



STATUTORY INSTRUMENTS.

S.I. No. 108 of 2024



BUILDING REGULATIONS (PART B AMENDMENT) REGULATIONS
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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, construction and commencement

1. (1) These Regulations may be cited as the Building Regulations (Part B Amendment) Regulations 2024.

(2) The Building Regulations 1997 to 2023 and these Regulations may be cited together as the Building Regulations 1997 to 2024 and shall be construed together as one.

(3) Subject to Regulation 3, these Regulations shall come into operation on 1 May 2025.

Definition

2. In these Regulations—

“Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016);

“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 the change of use takes place, as the case may be, on or after 1 May 2025, and other than in a case where the structure of the external walls of the building has been erected not later than 30 April 2028—

- (a) a planning application for planning permission or approval under the Planning and Development Act 2000 (No. 30 of 2000) has been made,
- (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,

- (c) a fire safety certificate under the Building Control Regulations (S.I. No. 496 of 1997), in respect of the works or buildings, has been granted, or
- (d) a decision of An Bord Pleanála, under section 9(4) of the Act of 2016, in relation to grant of an application for permission for a strategic housing development, under section 4 of the Act of 2016, has been issued,

on or before 30 April 2025.

Amendment of article 5 of Principal Regulations

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

- (a) by inserting the following definitions:

“ ‘care facility 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;

‘industrial building – high hazard’ means an industrial 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) that contains 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) used for manufacturing, processing, repairing, cleaning, washing, breaking up or otherwise treating any hazardous substance;

‘industrial building – normal hazard’ means an industrial building other than an industrial building – high hazard;

‘storage building – high hazard’ means a building—

- (a) used for the storage of 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) used for the storage of highly flammable or explosive materials,

- (c) used for the storage of hazardous goods or materials,
 - (d) used for the storage of vehicles containing hazardous goods or materials, or
 - (e) that contains high-rack storage of significant height;
- ‘storage building – normal 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 vehicle weight;”
- (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;” and
- (c) by deleting the definition of institutional building.

Amendment of article 13 of Principal Regulations

5. 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 – normal hazard, becomes so used, or

- (iv) a care facility 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, or
- (xi) a storage building – normal hazard, becomes so used.”.

Substitution of entries B1 to B5 in Part B of Second Schedule to Principal Regulations

6. Part B of the Second Schedule to the Principal Regulations is amended by substituting for entries B1 to B5 the following:

“

Means of warning and escape in case of fire.	B1	A building shall be so designed and constructed that there are— <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	For the purpose of inhibiting the spread of fire within a building, the internal linings— <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 (structure).	B3	(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

		<p>offers adequate resistance to the spread of fire between those buildings.</p> <p>(b) A building shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the building.</p> <p>(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.</p>
External fire spread.	B4	<p>The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire—</p> <p>(a) over the face of the building, and</p> <p>(b) to and from neighbouring buildings.</p>
Access and facilities for the fire service.	B5	<p>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.</p>

”.

Insertion of entry B12 into Part B of Second Schedule to Principal Regulations

7. Part B of the Second Schedule to the Principal Regulations is amended by inserting the following entry after B11:

“

Provision of Information.	B12	<p>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.</p>
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GIVEN under my Official Seal,
26 March, 2024.

DARRAGH O'BRIEN,
Minister for 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 Article 5(4) of the Building Regulations 1997 to:

- include a definition of a:
 - ‘care facility building’
 - ‘industrial building – high hazard’
 - ‘industrial building – normal hazard’
 - ‘storage building – high hazard’
 - ‘storage building – normal hazard’
- amend the definition of ‘place of assembly’
- delete the definition of an ‘institutional building’.

These Regulations also amend the list of building uses in sub-article (2) of Article 13 of the Building Regulations 1997 where a material change of use is deemed to take place.

These Regulations amend Part B (Fire Safety) of the Second Schedule to the Building Regulations 1997 to update fire safety requirements for non-dwelling houses, including:

- the means of alert in case of fire,
- measures to reduce the spread of fire on the face of buildings, and
- requirements to provide information to building owners regarding the fire safety systems installed upon completion of building works.

The operative date of these Regulations is 1 May, 2025, subject to the transitional periods cited.

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