

# **Statutory Instruments**

**S.I. No. 284 of 2002**

**Building Regulations (Amendment) Regulations 2002**

**Dublin**

**Published by the Stationery Office**

**Pn: 11717**

**Price: € 1.27**

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**Building Regulations (Amendment) Regulations 2002**

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by Sections 3 and 18 of the Building Control Act 1990 (No. 3 of 1990) hereby makes the following Regulations -

**Citation**

1. (1) These Regulations may be cited as the Building Regulations (Amendment) Regulations 2002.
- (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 2002.

**Commencement**

2. These Regulations shall, subject to Article 3 of these Regulations, come into operation on the 1st day of January, 2003
3. These Regulations shall apply to works relating to the provision of a dwelling (including a flat), whether by new construction, material alteration or change of use, where the relevant works or the change of use commence or take place, as the case may be, on or after the 1<sup>st</sup> day of January, 2003 except where—
  - (i) a planning application is made on or before the 31<sup>st</sup> day of December, 2002 for planning permission or approval pursuant to the Planning and Development Act 2000 (No. 30 of 2000) and where substantial work has been completed by the 31st day of December, 2005; or
  - (ii) a notice pursuant to the provisions of Part 8 of the Planning & Development Regulations 2001 (S.I. No. 600 of 2001) has been published on or before the 31<sup>st</sup> day of December, 2002 and where substantial work has been completed by the 31<sup>st</sup> day of December, 2005.

- (2) In the case of the repair or renewal of an existing building or building element likely to affect the structural integrity of the building, the Regulations shall apply in relation to works commencing on or after the 1<sup>st</sup> day of January 2003;
- (3) In the case of the repair or renewal of existing dwellings involving the replacement of external doors, windows or roof lights, the Regulations shall apply in relation to works commencing on or after the 1<sup>st</sup> day of July, 2003.
- (4) For the purposes of these Regulations, “substantial work has been completed” means that the structure of the external walls of the house (or flat) has been erected.

**Application**

4. The following Article is hereby substituted for Article 11 of the Principal Regulations-

“11. (1) Subject to articles 3 and 8 and sub-articles (3) and (4) of this article, these Regulations shall apply to-

- (a) all works in connection with the material alteration or extension of a building; and
  - (b) every part of a building affected by works referred to in paragraph (a) but only to the extent of prohibiting any works which would cause a new or greater contravention, in such building, of any provision of these Regulations.
- (2) 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 or B of the Second Schedule to these Regulations.
  - (3) These Regulations shall apply to any repair or renewal likely to affect the structural integrity of the building or building element being repaired or renewed.
  - (4) Part L of the Second Schedule of these Regulations shall apply to renewal works to existing buildings involving the replacement of external doors, windows and rooflights.
  - (5) Part L of the Second Schedule to these Regulations shall not apply to works (including extensions) to an existing building which is a ‘protected structure’ or a “proposed protected structure” within the meaning of

the Planning and Development Act 2000 (No 30 of 2000)".

5. The Second Schedule to the Building Regulations 1997 (S.I. No. 497 of 1997) is hereby amended by the insertion of the following for Part L in relation to works relating to dwellings -

"

Part L

Conservation of Fuel and Energy

Conservation of  
Fuel and Energy

- L1 A building shall be so designed and constructed as to secure, as far as is reasonably practicable, the conservation of fuel and energy. This shall be achieved by -
- (a) limiting the heat loss and, where appropriate, maximising the heat gains through the fabric of the building
  - (b) controlling, as appropriate, the output of the space heating and hot water systems; and
  - (c) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air.

".

Given under the  
Official Seal of the  
Minister for the Environment  
and Local Government  
this 6th day of June, 2002.

L.S.

Noel Dempsey

Minister for the Environment  
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 the Building Regulations, 1997.

The Regulations primarily amend Part L of the Second Schedule to the 1997 Regulations (Conservation of Fuel and Energy) to set higher thermal performance/insulation standards for the provision of dwellings, where work commences on or after 1 January 2003. The operative date is subject to transitional arrangements in relation to-

(a) dwellings for which planning permission or approval is applied for on or before 31 December 2002, or

(b) a Part 8 notice is published, on or before the 31 December 2002,

provided substantial work has been completed by 31 December 2005.

The amended Part L Regulations will also apply to the replacement of external doors, windows or roof lights (windows) in existing houses where work commences on or after 1 July 2003.

The amended Part L Regulations will not apply to works (including an extension) to an existing building which is a protected structure or proposed protected structure, under the Planning and Development Act 2000.

The Regulations apply the Building Regulations to any repair or renewal of an existing building on or after 1 January 2003, which is likely to affect the structural integrity of the building, or building element, being repaired or renewed. This implements a recommendation of the Report of the Working Party on the Safety of Parapets and Analogous Building Elements (September 2001).

