



STATUTORY INSTRUMENTS.

S.I. No. 513 of 2010

BUILDING REGULATIONS (PART M AMENDMENT) REGULATIONS
2010

(Prn. A10/1593)

BUILDING REGULATIONS (PART M AMENDMENT) REGULATIONS
2010

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by Sections 3 and 18 of the Building Control Act 1990 (No. 3 of 1990), hereby make the following regulations:—

Citation

1. (1) These Regulations may be cited as the Building Regulations (Part M Amendment) Regulations 2010.

(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 2010.

Commencement

2. These Regulations shall come into operation on 1 January 2012.

Application

3. These Regulations shall apply to works, or buildings in which a material alteration or change of use takes place, where the works, material alteration or change of use commence or take place, as the case may be, on or after 1 January 2012 except where—

- (i) a planning application has been made on or before 31 December 2011 for planning permission or approval pursuant to the Local Government (Planning and Development) Act 2000 (No. 30 of 2000) and where substantial work has been completed by 31 December 2013; 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 31 December 2011 and where substantial work has been completed by 31 December 2013; or
- (iii) a Fire Safety Certificate or a Disability Access Certificate under the Building Control Regulations (S.I. No. 496 of 1997), in respect of the works or buildings, has been granted on or before 31 December 2011 and where substantial work has been completed by 31 December 2013.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th November, 2010.*

Amendment of Building Regulations 1997

4. (1) The Building Regulations 1997 are amended by substituting for Article 11 (2) 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, B or M of the Second Schedule to these Regulations.”

(2) The Building Regulations 1997 are amended by inserting after “building” in Article 13 (1)(a) the following:—

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

5. The Building Regulations 1997 are amended by substituting for Part M of the Second Schedule the following:

“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 facilities are provided in a building that is to be extended, adequate sanitary facilities shall be provided for people within the extension.
	M4	Part M does not apply to works in connection with extensions to and 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,
1 November 2010.

JOHN GORMLEY,
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 facilities 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.

These 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 centre, hotel, hostel or guest building, institutional building, place of assembly, shop (which is not ancillary to the primary use of the building) or shopping centre.

The operative date of the Regulations is 1 January 2012, subject to the transitional periods cited.

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