

# **TOURIST TRAFFIC ACTS 1939-2011**

## **Registration and Renewal of Registration Regulations for Hotels 2016**

FÁILTE IRELAND in accordance with the powers conferred on it by Section 20 of the Tourist Traffic Acts 1939 to 2011 hereby with the consent of the Minister for Transport, Tourism and Sport revokes the Registration and Renewal of Registration Regulations for Hotels 2003 and makes the following regulations:

## **PART 1**

### **1 CITATION**

- 1.1 These Regulations may be cited as the Registration and Renewal of Registration Regulations for Hotels, 2016 (“the 2016 Regulations”).

### **2 COMMENCEMENT**

- (i) These Regulations shall come into operation on the 1<sup>st</sup> day of August 2016 (“the Commencement Date”).
- (ii) These Regulations shall apply to all businesses for which hotel registration or application for renewal of hotel registration is sought from Fáilte Ireland on or after the Commencement Date hereof save as set out below in Regulation 18 headed “Exemption Arrangements”

### **3. INTERPRETATION**

- (i) These Regulations shall be interpreted in accordance with the provisions of the Tourist Traffic Acts 1939 to 2011.
- (ii) “Communications Device” means a form of effective internal and external communication for guests which includes a telephone or other forms of technology.
- (iii) “Fáilte Ireland” means the National Tourism Development Authority and its successors and assigns.
- (iv) “The Business” means a hotel operation proposed to be carried on at a premises or being carried on at a registered premises.
- (v) “The 1988 Regulations” means the Hotel Registration and Renewal of Registration Regulations 1988.
- (vi) “The 2003 Regulations” means the Hotel Registration and Renewal of Registration Regulations 2003.
- (vii) “Year of Registration” means 1<sup>st</sup> January to 31<sup>st</sup> December in every year as the same may be adjusted from time to time by Fáilte Ireland.
- (viii) Where a particular quality or standard is laid down in these Regulations in respect of physical or other aspects of a premises or registered premises, and no objective quality or standard is specified, the quality or standard in question is one determined in the discretion of Fáilte Ireland.

## **PART II**

### **4 THE BUSINESS**

- 4.1 The Business shall comprise one building or buildings which are on one site and said buildings shall share common access and egress and shall contain toilet facilities, service entrance(s) and such amounts as determined hereunder of guest bedrooms. The Business shall provide for reception and lounge facilities, and facilities for the preparation and consumption of food and drink.
- 4.2 The premises or the registered premises shall be of substantial and durable construction, structurally safe and in good repair throughout.
- 4.3 The premises or the registered premises, including the exterior and interior, outdoor areas, grounds and car parking areas, where provided, shall be kept clean and well maintained throughout. Car parks, where provided, should be well lit and have proper directional signage.
- 4.4 Floors, walls and ceilings throughout the premises or registered premises shall be of suitable type and design to maintain the highest standards of hygiene.
- 4.5 The Business shall be used primarily for the lodging or sleeping of guests presenting themselves with or without prior arrangement, and for the provision and service to such guests of food and drink.
- 4.6 The premises or the registered premises shall contain effective means of natural lighting and ventilation.
- 4.7 Sufficient general internal and external lighting shall be provided in all areas and in addition a suitable intensity of local lighting for eating, reading, writing and toilet purposes.
- 4.8 The Business shall have in the public rooms and bedrooms a means of space heating capable of maintaining at all times a minimum room temperature of 18.5 degrees centigrade.
- 4.9 The Business shall have a Communications Device in place for guests which will facilitate immediate communication internally and externally.

### **5 ENTRANCES AND EXITS**

- 5.1 Entrances and exits shall be of sufficient size to cater adequately for the overall guest capacity of the premises or the registered premises.
- 5.2 The premises or the registered premises shall contain a service entrance, separate from the guest entrance, and suitably located for the reception of goods necessary for the operation of the premises.
- 5.3 The guest entrance shall:
  - a) Be of sufficient size to cater adequately for the volume of traffic normally using the premises, and
  - b) Be suitably located, laid out and contain furnishings, fittings and equipment of good quality and in good condition.

5.4 In the case of premises which apply for initial registration after the Commencement Date, or registered premises under The 2003 Regulations, access for persons with mobility difficulties, including wheelchair users, to the entrance hall, reception, bedrooms and public areas, including bathroom and toilet facilities shall be in accordance with the Building Regulations 2010 Technical Guidance Document M (as the same may subsequently be amended or modified).

## **6. TOILETS**

6.1 Toilets for residents and casual patrons shall be provided separately for men and women and shall be located adjacent to or easily accessible from public areas.

6.2 The toilets shall be well ventilated (by natural or mechanical means) and properly supervised and kept in a clean and hygienic condition and provided with hot and cold water for handwashing.

## **7 GUEST BEDROOMS**

7.1 All guest bedrooms for this category of accommodation must have private bathrooms ensuite subject to Regulation 18 below.

7.2 There shall be a minimum of ten guest bedrooms with private bathrooms ensuite, all of which shall have separate access from the bedroom corridor, or, if situate in the County and City of Dublin, 15 guest bedrooms with private bathroom ensuite, all of which shall have separate access from the bedroom corridor.

7.3 Bedrooms, and the associated ensuites, shall be separated by properly constructed and suitably sound resistant walls or partitions, floors and ceilings and having an acoustic attenuation of 50 dB.

7.4 Each standard bedroom shall have:

- a) A gross internal floor area, for single bedrooms, of not less than 12.50 square metres inclusive of ensuite and bedroom lobby area.
- b) A gross internal floor area for double/twin bedrooms of not less than 14.00 square metres inclusive of ensuite and bedroom lobby area.
- c) A gross internal floor area for double and single, or triple, bedrooms of not less than 18.00 square metres inclusive of ensuite and bedroom lobby area.
- d) A door viewer.
- e) A means for the proprietor or registered proprietor to independently access all rooms in order to service rooms and for emergencies.
- f) Window(s), to be fitted with child proof locking system.
- g) Additional internal locking mechanism at the bedroom door.

7.5 Each bedroom shall contain appropriate furniture, fittings and equipment of good standard, quality and in good condition, for sleeping and toilet purposes. Such furniture, fittings and equipment shall include:

- a) bed(s) complete with interior sprung mattress(es) or suitable equivalent;

- b) an adequate supply of linen, this should include, but is not limited to, sheets, blankets, duvets, duvet covers, pillows, mattress and pillow protectors and towels;
  - c) Appropriate floor covering;
  - d) A Communications Device for guests which will facilitate the summoning of immediate attention internally and externally;
  - e) Adequate lighting system for the purpose of the guest;
  - f) Window curtains or blackout blinds to ensure privacy and exclusion of light;
  - g) Good quality towels must be provided per person as appropriate;
  - h) Printed advice for means of summoning assistance at night. This notice must be in all bedrooms together with fire instructions notices and should be in foreign language versions together with English (and/or Irish as appropriate).
- 7.6 Each bedroom shall be numbered, lettered or otherwise designated so as to identify it and show its position in relation to the other bedrooms in the premises.
- 7.7 Access to bedrooms shall be through reception, lobby or private corridor in order to facilitate the privacy and security of the guests.
- 7.8 Each ensuite shall:
- a) Contain a bath or shower, 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.
  - b) Have a mirror fixed to the wall with lighting suitable to meet the guest's personal needs.
  - c) Have an electric shaver point within easy reach of a suitably lit mirror.
  - d) Have an ample supply of toilet requisites.

**THE FOLLOWING REGULATION 8 APPLIES ONLY TO PREMISES REGISTERED PRIOR TO AUGUST 1988.**

**8 BATHROOMS AND TOILETS**

- 8.1 To serve bedrooms which do not have ensembles attached, each registered premises shall contain in separate compartments:
- a) One bathroom for the first fifteen persons or portion thereof;
  - b) Two toilets for the first 20 persons or portion thereof;
  - c) Thereafter one bathroom for every additional fifteen persons or portion thereof and one toilet for every additional ten persons or portion thereof;

- d) Up to 50% of the additional toilets may be provided in the bathroom compartments;
  - e) Each floor of bedrooms shall have on, or adjacent to it without access through the public areas, the proper ratio of bathroom and toilets for the guests accommodated thereon.
- 8.2 Each bathroom shall contain a bath (or shower, except in the case of the bathroom serving the first fifteen persons) 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.
- 8.3 Each toilet shall contain a WC 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.
- 8.4 A wash-hand basin fitted with mirror and facilities for holding toiletries and complete with plumbing for the continuous supply of hot and cold water and disposal of waste together with a clean and ample supply of towels and soap.
- 8.5 Bathrooms and toilets shall have an effective system of natural 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.
- 8.6 Bathroom/toilets shall have a vanity light, and an electrical shaving point.

## **9 STATUTORY REQUIREMENTS & SAFETY**

- 9.1 The premises or registered premises shall comply with and be operated in accordance with all relevant regulatory and legislative requirements and the statutory requirements of local and other authorities in particular, but without prejudice to the generality of the foregoing, shall comply with:
- (i) Local Government (Sanitary Services) Act, 1878 to 2001 (as amended and as may subsequently be amended or modified)
  - (ii) Food Legislation as defined in the Food Safety Authority of Ireland Act 1998 as amended (as may subsequently be amended or modified), including but not limited to the EC (Hygiene of Foodstuffs) Regulations 2006 as amended (as may subsequently be amended or modified), and the EC (General Food Law) Regulations 2010 as amended (as may subsequently be amended or modified).
  - (iii) Planning and Development Act 2000-2015 and Regulations made thereunder (as may subsequently be amended or modified).
  - (iv) Building Control Act, 1990 to 2014 and Regulations made thereunder (as may subsequently be amended or modified).
  - (v) Fire Services Acts of 1981 and 2003 as amended and Regulations made there under (as may subsequently be amended or modified)
  - (vi) Licencing Acts 1833 to 2008 and Regulations made thereunder (as amended and as the same may subsequently be amended or modified).

- (vii) Water Services Act 2013 (as may subsequently be amended or modified).
- (viii) Health Safety and Welfare at Work Act 2005 and Regulations made thereunder (as may subsequently be amended or modified).

9.2 Where building work has been carried out on the premises since 1 June 1992 which effects a material alteration or material change of use of the premises (as more particularly set out in the Building Regulations) a local authority Fire Safety Certificate and an architect's or engineer's certificate of compliance with the fire safety provisions of the Building Regulations must be produced on initial application for registration hereunder, and, where a material alteration or material change of use occurs subsequently, must be returned with the renewal form due by the next renewal date following the material alteration or material change of use.

9.3 All businesses 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.

## **10 DISPLAY OF PRICES AND CERTIFICATE OF REGISTRATION**

10.1 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 or Fáilte Ireland's 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 or registered premises in accordance with Section 43 of the said Act together with a copy of the current registration certificate applicable to the registered premises.

## **11 MANAGEMENT, STAFF FACILITIES**

11.1 The Business shall be under the regular supervision of a person, or persons, trained or experienced in Hotel Management and fully capable of operating the premises to the standards set out in these Regulations.

11.2 The Business shall be staffed by persons adequate in number and trained to maintain standards of service set out in these Regulations.

## **PART III**

### **12 APPLICATION FOR REGISTRATION**

12.1 Every application made under Section 26 of the Tourist Traffic Act, 1939 as amended, for registration of any premises in Fáilte Ireland's Register of Hotels, shall be completed using the Initial Registration Application Form provided on Fáilte Ireland's designated website and shall, when filled in and completed, or on behalf of the applicant, for such registration, be submitted via Fáilte Ireland's designated website.

12.2 Should Fáilte Ireland's designated website be out of operation, the application shall be completed in writing and shall be left at the principal office of Fáilte Ireland, or Fáilte Ireland's appointed Contractor.

12.3 Every application shall be accompanied by the following:-

- a) The application fee as prescribed by Fáilte Ireland;

- b) where The Business is providing food, written evidence that The Business is registered as a food business operator with the Health Service Executive in accordance with Food Legislation as defined by the Food Safety Authority of Ireland Act 1998 as amended and in particular in accordance with the EC Hygiene of Foodstuffs Regulations 2006 as amended and as the same may subsequently be amended or modified;
- c) written evidence that the premises complies with Fire Services Act 1981 and 2003 as amended and Regulations made thereunder and/or Building Control Act 1990 to 2014 and Regulations made thereunder;
  - (i) written evidence from the Fire Authority for the area where The Business is situate that the said Fire Authority have no objection to the registration of the premises as an hotel or from the applicant's architect/engineer that the premises substantially complies with the Fire Services Act 1981 and 2003 and Regulations made thereunder and/or the Building Control Act 1990 to 2014 and Regulations made thereunder.
  - (ii) Copy of Fire Safety Certificate to be provided.
- d) Written evidence that the premises comply with the Planning and Development Act 2000 to 2015 (as the same may subsequently be amended or modified) by way of Architects or Engineers Certificate of Compliance with Planning Permission and the Building Regulations.

### **13 REGISTRATION**

- 13.1 Fáilte Ireland shall cause a premises to be entered in the Register of hotels where
- a) Fáilte Ireland is satisfied that an application has been duly made in accordance with Regulation 12 and
  - b) the applicant premises is eligible for registration in Fáilte Ireland's Register of Hotels having regard to the standards and requirements set out in Part II and Part III of these Regulations and
  - c) the fee as prescribed by Fáilte Ireland for each visitor's bedroom has been duly paid.
- 13.2 Where the opinion of Fáilte Ireland that the said premises is eligible for registration in Fáilte Ireland's Register of Hotels is formed on or after the 1st day of September in any one year, the registration fee to be paid shall be calculated at one-third of the fee prescribed in 12(3)(a) above.

### **14 APPLICATION FOR RENEWAL OF REGISTRATION**

- 14.1 Every application made under Section 29 of the Tourist Traffic Act, 1939 as amended, for the renewal of registration of any registered premises in Fáilte Ireland's Register of Hotels, shall be completed using the Renewal of Registration Form provided on Fáilte Ireland's designated website and shall, when filled in and completed by an applicant for such registration, be submitted via Fáilte Ireland's designated website.
- 14.2 Should Fáilte Ireland's designated website be out of operation, the renewal

application shall be completed in writing and shall be left at the principal office of Fáilte Ireland, or Fáilte Ireland's appointed Contractor.

14.3 Every application shall be accompanied by the following:-

- a) In respect of each visitor's bedroom entered on the Renewal of Registration Form, the fee as prescribed by Fáilte Ireland.
- b) A declaration in the form prescribed by Fáilte Ireland that The Business continues to be in full compliance with all regulatory frameworks of the State including those referred to at Regulation 9.1.
- c) Where building work has been carried out on the premises during the previous Year of Registration which effects a material alteration or material change of use of premises (as more particularly set out in the Building Regulations) a Fire Safety Certificate and an Architects or Engineers Certificate of compliance with the Building Regulations and/or planning permission if applicable must be produced.
- d) Fáilte Ireland reserves the right and discretion to seek evidence of compliance with the regulatory frameworks as set out at Regulation 9.1.

14.4 Fáilte Ireland reserves the right to form the opinion that the premises have ceased to be eligible for registration should any statement received as part of an application for renewal be false or misleading.

## **15 RENEWAL OF REGISTRATION**

Where Fáilte Ireland is satisfied that an application has been made in accordance with Regulation 14 and that the premises in respect of which such application has been made is eligible for renewal of registration in Fáilte Ireland's Register of Hotels, having regard to the standards and requirements set out in Part II and Part III of these Regulations, Fáilte Ireland shall cause the registration of such premises to be renewed in the said Register.

## **16 PRESCRIBED FEES**

All references to prescribed fees in Regulations 12, 13 and 14 of these Regulations relate to fees prescribed by Fáilte Ireland with the consent of the Minister for Transport, Tourism and Sport under Sections 26(2) (as amended by Section 5(1) of the Tourist Traffic Act, 1983), Section 27(2) and Section 29(2) of the Tourist Traffic Act, 1939.

## **17 REVOCATION**

The Hotel Registration and Renewal of Registration Regulations 2003 are hereby revoked.

## **18 EXEMPTION ARRANGEMENTS**

18.1 Proprietors registered under the 1988 Regulations or registered under a set of Regulations preceding these Regulations, whose registration has not been terminated or cancelled after the Commencement Date, are exempt from Regulations 4.1, 5.4, 7.1, 7.2, 7.3, 7.4(a), (b), (c) and (d) and 7.8 when applying for

a renewal of registration save in the circumstances of a material alteration or material change of use to the premises.

## **19 CANCELTION OR TERMINATION OF REGISTRATION**

- 19.1 For the avoidance of doubt, where the registration of a premises has been cancelled by Fáilte Ireland under the provisions set out in the Tourist Traffic Acts, 1939 - 2011 or where the registration of a premises has terminated in accordance with Section 28(1) of the Tourist Traffic Act 1939 as amended, these Regulations shall apply to any subsequent application for registration of the said premises.