

Draft of

REGULATIONS

entitled

Building Regulations (Part B Amendment) Regulations 2023

To be made by the Minister for Housing,
Local Government and Heritage

I, Darragh O’ Brien, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the Building Control Act 1990 (No. 3 of 1990), (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No.408 of 2020)), hereby make the following regulations:

Citation, collective citation and commencement

1. (1) These Regulations may be cited as the Building Regulations (Part B Amendment) Regulations 2023.

(2) These Regulations shall be included in the citation Building Regulations 1997 to 2023.

(3) Subject to Regulation 3, these Regulations shall come into operation on 1 January 2024.

Definition

2. In these Regulations –

“Regulations of 2006” means the Building Regulations (Amendment) Regulations 2006 (S.I. No. 115 of 2006);

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

Application

3. These Regulations apply to works or to a building in which a material change of use takes place, where the works commence or change of use take place on or after 1 January 2024, and, other than where -

- (a) in a case where the structure of the external walls of the building has been erected not later than 31 December 2027 -
 - (i) a planning application is made on or before 31 December 2023 for planning permission or approval under the Planning and Development Act 2000 (No. 30 of 2000),
 - (ii) a notice of a proposed development under Part 8 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) has been given by a local authority under article 81 of those Regulations on or before 31 December 2023, 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 2023, and
- (b) in a case where the structure of the external walls of the building has been erected not later than 31 December 2028, a notice from An Bord Pleanála, pursuant to the provisions of section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016), for a strategic housing development has been issued on or before 31st December 2023.

Amendment of article 5 of Principal Regulations

3. Article 5(4) of the Principal Regulations is amended –

(a) by inserting the following definitions:

“ ‘risk building (industrial)’ means a building –

- (a) the contents of which, when ignited, are likely to cause the rapid spread of fire, smoke or fumes and which contents may be solid, liquid, or gaseous and may also be present as dust, spray, mist or vapour,
- (b) in which there exists the presence of highly flammable or explosive materials,
- (c) that contains areas which, due to their function, may present a greater risk of fire occurring and developing than elsewhere such as manufacturing processes handling highly flammable liquids, or
- (d) for manufacturing, processing, repairing, cleaning, washing, breaking up or otherwise treating any hazardous substance;

‘industrial building - High Hazard’ means an industrial building the contents, or use, of which constitutes a high fire risk building (industrial);

‘industrial building – Low Hazard’ means an industrial building other than an industrial building – High Hazard;

‘storage building - High Hazard’ means a storage building the contents of which classifies the buildings as a high fire risk building (storage);

‘storage building – Low Hazard’ means any storage building other than a storage building – High Hazard, and includes a building used for parking vehicles, designed to admit or accommodate only passenger vehicles or other light goods vehicles, not more than 2,500 kilograms gross mass, and excludes a domestic garage ancillary to a dwelling;

‘risk building (storage)’ means the storage of –

- (a) goods that, when ignited, are likely to cause the rapid spread of fire, smoke or fumes and which goods may be solid, liquid, or gaseous and may also be present as dust, spray, mist or vapour,
 - (b) highly flammable or explosive materials,
 - (c) hazardous goods or materials,
 - (d) vehicles containing hazardous goods or materials, or
 - (e) high-rack storage of significant height;”, and
- (b) by substituting the following for the definition of place of assembly:

“ ‘place of assembly’ includes –

- (a) a theatre, public library, hall or other building of public resort used for social or recreational purposes,
- (b) a non-residential school or other educational establishment,
- (c) a place of public worship,
- (d) a public house, restaurant or similar premises used for the sale to members of the public of food or drink for consumption on the premises,
- (e) a sports pavilion, stadium, grandstand, or other audience or spectator facilities, and
- (f) a terminus, station or other facility for air, rail, road or sea travel,

but no building shall be treated as a place of assembly solely because it is a building to which members of the public are occasionally admitted.”.

Amendment of article 13 of Principal Regulations

4. The Principal Regulations are amended by substituting for sub-article (2) of article 13 the following:

“ (2) A material change of use as regards a building shall be deemed to take place if—

(a) a change of use, deemed by section 3(3) of the Act to be a material change of use, takes place, or

(b) a building which was not being used as—

(i) a day centre, becomes so used, or

(ii) a hotel, hostel or guest building, becomes so used, or

(iii) an industrial building – Low Hazard, becomes so used, or

(iv) an institutional building, becomes so used, or

(v) an office (which is not ancillary to the primary use of the building), becomes so used, or

(vi) a place of assembly, becomes so used, or

(vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or

(viii) a shopping centre, becomes so used, or

- (ix) an industrial building – High Hazard, becomes so used,
or
- (x) a storage building – High Hazard, becomes so used,
- (xi) a storage building – Low Hazard, becomes so used.”.

Substitution of entries B1 to B5 of Second Schedule to Principal Regulations

5. The Second Schedule to the Principal Regulations is amended by substituting for entries B1 to B5 the following:

“Part B

Fire Safety

- | | | |
|--|----|--|
| Means of warning and escape in case of fire. | B1 | <p>A building shall be so designed and constructed that there are -</p> <ul style="list-style-type: none"> (a) appropriate provisions for the early warning of fire, and (b) adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used. |
| Internal fire spread (linings). | B2 | <p>For the purpose of inhibiting the spread of fire within a building, the internal linings -</p> <ul style="list-style-type: none"> (a) shall have, either a rate of heat release or a rate of fire growth and a resistance to ignition which is reasonable in the circumstances, and (b) shall offer adequate resistance to the spread of flame over their surfaces. |

- Internal fire spread B3 (structure).
- 1) A building shall be so designed and constructed that, in the event of fire, its stability will be maintained for a reasonable period.
 - 2) (a) A wall common to two or more buildings shall be so designed and constructed that it offers adequate resistance to the spread of fire between those buildings.

(b) A building shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the building.
 - 3) A building shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.
- External fire spread.B4 The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire -
- (a) over the face of the building, and
 - (b) to and from neighbouring buildings.
- Access and facilities for the fire service. B5 A building shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life.”.

Insertion of entry B12 into Second Schedule to Principal Regulations

6. The Second Schedule to the Principal Regulations is amended by inserting the following entry after B11:

“

Provision of Information.	B12	Sufficient information on the active fire safety systems installed for the purpose of fire safety in the building shall be provided to the building owner so that the building can be operated in order to protect the health and safety of the building occupants.
----------------------------------	------------	---

”.

Revocation

7. (1) The Regulations of 2006 are revoked.

(2) Nothing in paragraph (1) shall be interpreted as reinstating into the Principal Regulations the reference to the buildings listed under Class 9, Column 1, of the Third Schedule (Exempted Buildings) deleted by Regulation 6 of the Regulations of 2006.

GIVEN under my Official Seal,

_____ 2023

Minister for Housing, Local
Government and Heritage.