



STATUTORY INSTRUMENTS.

**S.I. No. 520 of 2023**



EUROPEAN UNION (IN-BUILDING PHYSICAL INFRASTRUCTURE  
FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS) REGULATIONS  
2023

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## S.I. No. 520 of 2023

EUROPEAN UNION (IN-BUILDING PHYSICAL INFRASTRUCTURE  
FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS) REGULATIONS  
2023

I, DARRAGH O'BRIEN, T.D. Minister for Housing, Local Government and Heritage, in exercise of the functions conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Articles 8(1) and 8(2) of Directive (EU) 2014/61 of the European Parliament and of the Council of 15 May 2014<sup>1</sup>, on measures to reduce the cost of deploying high-speed electronic communications networks, hereby make the following regulations:

**Citation and construction**

1. (1) These Regulations may be cited as the European Union (In-Building Physical Infrastructure for High-Speed Electronic Communications) Regulations 2023.

(2) The Building Regulations 1997 to 2022 and these Regulations may be cited together as the Building Regulations 1997 to 2023 and shall be construed together as one.

**Interpretation**

2. (1) In these Regulations –

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed-ready in-building physical infrastructure is made available;

“Act of 1990” means the Building Control Act 1990 (No. 3 of 1990);

“permit” means an explicit or implicit decision of a competent authority following any procedure under which an undertaking is required to take steps in order to legally carry out building or civil engineering works;

“Directive” means Directive (EU) 2014/61 of the European Parliament and of the Council of 15 May 2014<sup>1</sup> on measures to reduce the cost of deploying high-speed electronic communications networks;

“end-user” means a user not providing public communications networks or publicly available electronic communications services;

“high-speed electronic communications network” means an electronic communications network which is capable of delivering broadband access services at speeds of not less than 30 Mbps;

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<sup>1</sup> OJ No. L 23.05.2014, p. 1.

“high-speed-ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host either or both wired and wireless access networks where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

“major renovation works” means building or civil engineering works at the end user's location encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof, and requiring a building permit;

“Minister” means the Minister for Housing, Local Government and Heritage;

“network termination point” means the physical point at which an end-user is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to an end-user’s number or name;

“notice” means –

- (a) a notice referred to in section 6(2)(k), or
- (b) a 7-day notice with the meaning of section 6(2)(a)(iv),

of the Act of 1990;

“physical infrastructure” means any element of a network which is intended to host other elements of a network without becoming itself an active element of the network, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles;

"works" includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building.

(2) A word or expression that is used in these Regulations and that is also used in the Directive shall, unless the context otherwise requires, have the same meaning in these Regulations that it has in the Directive.

### **Application**

3. (1) Where a notice is submitted on or after the date of the coming into operation of these Regulations for –

- (a) a building which is to be newly constructed, or
- (b) a building on which major renovation works are to be carried out,

including where elements of a building referred to in subparagraph (a) or (b) are under joint ownership, works shall be carried out in such a way so as to

ensure that a building is equipped with a high-speed-ready in-building physical infrastructure up to a network termination point.

(2) Where a notice is submitted on or after the date of the coming into operation of these Regulations for –

- (a) a multi-dwelling building which is to be newly constructed, or
- (b) a multi-dwelling building on which major renovation works are to be carried out,

works shall be carried out in such a manner so as to ensure that the building is equipped, in addition to the high-speed ready in-building physical infrastructure up to the network termination point, with an access point.

### **Technical guidance documents**

4. (1) The Minister may publish, or arrange to have published on his or her behalf, documents to be known as “technical guidance documents” for the purpose of providing guidance with respect to compliance with the requirements of these Regulations.

(2) Subject to paragraph (3), where works or a building to which these Regulations apply is or are designed and constructed in accordance with any guidance contained in a technical guidance document, this shall, *prima facie*, indicate compliance with the relevant requirements of these Regulations.

(3) The provisions of any guidance contained in a technical guidance document published under paragraph (1) concerning the use of a particular material, method of construction or specification, shall not be construed as prohibiting compliance with a requirement of these Regulations by the use of any other suitable material, method of construction or specification.

### **Offences**

5. Any person who contravenes (by act or omission) any requirement of these Regulations shall be guilty of an offence.

### **Penalties**

6. A person guilty of an offence under Regulation 5 shall be liable to the penalties under section 17, and subject to the requirements of sections 17A to 17C (as if each reference to “this Act” in those sections read “this Act or the European Union (In-Building Physical Infrastructure for High-Speed Electronic Communications) Regulations 2023, of the Act of 1990).



GIVEN under my Official Seal,  
25 October, 2023.

DARRAGH O'BRIEN, T.D  
Minister for Housing, Local Government and Heritage.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
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