



AN BILLE RIALTAIS ÁITIÚIL (FOIRGNIMH ILSTÓRACHA),
1988
LOCAL GOVERNMENT (MULTI-STOREY BUILDINGS) BILL,
1988

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Duties of local authorities.
3. Certificate or declaration in relation to multi-storey building.
4. Multi-storey buildings not completed before commencement of this Act.
5. Requirement to submit further certificate.
6. Multi-storey building owned by local authority.
7. Power of entry for inspection and to carry out works and actions.
8. Service of notices.
9. Compliance with notice under *section 2*.
10. Power to require information as to the ownership of buildings.
11. Regulations.
12. Offences.
13. Prosecution of offences.
14. Penalties.
15. Short title and commencement.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

ACTS REFERRED TO

Dangerous Substances Act, 1972
Science and Technology Act, 1987

1972, No. 10
1987, No. 30



AN BILLE RIALTAIS ÁITIÚIL (FOIRGNIMH ILSTÓRACHA),
1988
LOCAL GOVERNMENT (MULTI-STOREY BUILDINGS) BILL,
1988

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR THE STRUCTURAL APPRAISAL OF MULTI-STOREY BUILDINGS, FOR THE SUBMISSION BY OWNERS OF MULTI-STOREY BUILDINGS OF CERTIFICATES RELATING TO SUCH BUILDINGS, AND FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“building” includes its curtilage;

15

“the Companies Acts” means the Companies Act, 1963, and any enactment which is to be construed together with it;

“competent person” means—

(a) in relation to the structure of a building, a chartered engineer who has experience in the structural design or appraisal of multi-storey buildings by reference to appropriate codes of practice and standards including the codes of practice and standards specified in the *First Schedule* to this Act or by reference to equivalent codes of practice and standards recognised in another Member State of the European Communities, and 20 25

(b) in relation to the installation of gas in a multi-storey building, a chartered engineer who has experience in the design or appraisal of gas installations for buildings by reference to appropriate codes of practice and standards including, where applicable, the codes of practice and standards specified in the *Second Schedule* to this Act or by reference to equivalent codes of practice and standards recognised in another Member State of the European Communities, and 30 35

5 (c) in relation to the distribution of gas in the vicinity of, or the provision of gas services into, a multi-storey building, a chartered engineer who has experience in the design or appraisal of gas distribution systems and gas services by reference to appropriate codes of practice and standards including, where applicable, the codes of practice and standards specified in the *Second Schedule* to this Act or by reference to equivalent codes of practice and standards recognised in another Member State of the European Communities;

10 “gas” means piped gas or gas in containers exceeding 500 millilitres in capacity;

“local authority” means—

15 (a) in the case of a county exclusive of any borough or urban district therein, the council of the county,

(b) in the case of a county or other borough, the corporation of the borough, and

(c) in the case of an urban district, the council of the district,

20 and a reference to the functional area of a local authority shall be construed accordingly;

“multi-storey building” means a building comprising or including five or more storeys, a basement being regarded as a storey, not being a building the construction of which was completed on or before the 1st day of January, 1950;

25 “owner”, in relation to a multi-storey building, includes a lessee of the building or any part thereof under a lease whereby he is wholly responsible for repairs and maintenance and a person who, alone or with others, manages the building or, if there is no such person, a person who, alone or with others, manages any part of the building;

30 “prescribed” means prescribed by regulations;

“robustness”, in relation to a multi-storey building, means the characteristic of a building which ensures that any accidental disturbance of the building does not cause a collapse of the structure which is disproportionate to the magnitude of the disturbance;

35 “specified building” means a multi-storey building which is constructed wholly or in part using precast concrete floors whose structural performance is not dependant on interaction with in situ concrete which is mechanically attached to the precast constituent by bonding to protruding reinforcement or shear connectors and either precast concrete frames or precast concrete panels or masonry walls.

40 (2) Where a building is situate partly in the functional area of one local authority and partly in that of another it shall, for the purposes of this Act, be regarded as being in the functional areas of each of them unless the said local authorities by agreement between them designate one of them to be the local authority in respect of the building. The local authority so designated shall, so long as the agreement remains in force, be the local authority in respect of the building for the purposes of this Act.

2.—(1) As soon as may be after the commencement of this Act Duties of local authorities.

each local authority shall prepare and maintain a register of all multi-storey buildings in its functional area.

(2) In the case of every multi-storey building the construction of which was completed before the commencement of this Act the local authority for the functional area in which the building is situate shall serve notice on a person appearing to the local authority to be an owner of the building requiring him to furnish the local authority with a certificate in respect of the building in accordance with *section 3* of this Act. 5

(3) *Subsection (2)* of this section shall not apply in relation to a multi-storey building which is owned by a local authority and is situate in whole or in part in its functional area. 10

Certificate or declaration in relation to multi-storey building.

3.—(1) A person on whom a notice is served under *section 2 (2)* of this Act by a local authority shall submit to the local authority—

(a) a certificate signed by a competent person certifying that the building is, or is not, a specified building, or 15

(b) a statutory declaration made by that person that he is not an owner of the building.

(2) Every certificate submitted to a local authority pursuant to *subsection (1)* of this section which relates to a specified building shall certify that in the opinion of the competent person— 20

(a) the building is, subject to the procedures and tolerances of normal building practice, constructed in accordance with the appropriate codes of practice and standards which shall include, where applicable, the codes of practice and standards specified in the *First Schedule* to this Act; or 25

(b) the occupiers of, and persons who have recourse to, or are in the vicinity of, such building will not be exposed to risks related to the robustness of the building which would be unduly in excess of those normally present in a building constructed, subject to the procedures and tolerances of normal building practice, in accordance with the appropriate codes of practice and standards which shall include, where applicable, the codes and standards specified in the *First Schedule* to this Act; or 30 35

(c) all reasonable actions as set out in the certificate (which shall include, where appropriate, the actions specified in the *Third Schedule* to this Act) have been taken to minimise as far as is practicable the risk of accidental damage to the building. 40

Multi-storey buildings not completed before commencement of this Act.

4.—(1) In the case of a multi-storey building the construction of which is not completed before the commencement of this Act, it shall, subject to *subsection (3)* of this section, be the duty of every person to whom this section applies to submit to the local authority in whose functional area the building is situate a certificate in respect of the building in accordance with *section 3* of this Act before the building or any part of the building is occupied. 45

(2) This section applies to—

(a) the person by whom the building is constructed if he constructs it on his own behalf and his successors in title; 50

(b) the person on whose behalf the building is constructed and his successors in title.

(3) It shall be sufficient compliance with *subsection (1)* of this section for any of the persons to whom this section applies to submit a certificate in respect of the entire building.

5.—Where a certificate submitted to a local authority under *section 3 (2) (c)* of this Act certifies that such action as may be set out in the certificate has been taken in relation to a specified building, no action shall be taken in relation to that building which would have the effect of undoing the action so set out unless an owner of the specified building submits to the local authority in whose functional area the building is situate a further certificate, signed by a competent person, certifying that all reasonable actions as set out in that certificate have been taken to minimise, as far as practicable, the risk of accidental damage by reason of the undoing of the first mentioned action.

Requirement to submit further certificate.

6.—(1) Every local authority which is the owner of a multi-storey building situate in its functional area shall cause to have prepared and signed by a competent person a certificate certifying whether the building is, or is not, a specified building.

Multi-storey building owned by local authority.

(2) The provisions of *sections 3 (2)* and *5* of this Act shall apply to a certificate under *subsection (1)* of this section as if it were a certificate submitted under this Act to a local authority.

7.—(1) For the purposes of providing a certificate under *section 3, 4, 5* or *6* of this Act an owner of the building or any part thereof and his agent shall be entitled, after the giving of 14 days' notice to any other owner or occupier of the building or of any part of the building, to enter the building or that part of the building to which the notice applies, at all reasonable times, for the purposes of—

Power of entry for inspection and to carry out works and actions.

(a) inspecting the building or that part of the building to establish the details of the structure of the building and carrying out any work necessary for that purpose;

(b) carrying out works to enhance the robustness of the building; or

(c) carrying out all reasonable actions to minimise as far as is practicable the risk of accidental damage to the building.

(2) The owner or his agent shall make good any disturbance of the building caused by any works or actions pursuant to this section.

(3) The owner or his agent shall be entitled in the exercise of his powers under this section to take with him into the building, or that part of the building to which the notice applies, such persons or equipment as he considers necessary to assist him and to carry out any inspection, work or action that may be necessary for the purposes of providing the certificate.

(4) Where any inspection, work or action carried out pursuant to this section results in the breaking of any existing contractual obligations of an owner or occupier of the building, or any part thereof, it will be a sufficient defence in any action for trespass or for breach of contract arising from such inspection, work or action that the inspection, work or action was necessary for the purposes of submitting the certificate.

Service of notices.

8.—(1) Where a notice is required under this Act to be served on, or given to, a person, it shall be addressed to that person and may be served on, or given to, him in any one of the following ways—

- (a) where the notice is addressed to that person by name, by giving it to him; 5
- (b) by leaving the notice at the address at which that person ordinarily resides or, where an address for the service of documents has been given, at that address;
- (c) by sending the notice by post in a prepaid registered letter addressed to that person at the address at which he ordinarily resides or, where an address for the service of documents has been given, at that address; 10
- (d) where the address at which that person ordinarily resides cannot be ascertained by reasonable enquiry, by—
 - (i) delivering the notice to some person over the age of sixteen years residing, or employed, in the building to which the notice relates, or 15
 - (ii) affixing the notice in a conspicuous position on or near the building to which it relates.

(2) Where a notice is required by this Act to be served on, or given to, an owner of a building and the name of that person cannot be ascertained by reasonable enquiry, the notice may be addressed to “the owner” without naming him. 20

(3) For the purposes of this section, a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business. 25

(4) Where a notice is served on, or given to, a person pursuant to *subsection (1) (d)* of this section, a copy of the notice shall, within two weeks thereafter, be published in at least one newspaper circulating in the area in which the person is last known to have resided. 30

Compliance with notice under section 2.

9.—(1) Where notice under *section 2* of this Act is served by a local authority on more than one person in respect of a particular building it shall be sufficient compliance with that section for any of those persons, being an owner, to submit a certificate in respect of the entire building. 35

(2) It shall be a sufficient defence to a prosecution for failure to comply with a notice under any provision of this Act for the defendant to show that— 40

- (a) he is unable to comply with the notice without the cooperation of other owners of the building or it would be unreasonable to require him to do so, and
- (b) he has sought and failed to obtain such cooperation.

Power to require information as to the ownership of buildings.

10.—A local authority may, for the purpose of enabling them to 45

ascertain the ownership of a building, give any person who is an occupier of the building concerned or part of that building or who, either directly or indirectly, receives rent in respect of the building or part of the building, a notice in writing requiring him to state within
5 such period, being not less than 21 days, as may be specified in the notice in writing—

- (a) the nature of his own estate or interest in that building, and
- (b) the name and address of any other person known to him as
10 having an estate or interest in the building or part of the building or as a person who, alone or with others, manages or exercises control over the building or any part thereof.

11.—(1) The Minister may make regulations for the purposes of
this Act. Regulations.

(2) Without prejudice to the generality of the foregoing, regu-
15 lations may provide for the form of a register under *section 2 (1)* of this Act, or of any notice or certificate to be given under any provision of this Act or for the time within which any such notice or certificate shall be given.

(3) Every regulation made by the Minister under this Act shall be
20 laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything
25 previously done thereunder.

12.—Any person— Offences.

- (a) who, without lawful excuse, fails to submit to a local authority within the time prescribed a certificate required to be furnished pursuant to *section 3* or *4* of this Act, or
- 30 (b) who knowingly gives a certificate which is false or misleading in any respect, or knowingly submits such a certificate, or
- (c) who knowingly makes a statutory declaration for the purpose of *section 3 (1) (b)* of this Act which is false or misleading in any respect, or
- 35 (d) who contravenes *section 5* of this Act, or
- (e) who, at any time during the period of three months after a notice is affixed on or near a building pursuant to *section 8 (1) (d) (ii)* of this Act removes, damages or defaces the notice without lawful authority, or
- 40 (f) who, having been required by a local authority by a notice in writing given under *section 10* of this Act to give them any information, fails to give that information within the specified period or knowingly makes any misstatement in respect thereof, or
- 45 (g) who refuses to allow an owner who has given him due notice under *section 7* of this Act, or the agent of that owner, to enter the building or the part of the building to which the notice relates or to take any person or equipment with him in the exercise of his powers under that section, or

who obstructs or impedes the owner or his agent in the exercise of such powers, or

- (h) who refuses or fails, without lawful excuse, to comply with a request made to him by any person on whom a notice under *section 2 (2)* of this Act has been served, to cooperate with that person, in obtaining a certificate in accordance with *section 3* of this Act, 5

shall be guilty of an offence.

Prosecution of offences.

13.—An offence under this Act may be prosecuted summarily by a local authority. 10

Penalties.

14.—(1) A person who is guilty of an offence under *section 12 (b)*, (c) or (d) of this Act shall be liable—

- (a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for any term not exceeding 12 months or, at the discretion of the court, to both such fine and such imprisonment, or 15

- (b) on conviction on indictment, to a fine not exceeding £10,000, or to imprisonment for any term not exceeding three years, or, at the discretion of the court, to both such fine and such imprisonment. 20

(2) A person who is guilty of an offence under any provision of this Act other than *section 12 (b)*, (c) or (d) shall be liable on summary conviction to a fine not exceeding £1,000.

Short title and commencement.

15.—(1) This Act may be cited as the Local Government (Multi-Storey Buildings) Act, 1988. 25

(2) This Act shall come into operation on such day as the Minister by order appoints.

Section 3

FIRST SCHEDULE

CODES OF PRACTICE AND STANDARDS RELATING TO STRUCTURAL DESIGN OF BUILDINGS 30

1. (a) Code of Practice for the Structural Use of Concrete: CP 110: Parts 1, 2 and 3: 1972;
- (b) Structural Use of Concrete: Code of Practice for Design and Construction and Special Circumstances: BS 8110: Parts 1, 2 and 3: 1985; 35
- (c) Structural Use of Precast Concrete: BSCP: 116: 1969: and Addendum No. 1 thereto: BSCP 116: 1970;
- (d) Code of Practice for Design in Simple and Continuous Construction: Hot Rolled Sections: BS 5950: Part I: 1985; 40
- (e) Code of Practice for Use of Masonry: Structural Use of Unreinforced Masonry: BS 5628: Part I: 1978;
- (f) Code of Practice for Use of Masonry: Structural Use of Reinforced and Prestressed Masonry: BS 5628: Part II: 1985; 45
- (g) Code of Practice for Use of Masonry: Materials and Components Design and Workmanship: BS 5628: Part III: 1985;

(h) Code of Practice for the Use of Masonry: I.S. 325: Part I: 1986.

2. In this Schedule—

5 (a) a reference to an Irish Standard shall be construed as a reference to an Irish Standard published by the Institute for Industrial Research and Standards (now known, by virtue of section 3 of the Science and Technology Act, 1987, as Eolas — The Irish Science and Technology Agency), and a reference to a British Standard or a British Code of Practice shall be construed as a reference to a British Standard or a British Standard Code of Practice published by the British Standards Institution,

10 (b) an abbreviation or symbol specified in *paragraph 1* of this Schedule and set out in *column (1)* of the Table to this paragraph is a reference to the matters referred to in *column (2)* of the said Table opposite the mention of the said abbreviation or symbol in the said *column (1)*.

TABLE

Abbreviation or symbol (1)	Reference (2)
BS	British Standard Specification
BSCP	British Standard Code of Practice
CP	Code of Practice
I.S.	Irish Standard Specification

SECOND SCHEDULE

Section 3

20 CODES OF PRACTICE AND STANDARDS RELATING TO THE INSTALLATION OF GAS IN BUILDINGS

1. (a) Installation of gas service pipes; I.S. 265: 1987;
- (b) Code of Practice for gas distribution mains; I.S. 329: 1987;
- 25 (c) Domestic Installations using Liquefied Petroleum Gas; I.S. 327: 1987;
- (d) Domestic Installations for manufactured and natural gas; I.C.P. 3: 1984/85;
- (e) Non-domestic installations for manufactured and natural gas; I.C.P. 4: 1985/87;
- 30 (f) Combined appliances: gas fire/back boiler; I.S. 280: 1986;
- (g) Central Heating boilers and circulators; I.S. 281: 1986;
- (h) Gas Fires; I.S. 282: 1986;
- (i) Flueless Space Heaters (excluding catalytic combustion heaters) using 3rd family gases; I.S. 283: 1987;
- 35 (j) Flueless Catalytic Combustion Heaters, 3rd family gases; I.S. 284: 1987;
- (k) Decorative gas log and other fuel effect appliances for 2nd and 3rd family gases; I.S. 285: 1987;

- (l) Safety of flueless gas-fired Space Heaters 1st and 2nd family gases (excluding catalytic combustion devices); I.S. 286: 1987;
- (m) Domestic Cooking Appliances burning gas; I.S. 644: 1983; (EN 30: 1979); 5
- (n) Gas burning appliances for instantaneous production of hot water for domestic use; I.S. 645: 1983; (EN 26: 1975);
- (o) Safety of gas-fired infra-red space heaters (other than domestic radiant heaters); I.S. 800: 1987;
- (p) Direct gas-fired forced convection air heaters (60 KW to 2MW input) for 2nd family gases; I.S. 801: 1987; 10
- (q) Gas-fired fanned circulation ducted air heaters; I.S. 803: 1987;
- (r) Gas-fired hot water boilers with inputs of 60KW to 2MW; I.S. 804: 1987; 15
- (s) Gas-fired storage water heat; I.S. 805: 1987;
- (t) Liquefied petroleum gas cylinder neck valves; I.S. 207: 1986;
- (u) Liquefied petroleum gas pressure regulators; I.S. 208: 1986.

2. In this Schedule—

- (a) a reference to an Irish Standard or an Irish Code of Practice is a reference to an Irish Standard or an Irish Code of Practice published by the Institute for Industrial Research and Standards (now known, by virtue of section 3 of the Science and Technology Act, 1987, as Eolas — The Irish Science and Technology Agency), 25
- (b) an abbreviation or symbol specified in *paragraph 1* of this Schedule and set out in *column (1)* of the Table to this paragraph is a reference to the matters referred to in *column (2)* of the said Table opposite the mention of the said abbreviation or symbol in the said *column (1)*. 30

TABLE

Abbreviation or symbol (1)	Reference (2)
EN	European Norm
I.C.P.	Irish Code of Practice
I.S.	Irish Standard Specification

Section 3

THIRD SCHEDULE

ACTIONS TO ENSURE THAT THERE IS NO UNDUE RISK OF ACCIDENTAL DAMAGE TO A MULTI-STOREY BUILDING

- 1. The protection of important members of a building against vehicular impact by the provision of bollards, crash barriers or other appropriate means. 35
- 2. The checking, testing and, if necessary, remedying of the condition of gas installations.

3. The carrying out of leak surveys in and around, and within the vicinity of, the building and the repairing of gas leaks, if any.

4. The checking and, if necessary, remedying of the ventilation systems for lift shafts and service ducts in the building.

5 5. The checking and, if necessary, remedying of the ventilation system for rooms containing gas appliances in the building.

6. The sealing of service entries through building walls below ground level.

7. The ventilation or filling of voids under the building.

10 8. The ensuring that any gas service in a void in the building is located in a ventilated sleeve or, if necessary, the removal of gas service from the void.

15 9. The cessation of, and the restriction on, the use or storage in the building in containers exceeding 500 millilitres in capacity of petroleum spirit, within the meaning of section 20 of the Dangerous Substances Act, 1972.

10. The cessation of, and the restriction on, the use or storage in the building of gas in containers exceeding 500 millilitres in capacity.

11. The cutting-off of gas supplies to the building.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le struchtúr foirgneamh ilstórach a mheas, maidir le húinéirí foirgneamh ilstórach do chur deimhnithe i ndáil leis na foirgnimh sin isteach, agus maidir le nithe eile a bhaineann leis na nithe réamh-ráite.

*An tAire Comhshaoil a thólaic,
29 Aibreán, 1988*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

Clóbhuailte ag CAHILL PRINTERS LIMITED.

75p

BILL

(as initiated)

entitled

An Act to make provision for the structural appraisal of multi-storey buildings, for the submission by owners of multi-storey buildings of certificates relating to such buildings, and for other matters connected with the matters aforesaid.

*Presented by the Minister for the Environment,
29th April, 1988*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

75p