



An Bille um Rialú Foirgníochta (Aonocsaíd Charbóin a Bhrath), 2014
Building Control (Carbon Monoxide Detection) Bill 2014

Mar a tionscnaíodh

As initiated



**AN BILLE UM RIALÚ FOIRGNÍOCHTA (AONOCSAÍD CHARBÓIN A BHRATH),
2014
BUILDING CONTROL (CARBON MONOXIDE DETECTION) BILL 2014**

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**AN BILLE UM RIALÚ FOIRGNÍOCHTA (AONOCSAÍD CHARBÓIN A BHRATH),
2014
BUILDING CONTROL (CARBON MONOXIDE DETECTION) BILL 2014**

Bill

entitled

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An Act to provide for the installation of life-saving carbon monoxide detection devices in dwellings; to provide for certification of compliance; to provide for offences and penalties to apply in respect of instances of non-compliance; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

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PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Building Control (Carbon Monoxide Detection) Act 2014.
- (2) This Act, save for *section 10*, comes into operation on 1 January 2015.
- (3) *Section 10* may be commenced by an order made by the Minister under this section where he or she is satisfied having regard to the prevailing economic circumstances that its commencement will not cause undue economic hardship to sections of society.

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Interpretation

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2. In this Act—

“architect” means an architect whose name is entered in the current statutory register of architects which is maintained by the Royal Institute of the Architects of Ireland;

“building surveyor” means a building surveyor whose name is entered in the current statutory register of building surveyors which is maintained by the Society of Chartered Surveyors;

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“carbon monoxide detection device” means a fully functioning carbon monoxide alarm which—

- (a) complies with I.S. EN 50291-1:2010/A1:2012 or any additional or replacement

standard which is specified under *section 15(a)*,

- (b) incorporates a visual and audible indicator to alert users when the working life of the alarm is due to pass, and
- (c) the manufacturer of which holds third-party certification confirming compliance with the standard referred to in *paragraph (a)*;

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“certificate” means a carbon monoxide detection device (CMDD) certificate in the form prescribed by the Minister and which has been procured in accordance with the requirements of *section 6, 7, 8, 9 or 10*;

“dwelling” includes any building or part of a building occupied or intended for occupation as a normal place of residence and includes a house, flat, apartment, maisonette or other similar premises irrespective of the date of construction;

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“engineer” means an engineer who has achieved any one of the following registered professional titles from Engineers Ireland—

- (a) a Chartered Engineer,
- (b) an Associate Engineer,
- (c) an Engineering Technician, or
- (d) a Fellow of Chartered Engineering;

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“heat producing appliance” means a fixed appliance (including a cooker and an open fire) which is designed to burn solid fuel, oil, bio-fuel or gas but does not include a hob which is used solely for cooking;

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“Minister” means the Minister for the Environment and Local Government;

“registered electrical contractor” means an electrician whose name is entered in the current Register of Electrical Contractors of Ireland;

“registered gas installer” means a gas installer whose name is entered in the current Register of Gas Installers of Ireland.

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Regulations

3. (1) The Minister may make regulations for the general purpose of this Act.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

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(3) Every regulation made under this Act shall be 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 21 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 previously done under the regulation.

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PART 2

REQUIREMENT TO INSTALL DETECTION DEVICE

Application of this Act

4. (1) This Act applies to—

- (a) a newly constructed dwelling which is not offered for sale and which is referred to in *section 6*, 5
 - (b) a new or existing dwelling which is offered for sale and which is referred to in *section 7*,
 - (c) a dwelling offered for a new letting or the renewal of an existing letting and which is referred to in *section 8*, 10
 - (d) a dwelling in which a new or replacement heat producing appliance has been installed and which is referred to in *section 9*, and
 - (e) a dwelling in which an existing heat producing appliance has been repaired or serviced and which is referred to in *section 10*.
- (2) For the avoidance of doubt, this Act does not apply to dwellings which do not contain a heat producing appliance. 15

General requirement for detection device

5. (1) A dwelling to which this Act applies shall have installed within it one carbon monoxide detection device—

- (a) in each room which contains a heat producing appliance, 20
 - (b) either inside each bedroom or, within 5 metres of the bedroom door, measured along the path of the corridor, and
 - (c) in each bedroom in which a flue passes within or over.
- (2) Compliance with the requirements of this section shall be evidenced by a certificate provided by— 25
- (a) a building surveyor,
 - (b) an engineer,
 - (c) an architect,
 - (d) a registered gas installer, or
 - (e) a registered electrical contractor, 30
- following an inspection of the dwelling.

New dwellings – not for sale

- 6.** A person who commissions the construction of a new dwelling, the construction of which commences on or after the commencement of this Act, shall, before such dwelling is occupied for the first time, secure a certificate confirming that the requirements of 35

section 5 have been complied with in respect of that dwelling.

New or existing dwellings – offered for sale

7. (1) A person who offers for sale (whether in writing or otherwise) a dwelling shall, before placing the dwelling on the market as being available for sale, secure a certificate confirming that the requirements of *section 5* have been complied with in respect of that dwelling. 5
- (2) The seller of a dwelling to whom *subsection (1)* applies or any agent acting on behalf of such person in connection with such offering, shall produce a printed copy of the certificate in relation to the dwelling to any person expressing an interest in purchasing the dwelling. 10
- (3) Where a new dwelling is under construction and is being offered for sale (whether in writing or otherwise), upon completion of the dwelling a printed copy of the certificate for the completed dwelling shall be produced to any purchaser before completion of such sale.

Dwelling offered for new letting or renewal of letting

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8. (1) A person who offers a dwelling for letting (whether in writing or otherwise)—
- (a) for the first time to a new tenant, or
- (b) by way of the renewal of an existing lease, shall—
- (i) before offering the dwelling as being available for letting, or
- (ii) before renewing an existing lease, 20
- secure a certificate confirming that the requirements of *section 5* have been complied with in respect of that dwelling.
- (2) The lessor of a dwelling to whom *subsection (1)* applies or any agent acting on behalf of such person in connection with such offering, shall produce a printed copy of the certificate in relation to the dwelling to any person expressing an interest in taking a letting of the dwelling. 25

Dwelling with new or replacement fireplace, stove, boiler etc.

9. A person who in respect of a dwelling commissions—
- (a) the replacement of an existing heat producing appliance or flue, or
- (b) the installation of a new heat producing appliance or flue, 30
- shall at that time secure a certificate confirming that the requirements of *section 5* have been complied with in respect of such replacement or installation in that dwelling.

Dwelling with repaired or serviced fireplace, stove, boiler etc.

10. A person who in respect of a dwelling commissions the repair or servicing of an existing heat producing appliance or flue, shall at that time secure a certificate confirming that the requirements of *section 5* have been complied with in respect of the repair or servicing of 35

the heat producing appliance in that dwelling.

Production of a certificate to a local authority

- 11.** (1) A local authority, or an authorised officer thereof, may demand from—
- (a) an owner,
 - (b) a lessor, or 5
 - (c) an agent acting on behalf of such owner or lessor,
- of a dwelling to which this Act applies and which is situated within the functional area of that local authority, the production of a printed copy of the certificate in respect of the dwelling which has been issued under this Act.
- (2) Where a local authority, or an authorised officer thereof, makes a demand under *subsection (1)*, the owner, or lessor or the agent acting on behalf of the owner or lessor, shall produce to the local authority— 10
- (a) the printed copy of the certificate there and then, or
 - (b) within 28 days after the day on which production of the certificate,
- was demanded, a reasonable explanation to the satisfaction of the local authority for the failure by the owner or lessor, or the agent acting on behalf of the owner or lessor, to produce the printed copy of the certificate. 15
- (3) Where a person produces a printed copy of the certificate to an authorised officer of the local authority, the authorised officer shall be permitted to read and examine such certificate and report. 20

PART 3

OFFENCES AND PENALTIES

Offences

- 12.** (1) It shall be an offence for—
- (a) the owner of a new dwelling to contravene the requirements of *sections 6, 7(1), 9, or 10*, 25
 - (b) the lessor of a dwelling to contravene the requirements of *section 8(1)*.
- (2) It shall be an offence for a person to contravene *section 11(2)*.
- (3) (a) It shall be an offence for a person to forge or unlawfully alter a certificate which is required under this Act. 30
- (b) It shall be an offence for a person to procure or produce a certificate which—
 - (i) is false or misleading in any material respect, or
 - (ii) is intended to deceive.

Penalties

13. A person who is guilty of an offence under *section 12* is liable—

- (a) on summary conviction to a class A fine, or
- (b) on conviction on indictment to a fine not exceeding €100,000 or imprisonment for a term not exceeding 6 months or to both.

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Offence by body corporate

14. (1) Where an offence has been committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

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(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

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PART 4

MISCELLANEOUS

Minister to publish guidance on installation

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15. The Minister shall publish, and from time to time revise, technical guidance documents on—

- (a) the types of carbon monoxide detection devices which are approved or recommended for installation in accordance with the requirements of this Act,
- (b) the correct siting and installation of carbon monoxide detection devices, and
- (c) the desirability of all dwellings having installed therein an adequate number of carbon monoxide detection devices.

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An Bille um Rialú Foirgníochta (Aonocsaíd
Charbóin a Bhrath), 2014

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le feistí tarrthála beatha lena mbraitear aonocsaíd charbóin a shuiteáil i dteaghaisí; do dhéanamh socrú maidir le comhlíonadh a dheimhniú; do dhéanamh socrú maidir le cionta agus pionóis a mbeidh feidhm acu maidir le cásanna nár comhlíonadh ceanglais; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Feargal Quinn, Sean Ó Coróin, Sean D. Barrett agus David Norris a thug isteach,

3 Aibreán, 2014

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Introduced by Senators Feargal Quinn, John Crown, Sean D. Barrett and David Norris,

3rd April, 2014

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