

# Building Regulations (Amendment) Act (Northern Ireland) 2009

April 2009



The Building Regulations (Amendment) Act (Northern Ireland) 2009 received Royal Assent on 2 March 2009.

The 2009 Act amends the Building Regulations (Northern Ireland) Order 1979. The new powers and amended provisions in the 2009 Act reflect the increasing significance of sustainability and environmental issues.

Following the implementation of the 2009 Act, the Department of Finance and Personnel will be able to make building regulations to regulate energy performance of buildings, including the proportion of energy used which is to come from a particular source.

The Department has also been given the power to prescribe in building regulations the type of tests which a district council may carry out or require to be carried out to ensure that building regulations are not being contravened.

The most important change is that District Councils will not be allowed to issue contravention notices after a time (not exceeding 12 months after works are completed) to be prescribed by building regulations. In effect, this provision introduces immunity from enforcement for breach of Building Regulations after a period of 12 months.

At present, there is currently no time limit on the issue of contravention notices. This can result in gross unfairness where, for example, a residential occupier has purchased a house and is later advised that the house does not comply with Building Regulations. It is not yet known when this provision will come into force.

The 2009 Act also provides for a new requirement for district councils to keep registers of information for public inspection.

For further information on the changes made by the Building Regulations (Amendment) Act (Northern Ireland) 2009 please contact Karen Blair ([k.blair@cfrlaw.co.uk](mailto:k.blair@cfrlaw.co.uk)) or Maria O'Loan ([m.o'loan@cfrlaw.co.uk](mailto:m.o'loan@cfrlaw.co.uk)) on (028) 9024 3141.

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