

TOURIST TRAFFIC ACTS 1939 - 2003

**REGISTRATION AND RENEWAL OF
REGISTRATION REGULATIONS FOR
HOLIDAY APARTMENTS**

2007

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The National Tourism Development Authority (known for operational purposes as “Fáilte Ireland” and hereafter “the Authority”) in accordance with the powers conferred on it by the Tourist Traffic Acts 1939 to 2003 hereby with the consent of the Minister for Arts, Sport and Tourism revokes the Holiday Apartments Registration and Renewal of Registration Regulations 1986 and makes the following regulations:

A CITATION

These Regulations may be cited as the Holiday Apartments Registration and Renewal of Registration Regulations, 2007.

“The 1986 Regulations” means the Approved Holiday Apartments Registration and Renewal of Registration Regulations 1986.

B COMMENCEMENT

These Regulations shall come into operation on the 1st day of May 2007 (“the Commencement Date”).

These Regulations shall apply to all premises for which initial Holiday Apartments registration or renewal of Holiday Apartments registration is sought from The Authority on or after the Commencement Date hereof save as set out below in Regulation 10 headed “Exemption Arrangements”.

C INTERPRETATION

“The Authority” means the members of the Board of the National Tourism Development Authority (Fáilte Ireland) and its successors and assigns.

“The Contractor” means the contractor appointed by the Authority to carry out inspection and grading of Holiday Apartments.

Where a particular quality or standard is laid down in these Regulations in respect of physical or other aspects of a premises, and no objective quality or standard is specified, the quality or standard in question is one determined in the discretion of an officer of the Authority or the Contractor.

1. THE PREMISES

- 1.1 The premises shall consist of eight or more accommodation units and one reception area (hereinafter collectively called the premises) located on one site all of the said units being at all times under the same management and control.
- 1.2 Provisions which amplify the "same management and control" requirement referred to in the preceding sub-section are contained in the Appendix.
- 1.3 The premises shall have, at all times, at least eight units which are either available for short term letting to holidaymakers or have been let out on short term letting to holidaymakers on terms which are more fully set out in Section 4.1 below i.e. premises are available for not less than seven months per annum. Records of such lettings and bookings must be available for inspection.
- 1.4 The equipping, decorating, repair, upkeep and upgrading of the units must be done in a fashion which is consistent across all the units so as to ensure uniformity in the standard of the said equipping, decorating, etc.
- 1.5 The apartments shall be of substantial and durable construction, structurally safe and in good repair throughout, and constructed or adapted, furnished and equipped for letting as holiday apartments.
- 1.6 One apartment in the first eight and thereafter one in every twenty apartments must have wheelchair access to the entrance hall, kitchen, dining area & lounge, at least one bedroom(s), and bathroom and toilet facilities.

Note: This regulation 1.6 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

- 1.7 The premises, which expression shall include the exterior and interior, outdoor areas, grounds and car parks, shall be well lighted, have proper directional signage, and should be kept clean and well maintained throughout and in good decorative order to the satisfaction of an Officer of the Authority or the Contractor.
- 1.8 To protect the goodwill attaching to the statutory scheme of registering Approved Holiday Apartments, where a site includes both registered premises and other accommodation, the name under which the registered premises are promoted and marketed must be clearly distinguishable from any name used to describe the site as a whole or any name used to describe the other accommodation on the site.

In these regulations, the term holiday apartments shall include the following possible terms: Holiday Flats, Apartotels, and / or any derivation thereof.

2. ENTRANCE HALL & RECEPTION

- 2.1 The main entrance hall shall be wheelchair accessible and shall contain the reception area, visitor seating, access to telephone with printed details of telephone numbers of doctors and emergency services, toilets and the necessary facilities for the arrival and departure of guests and for receiving and handling of enquiries and bookings.

Note: This regulation 2.1 contains new structural requirements Exemptions may be available in accordance with regulation (10) below.

- 2.2 There shall be made available for guests and employees basic first-aid equipment.
- 2.3 In addition to a guest entrance, there shall be a service entrance. It shall be suitably located for the reception of goods (e.g. equipment, bed linen, etc.) necessary for the operation of the premises.

Note: This regulation 2.3 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

3. APARTMENTS

- 3.1 There must be at least eight apartments. There shall be no internal connection between any of the apartments.
- 3.2 Each apartment shall be identified by number/name and shall contain sleeping, dining and lounge accommodation, storage, toilet, bathing and cooking facilities.

3.3 Bedrooms

- 3.3.1 Sleeping accommodation must be provided for a minimum of two adults and shall be provided in bedroom(s) which shall be separated from each other and from other compartments by walls or solid partitions. Floors, walls and ceilings throughout the apartments shall be properly constructed and suitably sound resistant having an acoustic attenuation of 50dB.
- 3.3.2 Each bedroom shall have:
- a floor area for single bedrooms of not less than 8.00 sq metres exclusive of private bathroom;
 - a floor area for double/twin bedrooms of not less than 14.00 sq metres exclusive of private bathroom;
 - a floor area for triple bedrooms of not less than 18.00sq metres exclusive of private bathroom;
 - bunk beds may only be used by children. Bunk beds can suffice for temporary supplementary purposes where such sleeping arrangements are agreed during the booking process;

- e. sleeping accommodation additional to that provided in the bedrooms under 3.3.1 above may be provided in the lounge area by fold down bed and/or studio couch. No more than one person may be accommodated in this way in an apartment;
- f. a floor to ceiling height of not less than 2.4 metres;

Note: This regulation 3.3.2 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

- g. at least one window to provide adequate natural light and ventilation, windows at first floor level or higher must have child proof locks;
- h. at least two electrical 13a outlets, suitable for the attachment of electrical equipment including heaters and cleaning equipment, to be provided;

3.3.3 Each bedroom shall contain furniture, fittings and equipment of good quality and condition for sleeping and toilet purposes and for the storage, including hanging, of wearing apparel. Such furniture, fittings and equipment shall include:

- a. bed(s) complete with wipe clean headboards and sprung interior, foam or orthopaedic mattress (es) minimum bed sizes - single (1.90 by 0.9m); double (1.90 by 1.37m). 1.90 by 1.20m beds will not be approved as doubles. Double beds must be accessible from both sides. Adequate bedding to include; sheets blankets, duvets, pillows, pillowcases and bedspreads to be provided;
- b. wardrobe(s) comprising of free standing, built-in units or open plan clothes hanging area, dressing-table with mirror, and drawer or shelf space for clothes storage;
- c. bedside chair(s) and/or stools;
- d. carpet or bedside rugs unless the floor is of special design or treatment;
- e. window curtains or blackout blinds to ensure privacy and exclusion of light. Velux roof lights in bedrooms must have black out blinds fitted;
- f. bedside lamp per person.

3.3.4 a. En suite Bathrooms must have a minimum floor area of 3.5 sq. metres where facilities include bath/shower and 3.0 sq. metres where facilities include a shower unit only;

Note: This regulation 3.3.4(a) contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

- b. a bath or thermostatically controlled shower of good quality and in good condition which shall be fixed complete with all plumbing for the continuous supply of hot and cold water and the disposal of waste and shall have an effective system of direct or mechanical ventilation. Safety grab rail must be provided, good quality shower curtains or splash screens;

- c. a toilet and a wash-hand basin of good quality and in good condition which shall be fixed complete with all plumbing for the continuous supply of hot and cold water and the disposal of waste;
- d. all en suite bathrooms shall have an effective system of direct or mechanical ventilation and shall be equipped with shelf, mirror, towel rails, clothes hooks, bath mat and a clean and ample supply of toilet requisites, including towels, soap and toilet paper. The bathroom shall have a mirror fixed to the wall over the wash-hand basin and shall have a vanity light and electric shaver point.

3.4 Main Bathroom(s) and Toilets(s)

- 3.4.1 Where all bedrooms are not en-suite each apartment shall contain a main bathroom with a minimum floor area of 3.8 sq. metres, and shall contain a bath with overhead shower fittings, wash-hand basin and WC of good quality and in good condition complete with all plumbing for the supply of hot and cold water and the disposal of waste.

Note: This regulation 3.4.1 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

- 3.4.2 A toilet and a normal size wash-hand basin which shall be fixed complete with all plumbing for the continuous supply of hot and cold water and the disposal of waste.
- 3.4.3 All bathrooms shall have an effective system of direct or mechanical ventilation and shall be equipped with fittings of good quality and condition including; shelf, mirror, towel rails, clothes hooks, bath mat and a clean starter supply of toilet requisites, including towels, soap and toilet paper. The bathroom shall have a mirror fixed to the wall over the wash-hand basin and shall have a vanity light and a electric shaver point within easy reach of a suitably lit mirror.
- 3.4.4 Each apartment must have a WC & wash-hand basin at entry level.

Note: This regulation 3.4.4 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

3.5 Lounge Area

- 3.5.1 The lounge area shall contain lounge room furniture of good quality and condition, and be of sufficient size for the sleeping capacity of the apartment subject to the following:
 - a. a floor to ceiling height of not less than 2.4 metres;
 - b. a minimum floor area of 10 sq. metres;
 - c. at least one window to provide natural light and ventilation, windows at first floor level or higher must have child proof locks;

- d. lounge seating equal to the sleeping capacity of the apartment. Occasional tables of suitable height and size;
- e. carpet and/or rugs unless floor surface is of special design or treatment acceptable to Fáilte Ireland;
- f. television minimum screen size 35 cm;
- g. additional lighting for reading purposes;
- h. where a lounge has an open fire a fireguard, poker, fuel container and ash disposal unit must be provided;
- i. radio to be provided either in lounge or dining area.

Note: This regulation 3.5.1 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

3.6 Dining Area

- 3.6.1 The dining area shall contain dining room furniture of good quality and condition, and be of sufficient size for the sleeping capacity of the apartment subject to the following:
 - a. minimum dining floor area of not less than 10 sq. m;
 - b. a combined lounge/diningroom is acceptable provided the floor area is no less than 18 sq. metres;
 - c. where the combined area includes the lounge/ diningroom and kitchen a minimum floor area of 20 sq metres is required;
 - d. a floor to ceiling height of not less than 2.4 m;
 - e. at least one window to provide natural light and ventilation, windows at first floor level or higher must have child proof locks;
 - f. dining table with seating equal to the sleeping capacity of the apartment;
 - g. table appointments, crockery, cutlery, glassware in sufficient quantity to cater for 1.5 times the maximum sleeping capacity of the apartment;
 - h. carpet and/or rugs unless floor has other suitable covering or is of special design or treatment.

Note: This regulation 3.6.1 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

3.7 Kitchen

3.7.1 The kitchen shall be adequate in size to service the sleeping capacity of the apartment and shall contain facilities, equipment and fittings of good quality and condition for the storage and cleaning of utensils used for these purposes. Such facilities and equipment shall include:

- a. storage cupboards, bins and racks;
- b. fridge freezer;
- c. work tops;
- d. cooking equipment including 4 ring hob, oven and microwave oven, pots, pans and kettle;
- e. sink unit complete with all plumbing for the supply of hot and cold water and for the disposal of waste;
- f. garbage disposal bin;
- g. at least one external window to provide natural light and ventilation;
- h. folder with instruction manuals for use of cooker, clothes washing machine, dish washer and all other appliances where applicable.

Note: This regulation 3.7.1 contains new structural requirements. Exemptions may be available in accordance with regulation (10) below.

3.8 Lighting, Ventilation, Heating and Fire Precautions

- 3.8.1 Each apartment shall contain effective means of natural lighting and ventilation.
- 3.8.2 Each apartment shall have an electrical installation to provide general lighting in relation to the layout of each area, including its furniture, fittings and equipment, sufficient local lighting for eating, reading, writing and toilet purposes.
- 3.8.3 Each apartment shall have a means of heating such as electrical, gas, oil or solid fuel appliance (including open fire), capable of maintaining when required, a room temperature of 20 degrees centigrade.
- 3.8.4 Each apartment shall have a means of water heating such as electrical, gas, oil or solid fuel appliance (excluding boiler attached to open fire), capable of maintaining a sufficient supply of hot water for cleaning, washing and bathing purposes.
- 3.8.5 Each apartment shall have fully operational smoke detector(s), a fire blanket mounted in close proximity to the cooker, a fire extinguisher and a clear notice displaying emergency numbers.

4. OPERATION

- 4.1 The apartments shall be used primarily for letting to and occupation by tourists or holidaymakers with or without prior arrangement and shall be used and occupied for no other purpose during the period 1 st April to 31 st. October each year.
- 4.2 The Apartments shall not be let or leased to or occupied by any person, persons or body for more than two consecutive calendar months at any one time or for more than six months in any calendar year without prior consent of an officer of the Authority.
- 4.3 A register of tenants/lessees for each apartment shall be maintained which shall contain the following particulars in relation to each tenant/ lessee:

Name, permanent address, country of residence.
Date of arrival, date of departure.
- 4.4 A high standard of cleanliness must be maintained throughout the premises and each apartment must be cleaned prior to each new letting.
- 4.5 The apartments shall be maintained in good decorative order and shall be properly prepared (including airing of beds and bedding).
- 4.6 All electrical and gas/oil fired equipment must be safely maintained and serviced regularly, with a service record available for inspection.
- 4.7 All premises must have adequate public liability insurance. If requested, a copy of the current public liability insurance cover note must be forwarded to the contractor upon initial application and upon each renewal.
- 4.8 Provision shall be made for the collection, removal of garbage from each apartment and disposal in a suitable manner.
- 4.9 Provision shall be made by inclusion in rental agreements/leases made between the proprietor and tenant/lessees for the visitation of the apartments at reasonable times, by officers of the Authority and the staff of the contractor appointed under the Tourist Traffic Acts 1939-2003.
- 4.10 Facilities shall be provided for the storage of cleaning materials for the Apartments and for the storage and airing of necessary stocks including bed linen and blankets.

5. STATUTORY REQUIREMENTS

- 5.1 The premises shall comply with and be operated in accordance with all statutory requirements of local and other authorities in relation to planning, Building Bye-Laws, food, food hygiene, water supply, sewage disposal, fire precautions and general safety and in particular but without prejudice to the generality of the foregoing shall comply with:

- a. Local Government (Planning and Development) Acts, 1963 - 2000 (as may subsequently be amended or modified) and regulations made thereunder, including the Building Regulations 2000 Technical Guidance Document M (as may subsequently be amended or modified).
 - b. Fire Services Act 1981 and any statutory modification or re-enactment thereof.
 - c. Building Control Act, 1990 (as may subsequently be amended or modified) and regulations made thereunder.
 - d. All applicable employment legislation including, but not limited to Part IV of the Industrial Relations Act 1946 and subsequent legislation relating to the payment of minimum wages to employees.
- 5.2 The business shall be conducted in accordance with charges not exceeding those specified in the scale of charges which have been duly furnished to Fáilte Ireland appointed contractor in accordance with section 26(2) (d) of the Tourist Traffic Act, 1939. The scale of maximum charges shall be displayed in a prominent place in the reception area of the premises in accordance with Section 43 of the said Act together with a copy of the current registration certificate applicable to the premises.

6 APPLICATION FOR REGISTRATION

- 6.1 Every application made by the proprietor under Section 26 of the Tourist Traffic Act 1939 for registration of any premises in the Register of Approved Holiday Apartments shall be in writing in the Initial Registration Application Form supplied by Fáilte Ireland or its Contractor and shall, when filled in and completed by, or on behalf of the applicant, for such registration, be sent by post to, or left at the office of the appointed Contractor and shall be accompanied by the prescribed fee.
- 6.2 Applicants for registration shall furnish written evidence from the fire authority for the area where the premises are situate, that the said fire authority has no objection to the registration of the premises as a holiday apartment group scheme.

7 REGISTRATION

- 7.1 Where The Authority is of the opinion that the said premises are eligible for registration in the Register of Approved Holiday Apartments there shall be paid:

For each apartment entered on the initial application form the prescribed fee.

- 7.2 Where it is the opinion of The Authority that the said premises are eligible for registration in the Register of Approved Holiday Apartments and approval is confirmed by the Authority on, or after, the FIRST DAY OF SEPTEMBER in any one year, the registration fee to be paid shall be calculated at one-third of the fee prescribed in 6.1 above.

8 RENEWAL OF REGISTRATION

- 8.1 Every application made by the proprietor under section 29 of the Tourist Traffic Act 1939, for the renewal of registration of any premises in the Register of Approved Holiday Apartments shall be in writing in the Form and shall, when filled in and completed by or on behalf of the applicant for the renewal of such registration, be sent by post to or left at the office of the appointed contractor and shall be accompanied by the prescribed fee for each apartment entered on the Schedule of the Renewal Form.

9 REVOCATION

The Registration and Renewal of Registration Regulations for Holiday Apartments, 1986 are hereby revoked.

10 EXEMPTION ARRANGEMENTS

In this Regulation, the following expressions shall have the following meanings:

- a. "New Structural Requirements" means the new structural requirements contained in these Regulations which include
- b. but are not limited to regulations 1.6, 2.1, 2.3, 3.3.2, 3.3.4(a), 3.4.1, 3.4.4, 3.5.1,, 3.6.1 and 3.7.1;
- c. "Year of Registration" means 1st January to 31st December in every year as the same may be adjusted from time to time by the Authority.

10.1 Renewals of registration

These regulations shall apply to applications for renewal of registration except that the New Structural Requirements shall not apply to any application for renewal of registration in respect of a premises which was registered under a set of regulations preceding these.

10.2 Failure to apply to renew - lapse of over 12 months – New Structural Requirements apply

The New Structural Requirements shall not apply where a premises which has received its first registration under a set of regulations preceding these fails to apply to renew its registration for a given Year of Registration but subsequently applies to renew within 12 months after the final date for submitting applications for the said given Year of Registration.

10.3 Initial registrations

These regulations shall apply to initial registration applications save that:

- 10.3.1 Where, within 24 months prior to the Commencement Date a person has either:

- a. incurred not less than 15 per cent of the total cost of construction or refurbishment of a proposed holiday apartment scheme and/or;
- b. the foundations of a premises having structural characteristics which would comply with the 1986 Regulations have been laid,

and

evidence of this has been provided in the form of a duly qualified auditor's certificate of expenditure or by such evidence as Fáilte Ireland or its authorised contractor may require;

and

- c. the applicant has on a date thereafter (which date shall not be more than 24 months after the Commencement Date hereof) sought initial holiday

apartment registration for the said premises from the Board and the premises does not comply with the New

Structural Requirements in these regulations but would comply with the corresponding provisions of the 1986 Regulations as regards these structural requirements,

then, the corresponding provisions of the 1986 Regulations will apply as regards these structural requirements only.

- 10.3.2 For the avoidance of doubt, where the registration of a premises has been cancelled by the Authority under the provisions set out in the Tourist Traffic Acts, 1939 - 2003, these regulations shall apply to any subsequent application for registration of the said premises.

APPENDIX

- (A) As regards any particular registered premises (i.e. a group of eight accommodation units and a reception building), one, two, or more different persons may own units in the registered premises or may own portions of the registered premises. "Own" in this sense means that they may be freehold owners of units or portions of the registered premises or may be owners of superior interests in units or portions of the registered premises.
- (B) However, as set out in paragraph 1.1 of these regulations, the units and reception building must be under the same "management and control". This means that where there are two or more different owners of freehold interests/superior interests in units or portions of the registered premises, these owners must lease or license an interest in the registered premises or grant suitable contractual rights over the registered premises to a single entity or person who/which will be the registered proprietor.

Further particulars as to the nature of the said lease/licence/contractual rights are set out in paragraphs (C) – (F) below. The registered proprietor will be solely responsible for the management, equipping, decorating and maintenance of the registered premises.

The registered proprietor may be a natural person (and, for the avoidance of doubt, that includes a person who is one of the owners of a freehold or superior interest in units or portions of the registered premises) or a body corporate.

- (C) Where units on a registered premises are held pursuant to an investor scheme or an arrangement whereby a person or persons holding superior interests (e.g. freeholds) in the premises or any part thereof has/have granted a lesser interest or interests (e.g. by way of lease) in the premises to the registered proprietor, then:
- (i) there must be written instruments, such as letting agreements, from all the superior interest holders granting the lesser interests in all the units to the registered proprietor and they must have been properly executed by the parties;
 - (ii) There must be a written contract regulating the relationship between;
 - (a) The holders of the superior interests *inter se*, and
 - (b) The holders of the superior interests, on the one hand, and the registered proprietor on the other hand. This contract may take the form of a memorandum and articles of association, shareholder agreement, or partnership agreement, or similar, and the said contract shall contain provisions suitable for the management of a premises held under an arrangement of the kind described above in the opening paragraph marked (A) of this Appendix;

Copies of the instrument and the contract referred to at (i) and (ii) above must be furnished to the Authority or its Contractor on request.

- (D) The equipping, decorating, repair, upkeep and upgrading of the units must be done in a fashion which is consistent across all the units. These operations must be done by the registered proprietor (and not by the holders of the superior interests) so as to ensure uniformity in the standard of the said equipment, decoration etc of the units;
- (E) the holder of a superior interest in the premises or any part thereof shall not engage in the equipping, decorating, repair, upkeep, or upgrading of the premises or a part thereof while the premises remains registered pursuant to these Regulations;
- (F) The holder of a superior interest in the premises or a part thereof shall have no right to occupy a specific unit when booking accommodation at the premises for so long as the premises remain registered pursuant to these Regulations.