



Northern Ireland  
Assembly

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**COMMITTEE FOR  
FINANCE AND PERSONNEL**

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**OFFICIAL REPORT  
(Hansard)**

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**Departmental Briefing on  
Building Regulations**

26 May 2010

**NORTHERN IRELAND ASSEMBLY**

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**Members present for all or part of the proceedings:**

Ms Jennifer McCann (Chairperson)  
Mr Jonathan Craig  
Mr Simon Hamilton  
Mr Fra McCann  
Mr Adrian McQuillan  
Ms Dawn Purvis

**Witnesses:**

Ms Hilda Hagan	)	
Mr Seamus McCrystal	)	Department of Finance and Personnel
Mr Geoff Rea	)	

**The Chairperson (Ms J McCann):**

I welcome Hilda Hagan, who works in the building standards branch in the properties division of the corporate services group; Seamus McCrystal, head of the building standards branch; and Geoff Rea from the construction and advisory division in the Central Procurement Directorate. I ask you to make a few opening remarks, and we will then open up the session for questions.

**Mr Seamus McCrystal (Department of Finance and Personnel):**

You asked that four topics be addressed: a response to the briefing from the Electrical Standards Lobbying Group; Mencap's Changing Places campaign; current consultation on amendment to

the building regulations; and a progress update on the recommendations of the Committee's report on the Building Regulations (Amendment) Bill. Do you want me to make an opening statement on each of those topics?

**The Chairperson:**

No, we can ask our questions after you have gone through all four topics.

**Mr McCrystal:**

We submitted to the Committee a background paper, which provides an overview on each of those topics. We submitted a more detailed paper on electrical standards at the Committee meeting of 24 February 2010.

The Electrical Standards Lobbying Group's briefing identified four main concerns: the need for an accredited public consumer register of all competent and qualified electrical operatives; the effect that the lack of such a register and regulations has on procurement; the fact that unregistered contractors are undercutting in price registered contractors and providing an inadequate service, which is putting health and safety at risk; and the fact that there is a lack of clear and effective central regulations in the industry.

The creation of an accredited public consumer register of electricians would come under the remit of the Department of Enterprise, Trade and Investment (DETI), and I understand that the lobbying group has sought a meeting with Minister Foster on that matter. The lack of a register should not affect public procurement, because measures regarding the standing of those who are tendering for such work are written into the terms of contracts. Hopefully, Geoff Rea will address any procurement issues that you have.

The lobbying group's main point is that it wishes to have electrical safety requirements included in the Northern Ireland building regulations and to provide a certification scheme whereby members of an approved scheme could self-certify their work as being compliant with the building regulations without further inspection by building control.

The lobbying group stated in its briefing that there is no clear and effective regulation of the electrical contractors' sector in Northern Ireland. Although the Northern Ireland building regulations do not include requirements for electrical installations, regulations and guidance to

ensure that installations are safe do exist. Those are the Electricity (Northern Ireland) Order 1992; the Electricity at Work Regulations (Northern Ireland) 1991; the code of practice that is approved by the Health and Safety Executive; and the Institution of Electrical Engineers (IEE) wiring regulations.

The IEE wiring regulations are for electrical installations and are a British standard code of practice, BS7671. That code of practice document contains approximately 850 regulations, and, although they are non-statutory, they are widely recognised and accepted in the UK as the national safety standard for electrical installations. Those regulations apply to the design, erection and verification of electrical installations and to additions and alterations to existing installations. The wiring regulations are widely referred to in specifications, standards and guidance as a performance standard that is to be adhered to and by which checking, testing and certification of an installation is to be measured.

The Electricity (Northern Ireland) Order 1992 places duties on electricity suppliers to eliminate or to reduce the risks of personal injury arising from electricity supply or installation. NIE advises that an electrical contractor should be appointed to install and to test the electrical installation in accordance with the IEE wiring regulations. On the connection card, the electrician has to certify that he or she has complied with those regulations. On receipt of the completed connection card, NIE undertakes a number of installation and connection-checking procedures prior to and following the energising of the electricity supply.

The Electricity at Work Regulations (Northern Ireland) 1991, made under the Health and Safety at Work (Northern Ireland) Order 1978, impose restrictions to ensure that those who may be engaged in electrical work activities possess the necessary technical knowledge or experience or are appropriately supervised depending on the nature of the work. The Northern Ireland Health and Safety Executive published an approved code of practice that gives advice on how to comply with the regulations. That code is wide-ranging and provides advice on all aspects of health and safety that may arise when dealing with electrical supply and installations, and it makes regular reference to the guidance contained in the IEE wiring regulations. It is my understanding that the courts will look to see whether the code has been followed, as evidence of adequate compliance with the law.

England, Wales and Scotland cite the IEE wiring regulations as the standard to be attained

when meeting the requirements of the building regulations, and, unless the work is major, notification to building control is not required. Scotland, in particular, includes in its guidance tables that indicate cases in which notification is not required. Therefore, although the Committee heard evidence earlier about the SELECT scheme in Scotland, there are a number of electrical installations that do not require notification to building control.

At the Committee meeting of 4 November 2009, we advised that Mencap was reviewing the Changing Places standard. The Department has since contributed to that review and awaits its outcome. The Department gave the Committee an undertaking that it would provide an illustration in the next revision of 'Technical Booklet R: Access to and use of buildings' that would outline the size, layout and fittings to be installed should such a facility be provided in a building in order that that facility should be capable of being designated by Mencap as a changing places facility. That revision will form part of a public consultation exercise, which will commence in November 2010, as part of the Department's transition to guidance-based regulations.

Recommendation 10 of the Committee's report on the Building Regulations (Amendment) Bill identified the Committee's concern that individual houses within multi-house applications could be built to out-of-date standards. The main element of the Department's current consultation on amendments to the building regulations will address that issue. The Department has proposed that, in applications for building regulations approval for a multi-dwelling development, each building will be treated as a separate application. Furthermore, it has proposed that, where construction does not substantially commence on any building in the development within three years, approval for that building can be declared to be of no effect. It would be as though the plans for that building had never been deposited. Moreover, the Department has proposed that "substantially commenced" would require completion of work on the building's foundations and construction of the building to damp proof course or damp proof membrane level.

The Department has also taken the opportunity to consult on making a number of minor amendments, clarifications and corrections. There are four points: to clarify existing requirements in relation to the efficiency of replacement domestic boilers; to clarify instances in which particular energy calculations may not be required; to give recognition to new European standards; and to correct a small number of incorrect cross-references in individual booklets.

The minutes of the Committee's meeting on 10 March 2010 noted receipt of the consultation proposals. The Department commenced public consultation on 12 March 2010, and the consultation will conclude on 4 June 2010. The Department has also submitted the consultation proposals to the EU, which will examine them to check whether they present any potential barriers to trade, and a response from the EU is expected no later than 15 July 2010. The Department proposes to make that amendment on 31 August 2010 and to bring it into operation at the earliest possible opportunity thereafter — hopefully, by mid-October. In order for the Department to meet that timetable, it would welcome the opportunity to advise the Committee of the outcome of the public consultation before the summer recess.

The progress report on the recommendations of the Committee's report on the Building Regulations (Amendment) Bill has been included as annex A to the papers submitted. I will highlight a few of the recommendations that the Committee has addressed in the past. Work on nine of the recommendations is noted as being complete, and progress on the others is at differing stages.

The Committee wanted to know how we have been progressing with recommendation 6 on type approvals, recommendation 8 on appeal decisions, recommendation 10 on plans of no effect, and recommendation 11 on dangerous buildings. A number of recommendations relate to improving energy efficiency, renewable technologies, low or zero carbon buildings and sustainable development. Those recommendations are 13, 15, 17, 18, 19, 20, 21 and 22.

**Mr Craig:**

My question relates to electrical safety. Building control deals with newbuilds, extensions, conversions, etc, some of which have gone through the planning process and some of which have not. Those that have not are regulated by building control. In your opinion, is there enough legal safety in that system to ensure that a rogue operator — an electrician, in this case — could not operate within it?

**Mr McCrystal:**

When you refer to a rogue operator, do you mean someone who does not comply with electrical standards?

**Mr Craig:**

Yes.

**Mr McCrystal:**

Not within building regulations, because building control will not look at electrical safety. I have outlined that there are a number of regulations in place, from the supply of electricity to a building through to the IEE wiring regulations, which state the standard. As you heard in the evidence session earlier, the building regulations in England, Wales and Scotland regulate for electrical safety, but they repeat that the standard to be attained is BS7671, which is the IEE wiring regulations.

**Mr Craig:**

Is that enforced by building control in those areas?

**Mr McCrystal:**

There are self-certification schemes, whereby those who are competent and belong to a scheme can self-certify their work. However, one does not have to be a member of a scheme to carry out electrical work in a property. If the person who installs or amends electrical work is not a member of a scheme, he or she will notify building control, and it is incumbent on building control to come out to check the safety of the installation. However, a rogue builder — regardless of whether that builder is carrying out an attic conversion or electrical work — may not notify building control. We have standards in place for building regulations. Rogue builders, by their very nature, will ignore standards.

**Mr Craig:**

I am trying to get to the root of the problem that was highlighted to us. Will enforcement by building control and the self-certification process resolve the issue of electrical problems and fires in buildings? How much of the problem is down to the legal process, whereby people go through the planning process and the building control process legally? Those people will have all that certified for insurance purposes. And how much of the problem is down to people operating outside the planning and building control processes? Obviously, people who are doing that are not going to go through any certification process whatsoever. Where is the balance in the problem with the number of electrical fires, etc?

**Mr McCrystal:**

I tried to get statistics on electrical fires, but neither the Royal Society for the Prevention of Accidents nor Northern Ireland Electricity retains records of accidents, fires or other incidents attributable to electrical installations. I got some statistics from the Northern Ireland Health and Safety Executive and the Northern Ireland Fire and Rescue Service. The Health and Safety Executive indicated to me that, between 2006 and 2008, it was notified of 51 electrical incidents, 12 of which involved fixed wiring. However, I was advised that none of those incidents appeared to be the result of inherent faults in the wiring installation.

The statistics from the Northern Ireland Fire and Rescue Service on fires arising from fixed wiring installations indicate that the number is low. I think that the figure quoted in the evidence session earlier today was 670. I am not sure whether that figure was annual or pertained to a particular period. The figure that I have for buildings to which the building regulations would normally apply, which are buildings other than dwellings, dwellings and domestic/private garages, is an average of 121 fires of that type a year. In dwellings, there is an average of 68 fires of that type a year. Out of a total of 700,000 households, that is 0.001%.

The Fire and Rescue Service does not hold any information on the age of installations. Therefore, there is no way of knowing whether a fire has arisen from a new installation that has become faulty or an old installation that should have been replaced years earlier. The IEE wiring regulations recommend periodic inspection of installations; at least every 10 years for domestic installations and every five years for commercial installations. I accept that in rental buildings, where that duty is placed on landlords, it is highly unlikely that houses will be inspected at the recommended levels. I hold my hands up and say that my property has not been inspected at those intervals. The difficulty with regard to the statistics is not being able to determine how old the installations are. I have not been able to get statistics on that.

On average, there are 10 casualties a year. I have a figure of one fatality in the past five years. My understanding is that the victim of that fatality was a tradesman who was working at a supply and had the power turned off. The householder came into the house and, unaware that the electrician was there, switched the power back on. That caused the fatality.

The figures that I have given you may go some way in explaining why the report that we submitted states that the incident rate is low.



**Mr Craig:**

I accept what you have said, Seamus. I got my calculator out and went through the figures myself. I concur with what you have said. However, although the incident rate is low, it does not minimise the impact of one fire or one fatality.

My concern is whether a certification process would resolve the problem. As you indicated, a bigger issue may be the lack of renewal of electrical systems in private dwellings. You were open and admitted that you have not had that done. I will be honest, too, and say that I have not had that done in the past 10 years. In your opinion, is that a greater risk to the electrical safety of properties than the idea that there are hundreds of rogue electricians out there?

**Mr McCrystal:**

All that I can do is to comment on the statistics. In the evidence session earlier today, the point was made that the demand on electrical systems in houses has increased over the years. A system that was designed 20, 25 or 30 years ago may be unable to cope with household demands now. The matter is whether building regulations can cope and deal with the situation.

The Northern Ireland Electrical Standards Lobbying Group referred to the system in Scotland. In Scotland, the regulations do not require a submission to building control in each and every instance. For example, submissions are not required for new power socket outlets in a domestic two-storey house, for a mains-operated fire alarm system, for electrical work to automatically opening ventilators or for wiring to artificial lighting or emergency lighting.

If the issue here is about blanket safety of electrical installations, building regulations cannot deal with that. Building regulations can set regulations for the buildings to which they apply, but they do not apply in all instances. A number of small buildings are exempt from building regulations, and certain work does not require a notification.

A register of electricians is not a matter for DFP. As I said earlier, it is a matter for DETI. I am aware that the lobbying group has made representations to meet Minister Foster about that.

**Ms Purvis:**

Thank you, Seamus. There are a number of different pieces of legislation and regulations that

relate to installation standards, which the departmental response to the lobbying group's proposals sets out. I understand what you said about building regulations not being the place in which to regulate standards of electrical installation. Do you think that a case exists for the regulation of standards by pulling together the various regulations and legislation, including the Electricity (Northern Ireland) Order 1992, the Electricity at Work Regulations (Northern Ireland) 1991, the Health and Safety Executive's approved code of practice, and the Institution of Electrical Engineers (IEE) wiring regulations? Do you think that a case exists for pulling those together so that there is one clear set of regulations for standards in electrical installation? I understand that the Department deals with building regulations and may not have the remit to deal with what I am suggesting. However, if there is a case to be made, where would responsibility for that lie?

**Mr McCrystal:**

The Electricity (Northern Ireland) Order 1992 is aimed primarily at the electricity supplier, which in Northern Ireland is NIE. It is my understanding that NIE takes its responsibilities very seriously. It has a team of inspectors, and it carries out a number of tests on new installations before it will provide an electricity supply. It has the power under the regulations not to connect a supply if it feels that the wiring is incomplete or unsafe. That legislation is quite stand-alone.

The health and safety regulations and the code of practice relate to practising operatives and set standards for employers. An employer who engages someone to carry out electrical work is responsible for ensuring that that tradesman is competent — competency was mentioned in the evidence session earlier today — that they know what they are doing and that they can carry out the duties expected of them. The code of practice amplifies what the requirements are. As I said, it is my understanding that the courts will look at the code of practice if something goes wrong. I think that it is laid out reasonably clearly and does not need to be restated.

**Mr F McCann:**

Most of my questions have already been answered. There does not seem to be much difference between what the lobbying group and the Department have said in respect of the need to keep an eye on safety. Do you think that there is a need for further accreditation that takes account of all aspects of electrical work? Surely, people would feel safer if there were a website or a book from which they could source accredited electricians, because they would know to expect a certain standard of installation from the electrician. That is what people expect with gas installations.

**Mr McCrystal:**

It is a question of whether that means awareness-raising or whether it means that there must be a mandatory register and that tradesmen must prove their competency in order to be included on it to practise their trade. As I said, that is a matter for DETI, and I do not want to step on its toes in looking at that.

In the evidence session earlier, mention was made of the fact that two of the major DIY stores in the Province provide leaflets on, for example, how to upgrade a wall socket and how to install an outdoor light. Those leaflets are available across the UK. Therefore, although Part P of the building regulations applies in England and Wales, people living there can still do that work themselves.

In Scotland, anyone can extend the electrical system in their own property. The competent person scheme in Scotland is not a blanket requirement. I could go to Scotland and put in a socket if I felt that I was competent to do so. With regard to building regulations and setting standards, it is a question of raising awareness that if people want electrical work done, they should go to a competent electrician. Be aware: ask for their registration card or ask them to demonstrate that they have the competence to do the work.

**Mr McQuillan:**

You said in reply to Jonathan's question that building control in Britain looks after the safety of electricity in houses.

**Mr McCrystal:**

No, they do not.

**Mr McQuillan:**

So who does?

**Mr McCrystal:**

That is down to the competence of the person who carries out the work.

**Mr McQuillan:**

So, you are really saying that such work needs to be regulated in some way, because building control is not fit to do it.

**Mr McCrystal:**

I made the point in answer to the previous question that even if standards were put into building regulations, the same system will apply as the one in England and Wales, which is that anyone can carry out electrical work on their own property. However, the IEE wiring regulations and code of practice exist to ensure that someone who operates as an electrician will be held to account. It was mentioned in the evidence session earlier that a child in England got electrocuted. There was a follow up, and the person who caused the problem was prosecuted.

**Mr McQuillan:**

Would it be better to regulate this in some way? Perhaps Scotland is doing it the right way.

**Mr McCrystal:**

Again, the point that I am making is that although Scotland has a competent person scheme, it is not mandatory for people to use a person belonging to that scheme to carry out electrical work.

**Mr McQuillan:**

If I were going to put some sockets in my house, would I have to go through building control?

**Mr McCrystal:**

No. You could do it yourself.

**Mr McQuillan:**

So I could just go and do that myself?

**Mr McCrystal:**

Yes. Again, I made the point that the Scottish system has tables to indicate when a notification to building control is not required. I will leave those tables with the Committee.

**Mr McQuillan:**

I am far from convinced that we are doing it right.

**Mr Hamilton:**

You touched on Mencap's Changing Places scheme. I welcome the progress that has been made, in that there will be inclusion of the new agreed standards for technical equipment. There was discussion about whether the whole issue could be taken to another level whereby the volume of traffic or number of people who work in a public building, which is where the problem lay, may trigger the retrospective installation of facilities, or make them mandatory for newbuild. Have those discussions stalled because the standards are being redrawn, or are they still progressing?

**Mr McCrystal:**

The Minister felt that although he was sympathetic to the plight of disabled people, it would not be appropriate to make it a requirement of building regulations for all public buildings to have a changing places facility. However, we will put the diagram into the technical booklet to indicate that where such a facility is provided in a building, and is built according to that diagram, the building could be capable of being badged by Mencap as a changing places facility.

However, the Mencap campaign had two facets, the second of which was to ask local authorities to put changing places facilities into their new public buildings. It is my understanding that Down District Council has made that policy decision. The council has designs already drawn for a new administrative building in which there will be a changing places facility. They are hoping to build a velodrome, and there will be a changing places facility there. I am not sure what progress has been made or decisions taken by other district councils. George Best Belfast City Airport also has a changing places facility.

Although it is not a requirement of building regulations, there has been some success.

**Mr Hamilton:**

My local authority in Ards has agreed to install one of those facilities in a proposed new leisure centre. Was cost the main stumbling block to doing that retrospectively, or was it the difficulty of defining the term "every building" in relation to public accessibility? That could mean every building in the whole of Northern Ireland.

**Mr McCrystal:**

If the threshold of the size of the building were set too low, that could lead to virtually every

building on Royal Avenue in Belfast having a changing places facility, which could mean that there would be no facilities in smaller market towns. If we set that threshold too high, then it may effectively rule out all of the market towns. It could be that the buildings are simply in the wrong place. There needs to be some discretion.

The other point is that I understand Health Estates are putting changing places in as an optional specification item, so they will consider the appropriateness of a changing places facility in, for example, their programme of wellbeing centres.

**The Chairperson:**

Have you had consultations with the group? We had the campaigning group in here last year, and the issues that were raised were concerning.

**Mr McCrystal:**

Yes; we have continued to liaise with Mencap. There are two standards at the moment. The standard for changing places in the British standard has got an area of about 12 square metres. Mencap's current area standard is around seven square metres, so one is almost twice the size of the other, and Mencap is reviewing the lower standard. We have commented to them on the lower standard. We feel that it is not adequate. We are waiting for them to review what they consider to be an adequate standard.

**The Chairperson:**

I am a member of the Enterprise, Trade and Investment Committee, and I know that regulation sits with DETI. If regulation were recommended by DETI, would you amend building regulations to use that list of registered electricians?

**Mr McCrystal:**

The lobby group has already written to the Minister, who said that to introduce electrical standards into building regulations would duplicate the regulations already in place, and that he did not feel that it would add anything to the existing safety.

**The Chairperson:**

Sorry, did the Finance Minister say that?

**Mr McCrystal:**

Yes.

**The Chairperson:**

What I am saying is that responsibility for regulation rests with the Department of Enterprise, Trade and Investment for a lot of organisations. If a decision were made to recommend that registration takes place, would you look to amend the building regulations so that you would be using the list? Do you understand where I am coming from?

**Mr McCrystal:**

If the register were mandatory, it would not be necessary to include it in building regulations. If there were a mandatory register, we would probably note that in the same way that we note that work on a gas installation can be carried out only by someone who is registered on the Gas Safe Register.

**Mr F McCann:**

Is there any assistance for businesses that may not have the resources but that may want to take part in the Changing Places scheme?

**Mr McCrystal:**

I am not aware of any.

**The Chairperson:**

Thank you very much. I am sure that we will see you again.