STATUTORY INSTRUMENTS.

S.I. No. 608 of 2022

BUILDING REGULATIONS (PART M AMENDMENT) REGULATIONS 2022

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I, PETER BURKE, Minister of State at the Department of 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)), and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. No. 559 of 2020), hereby make the following regulations:

Citation, collective citation and commencement

1. (1) These Regulations may be cited as the Building Regulations (Part M Amendment) Regulations 2022.

(2) The Building Regulations 1997 to 2021 and these Regulations may be cited together as the Building Regulations 1997 to 2022.

(3) Subject to Regulation 3, these Regulations come into operation on 1 January 2023.

Definition

2. In these Regulations "Principal Regulations" means 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, except where -

(a) 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),

(b) 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

(c) 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 where the structure of the external walls of the building has been erected by 31 December 2025.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 2*nd December*, 2022.

Changing places toilet

4. (1) The Principal Regulations are amended in article 5(4) -

(a) by inserting after the definition of "Building Control Regulations, 1991 and 1994" the following:

" 'changing places toilet' means an accessible sanitary facility with a toilet, hoist, basin, adult-sized changing bench and optional shower, with adequate space for use by persons with a range of abilities who may require assistance;", and

(b) by substituting for the definition of "institutional building" the following:

" 'institutional building' includes a hospital, nursing home, home for older people or for children, school, or other similar establishment used as living accommodation, or for the treatment, care or support of people with illness, mental health difficulties, or disabilities, where such people sleep on the premises;".

Alterations and extensions

5. The Principal Regulations are amended by substituting for sub-article (2) of article 11 the following:

"(2) In 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.".

Material changes of use

6. The Principal Regulations are amended by substituting for sub-article (1) of article 13 the following:

"13. (1) Subject to articles 3 and 8, where a material change of use as regards a building takes place —

(a) the requirements of the following Parts of the Second Schedule, namely:

(i) Parts A1 and A2,

Part B,

Part C4,

Part E,

Part F,

Part G,

Part H,

Part J, and

Part L,

and

(ii) in Part M –

(I) M1, M2, M3 and M5, and

(II) M4, having regard to the building size and use,

where a material change of use as described in sub-article (2)(b)(i), (ii), (iv), (vi), (vii) or (viii) takes place,

shall apply to the building, and

(b) such works, if any, as are necessary the building complies with these requirements, shall be carried out in accordance with article 11.”.

Part M, Second Schedule

7. The Second Schedule to the Principal Regulations is amended by substituting for Part M 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.
	M2	Adequate provision shall be made for people to approach and access an extension to a building.
Sanitary facilities	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.
Changing places toilet	M4	Where sanitary facilities are provided in a building, or in a building that is to be extended, adequate provision shall be made for people to access and use a changing places toilet, having regard to the use and size of the building.
Non-application of Part M	M5	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.”

Revocation

8. The Building Regulations (Part M Amendment) Regulations 2010 (S. I. No. 513 of 2010) are revoked.

L.S.

GIVEN under my Official Seal,
29 November, 2022.

PETER BURKE,
Minister of State at the Department of Housing, Local Government and Heritage.

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 to require the provision of a changing places toilet in buildings, having regard to the buildings use and size.

These Regulations amend Article 5(4) of the Principal Regulations to include a definition of a ‘changing places toilet’.

These Regulation amend Article 5(4) of the Principal Regulations to remove derogatory terms from the definition of an ‘institutional building’.

These Regulations repeat the definition of ‘material alteration’ from the Building Regulations (Part M Amendment) Regulations 2010 (S. I. No. 513 of 2010).

These Regulations amend Article 13 of the Principal Regulations to require Part M4 to apply to an existing building or part of a building which undergoes a material change of use having regard to the use and size of the building.

These Regulations revoke the Building Regulations (Part M Amendment) Regulations 2010 (S. I. No. 513 of 2010).

The operative date of the Regulations is 1 January 2023, subject to the transitional periods cited.

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Teil: 046 942 3100
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-2012-2

€ 3.00

(BSDDHPLG-19) 75. 11/22. Propylon.