



**An Bille um Rannpháirtíocht Phobail (Míchumas) (Forálacha Ilghnéitheacha),
2019**

Community Participation (Disability) (Miscellaneous Provisions) Bill 2019

Mar a tionscnaíodh

As initiated



**AN BILLE UM RANNPHÁIRTÍOCHT PHOBAIL (MÍCHUMAS) (FORÁLACHA
ILGHNÉITHEACHA), 2019
COMMUNITY PARTICIPATION (DISABILITY) (MISCELLANEOUS PROVISIONS)
BILL 2019**

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ACTS REFERRED TO

Building Control Act 1990 (No. 3)
Citizens Information Act 2007 (No. 2)
Comhairle Act 2000 (No. 1)
Dublin Transport Authority Act 2008 (No. 15)
Harbours Act 1996 (No. 11)
Local Government Act 2001 (No. 37)
Merchant Shipping Act 1992 (No. 2)
National Disability Authority Act 1999 (No. 14)
Planning and Development Act 2000 (No. 30)
Public Transport Regulation Act 2009 (No. 37)
Roads Act 1993 (No. 14)
State Airports Act 2004 (No. 32)



**AN BILLE UM RANNPHÁIRTÍOCHT PHOBAIL (MÍCHUMAS) (FORÁLACHA
ILGHNÉITHEACHA), 2019
COMMUNITY PARTICIPATION (DISABILITY) (MISCELLANEOUS PROVISIONS)
BILL 2019**

Bill

5

entitled

An Act to promote better provision in respect of the use by persons with disabilities of certain buildings and other places and transport services and for that purpose, to amend the Local Government Act 2001, the Planning and Development Act 2000, the Public Transport Regulation Act 2009 and the Building Regulations 1997; to provide for the commencement of certain provisions of the Citizens Information Act 2007 and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Amendment of section 10 (content of development plans) of Planning and Development Act 2000 15

1. Section 10 of the Planning and Development Act 2000 is amended in subsection (2)(j) by inserting “in accordance with the principles of universal design (within the meaning given to it by section 19A of the National Disability Authority Act 1999)” after “recreational amenities”.

Amendment of section 67 (amenity, recreation and other functions) of Local Government Act 2001 20

2. Section 67 of the Local Government Act 2001 is amended by inserting the following subsection after subsection (2):

“(2A) (a) Without prejudice to the matters referred to in subsections (1) and (2), every local authority shall— 25

(i) apply the principles of universal design to the provision of playgrounds and play equipment in order to maximise the range of play opportunities available to all children, and

(ii) on completion of the provision of playgrounds and play equipment in compliance with the principles of universal design, publish a written statement on its website to that effect. 30

(b) This subsection applies to the provision of playgrounds and play equipment in respect of plans or initiatives outlined in any

approved scheme or part of a scheme for a Business Improvement District and to which Part 13A applies.

(c) In this subsection ‘universal design’ has the meaning given to it by section 19A of the National Disability Authority Act 1999.”.

Amendment of section 10 (short title, collective citation and commencement) of Citizens Information Act 2007 5

3. Section 10 of the Citizens Information Act 2007 is amended by inserting the following subsection after subsection (3):

“(4) Notwithstanding subsection (3), sections 4 (in so far as it inserts paragraph (bb) into section 7(1) of the Comhairle Act 2000) and 5 come into operation 6 months after the date of the passing of the *Community Participation (Disability) (Miscellaneous Provisions) Act 2019* or on such earlier date than the said 6 months as the Minister for Employment Affairs and Social Protection may by order appoint.”. 10

Amendment of section 13 (attachment of conditions to licences) of Public Transport Regulation Act 2009 15

4. Section 13 of the Public Transport Regulation Act 2009 is amended by inserting the following subsection after subsection (2):

“(2A) Without prejudice to the generality of subsections (1) and (2), when granting, amending or renewing a licence, having regard to the route, scheduling and frequency of operation of the public bus service to which the application or licence relates, the Authority shall impose conditions that require the applicant or licence holder to maintain or enhance, but not diminish, the access to the public bus passenger service by persons with disabilities.”. 20 25

Amendment of Building Regulations 1997, etc.

5. (1) The Building Regulations 1997 (S.I. No. 497 of 1997) are amended in the Second Schedule by substituting the following for Part M:

“Part M

ACCESS AND USE 30

Access and use	M1	Adequate provision shall be made for people to access and use a building, its facilities and its environs.
Application (Part M)	M2	Adequate provision shall be made for people to approach and access an extension to a building.
	M3	If sanitary facilities are provided in a building that is to be extended, adequate sanitary facilities shall be provided for people within the extension.

35

	M4	(1)	If sanitary facilities are provided in a relevant publicly accessible building, an accessible change facility shall be provided for people within the building.	
		(2)	Subparagraph (1) is in addition to, and not in substitution for, any other obligation under these Regulations to provide adequate sanitary facilities.	5
	M5		This Part does not apply to works in connection with extensions to and material alterations of existing dwellings, provided that such works do not create a new dwelling.	10
Definitions (Part M)	M6		In this Part— ‘accessible change facility’ means a sanitary facility designed to meet the needs of people with severe and profound disabilities, which—	15
			(a) is at least 3 metres wide and 4 metres long,	
			(b) has a ceiling height of not less than 2.4 metres,	20
			(c) includes a full room cover overhead ceiling track hoist system	
			(d) includes a peninsular toilet bowl with adequate space, being not less than one metre from either wall, on either side of the toilet bowl to allow for transfers or assistance,	25
			(e) has a height adjustable adult-sized changing bench, and	
			(f) has a height adjustable washbasin;	30
			‘amenity building’ means a building within a service area which provides certain amenities, such as a convenience shop, retail services, restaurants and tourist information, and which provide sanitary facilities;	35
			‘relevant publicly accessible building’ means—	
			(a) a shopping centre with 30,000 square metres or more gross internal floor space,	

			(b) a shop (being a shop primarily frequented by members of the public) with 10,000 square meters or more gross internal floor space,	
			(c) a place of assembly that can accommodate 2,000 persons or more admitted to it—	5
			(i) on production of a ticket, whether in print or electronic form, to the event concerned, or	10
			(ii) consequent on the payment of an admission charge,	
			(d) a specified roadway service area,	
			(e) a sports centre containing –	
			(i) an internal sports hall with 1600 square meters or more gross internal floor space, or	15
			(ii) containing a swimming pool of 25 metres or more in length,	
			(f) an institutional building, or	20
			(g) a passenger terminal at—	
			(i) a State airport (within the meaning of the State Airports Act 2004) or another airport for which the Minister may make bye-laws under section 15 of that Act,	25
			(ii) an interchange facility (within the meaning of the Dublin Transport Authority Act 2008) that facilitates transport users of either rail or bus services, or	30
			(iii) a harbour (within the meaning of the Harbours Act 1996) used by passenger ships (within the meaning of the Merchant Shipping Act 1992);	35
			‘service area’ has the meaning given to it in the Roads Act 1993;	
			‘service area scheme’ has the meaning given to it in the Roads Act 1993;	40

			‘specified roadway service area’ means a large scale service area which provides an amenity building, fuel facilities, parking and a picnic area beside or in the proximity of a public road where services and facilities for users of the road are provided under a motorway or service area scheme;	5
			‘sports centre’ means any premises purpose built or adapted for the practice or playing of sports;	
			‘State airport’ has the meaning given to it by section 4 of the State Airports Act 2004.	10

”.

- (2) Notwithstanding the substitution of Part M of the Second Schedule to the Building Regulations 1997 by subsection (1), the power of the Minister for Housing, Planning and Local Government to make regulations under sections 3 and 18 of the Building Control Act 1990 shall be read as including a power to amend or revoke Part M as if the amendment made by subsection (1) was made by regulations under those sections. 15
- (3) (a) Notwithstanding the substitution of Part M of the Second Schedule to the Building Regulations 1997 by subsection (1), that Part shall continue to apply in respect of any works, or buildings in which a material alteration or change of use takes place as if that substitution had not been made, where either of the following applies: 20
- (i) the works, material alteration or change of use takes place, as the case may be, before the relevant commencement date;
 - (ii) the works, material alteration or change of use commence or take place, as the case may be, on or after the relevant commencement date, and one or more of the following applies: 25
 - (I) a planning application has been made before the relevant commencement date for planning permission or approval pursuant to the Planning and Development Act 2000 and substantial work has been completed not later than 2 years after the relevant commencement date;
 - (II) a notice pursuant to the provisions of Part 8 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) has been published before the relevant commencement date and substantial work has been completed not later than 2 years after the relevant commencement date; 30
 - (III) a fire safety certificate or a disability access certificate under the Building Control Regulations 1997 (S.I. No. 496 of 1997), in respect of the works or buildings, has been granted before the relevant commencement date and substantial work has been completed not later than 2 years after the relevant commencement date. 35
- (b) In this subsection— 40
- “relevant commencement date” means the date on which this section comes into

operation;

“substantial work has been completed” means the structure of the external walls of the building has been erected.

Short title, collective citation, construction and commencement

6. (1) This Act may be cited as the Community Participation (Disability) (Miscellaneous Provisions) Act 2019. 5
- (2) This subsection and *section 2* shall be included in the collective citation “Local Government Acts 1925 to 2019” and shall be read together as one with those Acts.
- (3) This subsection, *section 1* and the Planning and Development Acts 2000 to 2018 may be cited together as the Planning and Development Acts 2000 to 2019 and shall be construed together as one. 10
- (4) This subsection, *section 3* and the Citizens Information Acts 2000 to 2011 may be cited together as the Citizens Information Acts 2000 to 2019.
- (5) This subsection, *section 5* and the Building Regulations 1997 to 2017 may be cited together as the Building Regulations 1997 to 2019 and shall be construed together as one. 15
- (6) This Act, other than *section 3*, comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Housing, Planning and Local Government may, with the consent of the Minister for Transport, Tourism and Sport in so far as it relates to *section 4*, by order appoint. 20

An Bille um Rannpháirtíocht Phobail
(Míchumas) (Forálacha Ilghnéitheacha),
2019

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú feabhsaithe a chur chun cinn i leith úsáid foirgneamh áirithe agus áiteanna eile agus seirbhísí iompair ag daoine faoi mhíchumas agus, chun na críche sin, do leasú an Achta Rialtais Áitiúil, 2001, an Achta um Pleanáil agus Forbairt, 2000, an Achta um Rialáil Iompair Phoiblí, 2009 agus na Rialachán Foirgníochta, 1997; do dhéanamh socrú maidir le tosach feidhme forálacha áirithe den Acht um Fhaisnéis do Shaoránaigh, 2007; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí John G. Dolan, Colette Kelleher, Lynn Ruane, Prionsios Ní Dhuibhe, Ivana Bacik, Victor Boyhan, Máire Devine agus Alice-Mary Higgins a thug isteach,

12 Meitheamh, 2019

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Introduced by Senators John G. Dolan, Colette Kelleher, Lynn Ruane, Frances Black, Ivana Bacik, Victor Boyhan, Máire Devine, and Alice-Mary Higgins,

12th June, 2019

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