

TOURIST TRAFFIC ACTS 1939-2016

**Registration and Renewal of Registration
Regulations for Short Term Tourism Accommodation Rental 2018**

FOR ELIGIBILITY FOR REGISTRATION IN THE FOLLOWING REGISTERS:

HOLIDAY APARTMENTS, APPROVED HOLIDAY COTTAGES, CARAVAN SITES,
CAMPING SITES

FÁILTE IRELAND in accordance with the powers conferred on it by Section 20 of the Tourist Traffic Acts 1939 to 2016 hereby, with the consent of the Minister for Transport, Tourism and Sport, makes the following regulations:

1. CITATION

- 1.1 These Regulations may be cited as the Registration and Renewal of Registration Regulations for Short Term Tourism Accommodation Rental, 2018 for eligibility for registration in the following registers: holiday apartments, approved holiday cottages, caravan sites, camping sites (“the 2018 Regulations”).

2. COMMENCEMENT

- (i) These Regulations shall come into operation on the 1st of February 2020 (“the Commencement Date”).
- (ii) These Regulations shall apply to each Business (as hereinafter defined), which falls within any of the prescribed terms, holiday apartment, tourist apartment, apartotel, holiday flat, approved holiday cottage, approved holiday house, approved holiday home, approved holiday villa, caravan site, camping site, caravan park, caravan camp, caravan centre, caravan estate, caravan court, caravanteil, camping park, camping centre, camping estate, camping court or autocamp for registration or application for renewal of registration on the relevant register to Fáilte Ireland on or after the Commencement Date hereof.

3. INTERPRETATION

- (i) These Regulations shall be interpreted in accordance with the provisions of the Tourist Traffic Acts 1939 to 2016 (the “Acts”).
- (ii) The “Accommodation” means individual units and/or sites for vehicles, tents or temporary structures for rental which fall within the prescribed terms referred to at Regulation 2(ii) and are normally let on a short term basis to guests.
- (iii) The “Building Control Acts” means the Building Control Act 1990 to 2014 and Regulations made thereunder (as updated and amended from time to time).
- (iv) The “Business” means short term tourist accommodation rental operation to be carried out at premises or registered premises as more particularly set out at Regulation 4 hereof.
- (v) “Communications Device” means a form of effective internal and external communication for guests which includes a telephone or other forms of technology.
- (vi) “Fáilte Ireland” means the National Tourism Development Authority and its successors and assigns.
- (vii) The “Fire Acts” means Fire Services Acts 1981 and 2003 as amended and Regulations made thereunder (as updated and amended from time to time).
- (viii) “Year of Registration” means 1st January to 31st December in every year as may be adjusted from time to time by Fáilte Ireland.
- (ix) Where a particular quality or standard is laid down in these Regulations in respect of physical or other aspects of a Business or Accommodation, and no objective quality or standard is specified, the quality or standard in question is one determined at the

discretion of Fáilte Ireland.

4. THE BUSINESS

- 4.1 The Business shall comprise of any type and style of prescribed short term tourist accommodation for rental for typically no more than 21 days duration at any one time. The Business shall provide a range of facilities and services for the guests during their stay to include common access and egress, sleeping areas and toilet and washing facilities.
- 4.2 All accommodation of the Business shall be under the same management and control of a single proprietor or registered proprietor on one site. A Business may form part of a housing estate or apartment block where it is appropriate.

5. THE PREMISES:

- 5.1 All structures, where applicable, within the Business shall be of substantial and durable construction, structurally safe and in good repair throughout. All buildings, surrounds, fixtures, furnishings and fittings must be well maintained and fit for purpose and must meet relevant statutory obligations proof of which, shall be provided on first application for registration and/or as required in accordance with the regulations and/or any other statutory obligations.
- 5.2 All outdoor areas, grounds, gardens, greens, verges, roads and car parking areas, within the Business site, shall be kept clean and well maintained throughout. Car parks and walkways, where provided, should be well lighted and have proper directional signage. All internal areas within the Business to which guests have access are to be well maintained, lighted and tidy.
- 5.3 The Accommodation shall have in any rooms and bedrooms a safe means of space heating capable of maintaining at all times a minimum room temperature of 18.5 degrees centigrade.
- 5.4 All structures and rooms shall contain effective means of natural or enhanced lighting and direct or mechanical ventilation.
- 5.5 The toilets and washing facilities shall be well ventilated (by natural or mechanical means), lit and kept in a clean and hygienic condition and provided with hot and cold water for washing. All toilet, washing and hand drying facilities shall be kept in working order and well maintained.
- 5.6 There shall be an adequate and easily accessible supply of drinking water available to guests.
- 5.7 Where appropriate, each Accommodation unit shall be numbered, lettered or otherwise designated so as to identify it and show its position in relation to the other units in the premises.
- 5.8 Entrances and exits shall be suitably located for receiving and control of arriving and departing guests, and of sufficient size to cater adequately for the overall guest capacity of the Business.
- 5.9 All electrical and gas/oil fired equipment shall be safely and regularly maintained, serviced and tested.
- 5.10 For any accommodation with windows more than 1400mm above ground level or at first floor or above, external window(s) and door(s) are to be fitted with safety restrictors.
- 5.11 Provision shall be made for the collection, recycling and removal of household waste and disposal in a suitable manner.

- 5.12 All Accommodation shall provide an adequate number of power sockets, commensurate with the number of electrical appliances provided, with spare sockets for guests' own requirements i.e. device recharging.
- 5.13 The Business shall have a Communications Device in place for guests which will facilitate immediate communication internally and externally; prepaid credit mobile is acceptable.
- 5.14 In accordance with the powers conferred on Fáilte Ireland by Section 39 of the Acts, in relation to the grading of registered premises, it has devised a Quality Scheme detailing the levels of quality and conditions required for a Business to obtain specific classification. The quality scheme criteria are available on Fáilte Ireland's designated website and will be amended and updated from time to time.

6. STATUTORY REQUIREMENTS & SAFETY

- 6.1 Every Business is required to fulfil and comply with its statutory obligations including, but not limited to areas of planning, building control, food legislation, licensing, water supply, sanitation and sewage disposal, waste disposal, fire gas and electrical safety, product safety, general health and safety; employment; animal control, TV licensing, data protection, consumer protection and advertising. Failure by a Business to comply with its statutory obligations may be a basis on which Fáilte Ireland decides not to register or renew a registration of that Business.

7. OPERATION & MANAGEMENT

- 7.1 Every Business shall have adequate, public liability insurance. If requested, a copy of the current public liability insurance cover note shall be forwarded to Fáilte Ireland or its appointed contractor upon initial application and upon each renewal.
- 7.2 Every Business shall maintain records of fire-safety equipment maintenance and all electrical and gas/oil fired equipment maintenance/servicing which shall, if requested be produced to Fáilte Ireland or its appointed contractor upon initial application and upon each renewal.
- 7.3 Every Business shall maintain the following particulars in relation to the rental of tourist accommodation and shall provide copies of this on request to Fáilte Ireland; the number of guests for each stay, origin of guests, dates and duration of stay.
- 7.4 The Accommodation shall be used for letting and occupation by tourists.
- 7.5 The Accommodation shall not be let or leased to or occupied by any person or 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 the prior written consent of Fáilte Ireland.
- 7.6 The Business shall be staffed by persons adequate in number and trained to maintain good standards of service.
- 7.7 The Business shall have all appropriate buildings and fire insurance.
- 7.8 Information Pack: Each Accommodation shall provide a bilingual basic information pack. This shall include a list of services and local information for tourists; advice for means of summoning assistance at night; and emergency fire escape instructions. This information pack shall be in such foreign language versions as appropriate to the Business, together with English (and/or Irish).
- 7.9 There shall be available for guests, basic first-aid equipment.

7.10 Provision shall be made, by inclusion in rental agreements/leases made between a registered proprietor and guests, for the visitation of the Accommodation, at reasonable times, by officers of Fáilte Ireland and the staff of the appointed contractor(s) under the Acts.

8. DISPLAY OF PRICES AND CERTIFICATE OF REGISTRATION

8.1 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 Acts. The scale of maximum charges shall be displayed in a prominent place in each accommodation unit of the business, in accordance with Section 43 of the Acts together with the current registration certificate.

9. APPLICATION FOR REGISTRATION

9.1 Every application made under Section 26 of the Acts, for registration of any premises in Fáilte Ireland's Register of Holiday Apartments, Register of Approved Holiday Cottages and Register of Caravan sites and Camping sites shall be completed using the Initial Registration Application Form provided on Fáilte Ireland's designated website (as amended and updated from time to time), and shall, when filled in and completed, by or on behalf of the applicant, for such registration, be submitted via Fáilte Ireland's designated website/trade portal.

9.2 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.

9.3 Every application for registration 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;
- (c) Evidence of compliance with Fire Safety requirements:
 - (i) Written evidence that the premises complies with the Fire Acts and the Building Control Acts; or
 - (ii) Written evidence from the Fire Authority for the area where the Business is situated that the said Fire Authority have no objection to the registration of the premises on the appropriate register of prescribed accommodation or written certification from the applicant's architect/engineer that the premises substantially complies with all relevant Fire Acts and Building Control Acts; or
 - (iii) Copy of Fire Safety Certificate and Disability Access Certificate to be provided (if applicable).
- (d) Certificate(s) of Compliance with Planning Permission and Certificate(s) of Compliance with Building Regulations or evidence that the statutory Certificate of Completion has been registered in the appropriate register or such other evidence or certificates as may be required from time to time under the Building Control Acts, as appropriate to the Accommodation and/or the Business.

10. **REGISTRATION**

10.1 Fáilte Ireland shall cause a Business to be entered in the Register of Holiday Apartments or the Register of Approved Holiday Cottages or the Register of Caravan sites and Camping sites where:

- (a) Fáilte Ireland is satisfied that an application has been duly made in accordance with Regulation 9 and
- (b) The Business is eligible for registration in the appropriate register having regard to the standards and requirements of these Regulations and
- (c) The fee as prescribed by Fáilte Ireland has been duly paid.

10.2 Where Fáilte Ireland form the opinion that the said Business is eligible for registration in Fáilte Ireland's Register of Holiday Apartments or Register of Approved Holiday Cottages or Register of Caravan sites and Camping sites, 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 10.1(a) above.

11. **APPLICATION FOR RENEWAL OF REGISTRATION**

11.1 Every application made under Section 29 of the Acts, for the renewal of registration of any registered Business in Fáilte Ireland's Register of Holiday Apartments or Register of Approved Holiday Cottages or Register of Caravan sites and Camping sites shall be completed using the Renewal of Registration Form provided on Fáilte Ireland's designated website (as amended and updated from time to time), and shall, when filled in and completed by an applicant for such registration, be submitted via Fáilte Ireland's designated website/trade portal.

11.2 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.

11.3 These Regulations shall apply to all applications for renewal of registration save that where a Business was registered under a relevant set of regulations preceding these, the Business shall not be required to meet any additional or amended requirements, unless it undertakes material alteration or material change of use of any part of the premises.

11.4 Every application for renewal shall be accompanied by the following:-

- (a) In respect of each Accommodation 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 its statutory obligations;
- (c) Where building work has been carried out in the Business/on the premises during the previous Year of Registration which effects a material alteration or material change of use of any part of the premises a Certificate of Compliance with Planning Permission, a Certificate of Compliance Building Regulations or evidence that the statutory Certificate of Completion has been registered in the appropriate register or such other evidence or certificates as may be required from time to time under the Building Control Acts, including, and a Fire Safety Certificate and Disability Access Certificate or confirmation of compliance with the Fire Acts, as applicable, must be produced.

11.5 Fáilte Ireland reserves the right at its sole discretion to seek evidence from any applicant of compliance with all of its statutory obligations.

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

12. **RENEWAL OF REGISTRATION**

12.1 Where Fáilte Ireland is satisfied that an application has been made in accordance with Regulation 11 and that the Business in respect of which such application has been made is eligible for renewal of registration in Fáilte Ireland's Register of Holiday Apartments or Register of Approved Holiday Cottages or Register of Caravan sites and Camping sites having regard to the standards and requirements of these Regulations, Fáilte Ireland shall cause the registration of such Business to be renewed in the appropriate Register.

13. **PRESCRIBED FEES**

13.1 All references to prescribed fees in these Regulations relate to fees prescribed by Fáilte Ireland with the consent of the Minister for Transport, Tourism and Sport under Sections 26(2), Section 27(2) and Section 29(2) of the Acts. Details of all prescribed fees can be found on Fáilte Ireland's designated website.

14. **REVOCATION**

14.1 All Regulations made by Fáilte Ireland, with the consent of the Minister for Transport, Tourism and Sport, pertaining to Holiday Apartments, Approved Holiday Cottages, and Caravan sites and Camping sites including, but not limited to those set out hereunder are hereby revoked:

14.1.1 Registration and Renewal of Registration Regulations for Holiday Apartments 2007

14.1.2 Registration and Renewal of Registration Regulations for Holiday Cottages 2007

14.1.3 Registration and Renewal of Registration Regulations for Caravan and Camping Parks 2009

15. **CANCELATION OR TERMINATION OF REGISTRATION**

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