



STATUTORY INSTRUMENTS.

S.I. No. 112 of 2020

BUILDING CONTROL ACT 1990 (SECTION 5) ORDER 2020

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WHEREAS an emergency exists by virtue of the spread of the disease known as Covid-19;

AND WHEREAS, having regard to the duty of the State to respect and, as far as practicable, by its laws to defend and vindicate the rights to life and bodily integrity, extraordinary measures are required for the purpose of dealing with that emergency;

AND WHEREAS it is necessary in the interests of public health and public safety to construct buildings of a class specified in the Schedule to the following Order, and adapt existing buildings for use as buildings of such a class, as speedily and cost effectively as possible, for the purpose of dealing with that emergency; and

WHEREAS I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government consider that, by reason of the foregoing, compliance with Part L of the Second Schedule to the Building Regulations 1997 (S.I. No. 497 of 1997) would be unreasonable during the relevant period, within the meaning of the following Order, in relation to buildings of any such class;

NOW I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 5 of the Building Control Act 1990 (No. 3 of 1990) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby order as follows:

1. This Order may be cited as the Building Control Act 1990 (Section 5) Order 2020.

2. In this Order –

“Principal Regulations” means the Building Regulations 1997 (S.I. No. 497 of 1997);

“relevant period” means the period commencing on 13 March 2020 and ending on the day on which Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020) ceases to have effect by virtue of subsection (3) of section 2 of that Act;

“State authority” means –

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th April, 2020.

- (a) a Minister of the Government, or
- (b) the Commissioners of Public Works in Ireland.

3. (1) Subject to paragraph (2), Part L of the Second Schedule to the Principal Regulations shall not apply in relation to –

- (a) works consisting of, or in connection with, the construction, extension, alteration, repair, or renewal of a building of a class specified in the Schedule to this Order carried out and completed during the relevant period by, or on behalf of, a State authority, or
- (b) a material change of use (within the meaning of the Principal Regulations) to use as a building of such a class during the relevant period by, or on behalf of, a State authority.

(2) It shall not be lawful for a building to which paragraph (1) applies to be used as a building of a class specified in the Schedule to this Order after the expiration of 2 years from the end of the relevant period unless it complies with Part L of the Second Schedule to the Principal Regulations.

SCHEDULE

CLASSES OF BUILDING FOR PURPOSES OF ARTICLE 3

1. Acute and other health and social care accommodation.
2. Self-isolation short stay accommodation.
3. Covid-19 and other step down accommodation.
4. Medical testing centre or laboratory.
5. Emergency management coordination facilities.
6. Mortuary facilities.
7. Other accommodation or buildings ancillary to the classes of building referred to above, including storage facilities.



GIVEN under my Official Seal,
3 April, 2020.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Order provides for a dispensation from the requirements of Part L (Conservation of Fuel and Energy) of the Second Schedule of the Building Regulations. The dispensation is limited to works in response to Covid-19, for the period commencing on 13 March 2020 and ending on the day on which Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020) ceases to have effect by virtue of subsection (3) of section 2 of that Act.

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