

STATUTORY INSTRUMENTS

1979 No. 1709

Building Regulations (Northern Ireland) Order 1979

Appeals to the Department

17.—(1) Any applicant aggrieved by the rejection of plans required by building regulations to be deposited with a district council may by notice in writing appeal to the Department within such period as may be prescribed.

(2) [^{F1}If within the prescribed period from the date of the application or within such extended period as may be before the expiration of the prescribed period] be agreed in writing between an applicant under paragraph (1) and the district council, the district council does not notify the applicant of rejection, paragraph (1) shall apply in relation to the application as if the district council had rejected the plans and notified the applicant of its decision at the end of that period.

[^{F2}(2A) Where, on an application made to it under paragraph (1) of Article 8, a district council does not, within such period as may be prescribed, approve any particular type of building matter as complying with particular requirements of building regulations, the applicant may, by notice in writing, appeal to the Department within such period as may be prescribed.]

Para. (3) rep. by 1990 NI 14

(4) Before determining an appeal under [^{F3}this Article] the Department may if it thinks fit or if the person who made the application or the district council so requests afford to that person and that district council an opportunity of appearing before and being heard by a person appointed by the Department for that purpose.

(5) The decision of the Department on an appeal brought by virtue of this Article—

(a) may confirm, revoke or vary the decision of the district council in any manner which to the Department seems proper in the circumstances; ^{F4}...

[^{F5}(aa) may, in the case of an appeal under paragraph (2A), approve any particular type of building matter as complying with particular requirements of building regulations; and]

(b) shall be final and conclusive, except on any question of law.

(6) Any question of law arising in connection with the determination by the Department of an appeal under this Article may, if the Department thinks fit, be referred for decision to the Court of Appeal and, where the Department decides so to refer such a question, it shall give notice of its intention to do so to the applicant and the district council.

(7) An applicant or district council aggrieved by a decision of the Department on a point of law arising on an appeal under this Article which is not referred for decision to the Court of Appeal under paragraph (6) may appeal from that decision to the Court of Appeal.

(8) The decision of the Court of Appeal on a point of law referred to it under paragraph (6) or (7) shall be final.

F1 1990 NI 14

F2 [Art. 17\(2A\)](#) inserted (15.5.2012 being the day on which Art. 8 of the principal Order comes into operation by virtue of S.R. 2012/187, art. 2(a)) by [Building Regulations \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 4\), ss. 6\(2\)\(a\), 15\(1\)](#)

- F3** Words in [art. 17\(4\)](#) substituted (15.5.2012 being the day on which Art. 8 of the principal Order comes into operation by virtue of S.R. 2012/187, art. 2(a)) by [Building Regulations \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 4\), ss. 6\(2\)\(b\), 15\(1\)](#)
- F4** Word in [art. 17\(5\)](#) omitted (15.5.2012 being the day on which Art. 8 of the principal Order comes into operation by virtue of S.R. 2012/187, art. 2(a)) by virtue of [Building Regulations \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 4\), ss. 6\(2\)\(c\), 15\(1\), Sch.](#) (The repeals Sch. being fully in operation at 31.10.2012 for this amendment by S.R. 2012/186, art. 3(b))
- F5** [Art. 17\(5\)\(aa\)](#) inserted (15.5.2012 being the day on which Art. 8 of the principal Order comes into operation by virtue of S.R. 2012/187, art. 2(a)) by [Building Regulations \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 4\), ss. 6\(2\)\(c\), 15\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Building Regulations (Northern Ireland) Order 1979, Section 17.