



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

EXPLANATORY MEMORANDUM

General

The purpose of the Bill is to provide for the structural appraisal of certain buildings and to require the submission to local authorities of appropriate certificates by owners in relation to such buildings. The legislation will apply to buildings consisting of 5 storeys or more, built since 1950, and future such buildings. The Bill follows from the Government's consideration of the Report of the Task Force on Multi-Storey Buildings.

Provisions of the Bill

Section 1 is an interpretation section and defines the various terms used in the Bill.

Section 2 requires each county, county borough and urban district council to prepare and maintain a register of all buildings, of five storeys or more, in its functional area, completed after 1st January 1950 and to issue notices to owners of these buildings requiring them to submit the appropriate certificates. Such buildings completed subsequent to the passing of the Act must also be included in the register.

Section 3 deals with the types of certificate required. *Subsection (1)* of *section 3* provides that a person on whom a notice has been served must submit to his local authority within a prescribed time a certificate signed by a competent person, stating whether his building is or is not a specified building (specified buildings are those of particular construction forms which require appraisal), or a statutory declaration to the effect that he is not the owner of the building. *Subsection (2)* of *section 3* provides that the competent person may certify that the building is constructed in accordance with appropriate codes of practice and standards which take account of the need for adequate robustness in the building, or that the robustness of the building is such that any risks related to it would not be unduly in excess of those in buildings constructed in accordance with the abovementioned codes of practice and standards. Alternatively, the certificate may state that all reasonable actions as listed on the certificate have been taken to minimise the risk of accidental damage to the building. The *First Schedule* to the Bill lists appropriate construction codes of practice and standards related to the robustness of the building and the *Second Schedule* lists appropriate codes of practice and standards relating to gas distribution, service, installation and use. The *Third Schedule* lists actions which must be taken into account by the competent person where a building is not sufficiently robust.

Section 4 provides that in the case of specified buildings completed in the future, the owner will be required to lodge an appropriate certificate with the local authority before the building or any part of it is occupied.

Section 5 provides that none of the actions listed on a certificate which has been submitted under *section 3* may be undone until a new certificate, duly signed by a competent person, is submitted to the local authority certifying that all reasonable actions as listed in the certificate have been taken to minimise the risk of accidental damage to the building.

Section 6 provides for a certificate in relation to a specified building owned by a local authority within its own functional area.

Section 7 makes provision for rights of entry of an owner and his agent in the case of multi-owner or multi-occupancy buildings. It provides that an owner of the building and his agent will be entitled, after giving 14 days notice to any other owner or occupier of the building, to enter the building or the part of the building to which the notice applies at all reasonable times for the purposes of furnishing a certificate under *sections 3, 4, 5 or 6* and for the taking of any necessary action to enable such a certificate to be furnished.

Section 8 sets out the procedure for the service of a notice on an owner.

Section 9 sets out certain requirements as to compliance with a notice under *section 2*.

Section 10 enables a local authority to obtain information as to the owner of a specified building from an occupier of the building in the case of a multi-owner building.

Section 11 enables the Minister to make regulations specifying, for example, the time limits for submitting certificates, the forms of the register, and of the notices required under *section 2* and the forms of the different certificates under the Bill.

Sections 12 and 13 deal with offences and prosecutions.

Section 14 lists the penalties on conviction for an offence.

Section 15 is the Short Title and commencement section.

*An Roinn Comhshaoil,
Aibreán, 1988.*