



STATUTORY INSTRUMENTS.

**S.I. No. 561 of 2010**



BUILDING REGULATIONS (PART H AMENDMENT) REGULATIONS  
2010

**(Prn. A10/1759)**

BUILDING REGULATIONS (PART H AMENDMENT) REGULATIONS  
2010

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 3 and 18 of the Building Control Act 1990 (No. 3 of 1990), hereby make the following regulations:—

*Citation*

1. (1) These Regulations may be cited as the Building Regulations (Part H Amendment) Regulations 2010.

(2) These Regulations and the Building Regulations 1997 (S.I. No. 497 of 1997) may be cited together as the Building Regulations 1997 to 2010 and shall be construed together as one.

*Commencement*

2. Subject to Regulation 3, these Regulations shall come into operation on 1 June 2011.

*Application*

3. (1) These Regulations shall apply to works, or buildings in which a material alteration or change of use takes place, where the works, material alteration or change of use takes place, as the case may be, on or after 1 June 2011 except where:—

(a) a planning application is made on or before 31 May 2011 for planning permission or approval pursuant to the Planning and Development Act 2000 (No. 30 of 2000) and where substantial work has been completed by 31 May 2012; or

(b) 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 on or before 31 May 2011 and where substantial work has been completed by 31 May 2012.

(2) For the purposes of these Regulations, “substantial work has been completed” means that the structure of the external walls of the building has been erected.

*Amendments to the Building Regulations 1997*

4. The Building Regulations 1997 are amended by substituting for Part H of the Second Schedule the following:—

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 30th November, 2010.*

## “PART H

## DRAINAGE AND WASTE WATER DISPOSAL

- Drainage systems. H1
- (1) A building shall be provided with such a drainage system as may be necessary for the hygienic and adequate disposal of foul wastewater from the building.
  - (2) A building shall be provided with such a drainage system as may be necessary for the adequate disposal of surface water from the building.
  - (3) No part of a drainage system conveying foul wastewater shall be connected to a sewer reserved for surface water and no part of a drainage system conveying surface water shall be connected to a sewer reserved for foul wastewater.
- Wastewater treatment systems. H2
- (1) A wastewater treatment system shall be so designed, sited and constructed that:—
    - (a) it is not prejudicial to the health of any person,
    - (b) it does not cause a risk to public health or the environment,
    - (c) it prevents unauthorised access but allows adequate means of access for emptying and maintenance,
    - (d) it will function to a sufficient standard for the protection of health in the event of a system failure,
    - (e) it has adequate capacity,
    - (f) it is impermeable to liquids, and
    - (g) it is adequately ventilated.
  - (2) Information on the wastewater treatment system and any continuing maintenance required to avoid risk to health and the environment shall be provided to the owner.

Definitions for  
this Part.

H3

In this Part:—

“combined drain” means a single private drain used for the drainage of two or more separate premises as defined in section 10 of the Local Government (Sanitary Services) Act 1948 (No. 3 of 1948);

“drain” in relation to a building means any pipe, forming part of the drainage system of the building, which is either:—

(a) wholly underground, or

(b) a continuation, in the direction of flow, of part of a drainage system that has been underground, and includes a “combined drain”;

“drainage system”, in relation to a building, means the system of pipes and drains used for the drainage of the building, including all other fittings, appliances and equipment so used but excluding subsoil water drains;

“domestic wastewater” means water discharged from kitchens, laundry rooms, lavatories, bathrooms, toilets and similar facilities (soil water and wastewater);

“foul wastewater” means any wastewater comprising domestic wastewater and/or industrial wastewater;

“industrial wastewater/trade effluent” means wastewater discharge resulting from any industrial or commercial activity;

“sewer” has the same meaning as in the Local Government (Sanitary Services) Acts 1878 to 1964;

“surface water” means water from precipitation which has not seeped into the ground and which is discharged to the drain or sewer system directly from the ground or from the exterior building surfaces;

“soil water” means water containing excreted matter whether human or animal;

“wastewater” means used water not being soil water or trade effluent.”.



Given under my Official Seal,  
26 November 2010.

JOHN GORMLEY,  
Minister for the Environment, Heritage and Local  
Government.

EXPLANATORY NOTE

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

These Regulations amend Part H (Drainage and Waste Water Disposal) of the Second Schedule to the Building Regulations 1997 in order to call up relevant parts of the Environmental Protection Agency's *Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses* (2009).

The Technical Guidance Document relating to Part H has taken the opportunity to update the standards and incorporate guidance on emerging sustainable technology. The Regulations also provide that information on the wastewater treatment system and any continuing maintenance required to avoid risk to health and the environment shall be provided to the building owner.

The operative date of 1 June 2011 is subject to the transitional exemption for construction works for which planning permission or approval is applied on or before 31 May 2011, provided substantial work has been completed by 31 May 2012.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
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