

Statutory Instruments

S.I. No. of 2009

(Draft) Building Regulations (Part M Amendment) Regulations, 2009

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The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by Sections 3 and 18 of the Building Control Act, 1990 (No.3 of 1990), hereby makes the following Regulations:-

Citation:

1. (1) These Regulations may be cited as the Building Regulations (Part M Amendment) Regulations, 2009.
- (2) These Regulations and the Building Regulations, 1997 (S.I. No. 497 of 1997) shall be construed as one and cited together as the Building Regulations 1997 to 2009.

Commencement:

2. These Regulations shall come into operation on the 1st day of July 2010.
3. (1) Subject to sub-article (2), these Regulations shall apply to works, where the works commence on or after the 1st day of July, 2010.
- (2) These Regulations shall not apply to works which commence on or after the 1 day of July, 2010, where –
 - (a) the works are the subject of -
 - (i) a planning application made on or before the 30th day of June, 2010 for planning permission or approval pursuant to the Local Government (Planning and Development) Act 2000 and where substantial work has been completed by the 30th day of June, 2012; or
 - (ii) a notice pursuant to the provisions of Part 8 of the Local Government (Planning & Development) Regulations, 2001 (S.I. No. 600 of 2001) has been published on or before the 30th day of June, 2010 and where substantial work has been completed by the 30th day of June 2012; or

- (b) a Fire Safety Certificate under the Building Control Regulations, in respect of the works or buildings, has been granted before the 30th day of June 2010 and where substantial work has been completed by the 30th day of June 2012.

Application:

4. (1) Article 11 (2) of the Principal Regulations is hereby amended by the substitution of the following -

“For the purposes of this article, “material alteration” means an alteration, where the work or part of the work carried out by itself would be the subject of a requirement of Part A or, B or M of the Second Schedule to these Regulations.”

- (2) Article 13 (1)(a) of the Principal Regulations is hereby amended by the insertion of the following after “building.”-

“In addition, Part M shall apply to the building, where a material change of use as described in sub- paragraph (2)(b)(i), (ii), (iv), (vi), (vii), (viii) of this article takes place.”

5. In these Regulations -

“Principal Regulations” means the Building Regulations, 1997 (S. I. No. 497 of 1997)

“Building Control Regulations” means the Building Control Regulations 1997, (S.I. No. 496 of 1997).

6. The Principal Regulations are hereby amended by the substitution of the following for Part M of the Second Schedule:

“

Part M

Access and Use

Access and Use M1 Adequate provision shall be made for people to access and use a building, its facilities and its environs.

Application of the Part: M2 Adequate provision shall be made for people to approach and access an extension to a building.

- M3 If sanitary conveniences are provided in a building that is to be extended, adequate sanitary conveniences shall be provided for people within the extension.
- M4 Part M does not apply to works in connection with extensions to and the material alterations of existing dwellings, provided that such works do not create a new dwelling. „

Given under the Official Seal of the
Minister for the Environment, Heritage
and Local Government
this day of 2009

Minister for the Environment, Heritage
and Local Government

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Regulations amend Part M of the Building Regulations, 1997, in respect of new buildings and dwellings. The Regulations also apply to the approach, access and sanitary conveniences in existing buildings which are extended.

These Regulations amend Article 11 of the Building Regulations 1997 (Principal Regulations) to include Part M in the definition of “material alteration” of a building.

The Regulations amend Article 13 of the Building Regulations 1997 (Principal Regulations) to require Part M to apply to an existing building or part of a building which undergoes a material change of use to a day care centre, hotel, institutional building, place of assembly, shop, or shopping centre.

The operative date of the Regulations is 1 July, 2010, subject to the transitional periods cited.