



**OPW**

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Ms Eimear Lavelle  
Committee Secretariat  
Committee of Public Accounts  
Leinster House  
Dublin 2

Dear Ms Lavelle

I refer to your letter of 20 February 2012 addressed to Ms. Clare McGrath, Chairman OPW, attaching correspondence from Mr. Kieran Coughlan, Clerk of the Dáil, concerning Fire Certificates for buildings in the Leinster House complex.

Following the appearance of Mr. Coughlan before the Committee on 12 January, the Office of Public Works was contacted by the Superintendent of the Houses of the Oireachtas seeking information on the position in relation to Fire Certificates. The OPW advised the Superintendent in regard to the 1997 Building Control Regulations which set out the requirements in regard to Fire Safety Certificates. This information is summarised in the attached Memorandum and, as you can see, works to an office or other building used for the purposes of, or in connection with, the business of Dáil or Seanad Éireann are exempted from the requirement of applying for Fire Safety Certificates. It is important to stress however, as Mr. Coughlan has mentioned in his correspondence, that all works carried out by the OPW on buildings occupied by the Houses of the Oireachtas are fully compliant with fire safety standards. In this regard I can advise that a comprehensive fire safety assessment of the complex was carried out by external experts in 2004 based on which a programme of works was undertaken to improve fire safety in all of the buildings, including historic Leinster House. All of the priorities identified in the original assessment have been addressed either through remedial works, upgrade of systems, or restriction on use or occupation of parts of the building. The Houses of the Oireachtas Commission has been advised periodically.

In the response enclosed with his letter to you of 31 January 2012, Mr Coughlan indicates that the Leinster House 2000 building in particular required a Fire Certificate and that this document was in the possession of the OPW. This is not in fact correct and the Oireachtas authorities may have been misinformed in this regard. I can confirm that the Leinster House 2000 building is also exempt from the requirement for a Fire Certificate.

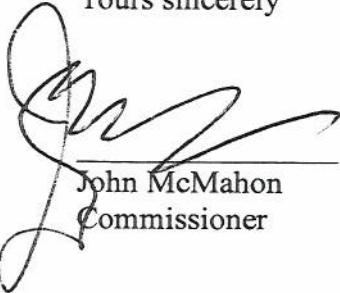
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Mr. Coughlan also refers to the buildings occupied by the Houses of the Oireachtas outside of the Leinster House perimeter. The position in relation to these buildings, in common with many other properties in the city, is that the Fire Certificate requirements do not apply as their original construction pre-dated the introduction of the relevant legislation. Nevertheless all material alterations subsequently carried out to these offices on behalf of the Houses of the Oireachtas were fully compliant with fire regulations.

In addition to the works already mentioned to improve fire safety in Leinster House, it is important to bear in mind that the day to day management of fire safety matters within the buildings occupied by the Houses of the Oireachtas has a crucial role to play in ensuring that fire risks are minimised to the greatest extent possible. This is principally the responsibility of the Leinster House authorities.

I trust this sets out the position clearly.

Yours sincerely



John McMahon  
Commissioner



# MEMO

RE

LEINSTER HOUSE - FIRE SAFETY CERTIFICATE LEGISLATION - EXTRACT

## Fire Safety Certificate

Under Building Control Regulations 1997 - S.I. No. 496 of 1997. Part III Article 11 lists the requirements for a Fire Safety Certificate:

- (a) *works in connection with the design and construction of a new building,*
- (b) *works in connection with the material alteration of—*
  - (i) *a day centre,*
  - (ii) *a building containing a flat,*
  - (iii) *a hotel, hostel or guest building, or*
  - (iv) *an institutional building, or*
  - (v) *a place of assembly, or*
  - (vi) *a shopping centre,**but excluding works to such buildings, consisting solely of minor works,*
- (c) *works in connection with the material alteration of*  
*a shop, office or industrial building where —*
  - (i) *additional floor area is being provided within the existing building, or*
  - (ii) *the building is being subdivided into a number of units for separate occupancy,*
- (d) *works in connection with the extension of a building by more than 25 square metres,*
- (e) *a building as regards which a material change of use takes place, to which the requirements of Part B of the Second Schedule to the Building Regulations apply.*

## Fire Safety Certificate Exemptions

Under Building Control Regulations 1997 - S.I. No. 496 of 1997 .

As stated below in Article 6, the following are exempted from applying for a Fire Safety Certificate :

*Article 6. For the purposes of these Regulations, works or a building as regards which a material change of use takes place in respect of the following, are exempted from the Regulations—*

- (b) *works in connection with —*
  - (iv) *an office or other building used for the purposes of or in connection with the business of Uachtaran na Eireann, Dail Eireann, Seanad Eireann, the Department of the Taoiseach, the Office of the Tanaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions, provided that after the works the building is or continues to be a building referred to in subparagraphs (i) to (iv).*