribe and charge fees in respect of appeals to it under the Building Regulations (Northern Ireland) Order 1979; and

(*f*) a substituted Article 21 increases (*a*) the maximum penalty for wilful obstruction of an authorised officer from £50 to level 2 on the standard scale and (*b*) the maximum daily penalty for contravention of or failure to comply with building regulations from £50 to one tenth of level 5 on the standard scale (level 2 and level 5 are currently £100 and £2,000 respectively).

This commencement does not apply for the purposes set out in Article 3 of this Order.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.