



Frequently Asked Questions Categories

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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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2.	What are the regulatory considerations in building construction?	
3.	What is the building control legislation framework?	
4.	What are the building control regulations?	
5.	Where can I find the Key Roles, Duties, and Standard Procedures in relation to Building Control?	
6.	What are the contents of the Code of Practice for Inspecting and Certifying Works, September 2016?	
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Building Control Regulations – Administration of Building Control

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10.	Who signs the Statutory Building Control Documents, which are provided via the BCMS?	
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Building Control Regulations – Administration of Building Control

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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
23.	What is a Certificate of Compliance on Completion? S.I. 9 of 2014 (Article 20F) p29	
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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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31.	What construction stages should be inspected, as a minimum, for a one off house? Code of Practice Inspecting & Certifying Works 2016	
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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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39.	Does a Garage conversion require a commencement notice?	
40.	Is there any building control guidance on loft conversions?	
41.	Do loft / attic conversions come within the scope of the requirement for statutory certification?	



Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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48.	What information should be contained on an Authorised Persons card for Building Control Officers?	



Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
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53.	<u>From which date should a Building Control Authority calculate the ‘Decision Due Date’ for a Fire Safety Certificate - the Date of receipt of an application, or the date of validation of an application?</u>	
54.	<u>Can an applicant appeal a condition attached to a Fire Safety Certificate which was the subject of a 7 Day Notice?</u>	
55.	<u>Is there a time frame, specified in statute, within which a Building Control Authority must notify an applicant of the receipt of a valid Commencement/7 Day Notice?</u>	



Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
56.	Can a DAC / FSC application be withdrawn by the applicant, and if so, at what stage, e.g., pre validation / post validation, pre-recommendation / post recommendation, pre-grant?	
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60.	What are the contents of the Framework for Building Control Authorities, June 2016?	
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Building Control Regulations – Administration of Building Control

FAQ No	Description	comments
63.	Note 1 of 2018-Material Change of Use	
64.	Registration of Designers and Assigned Certifiers	



Building Regulations – Technical/ Design Requirements of Buildings

FAQ No	Description	comments
1.	What is the context of Building Control in the Built Environment?	
2.	What are the key components of the Building Control Regulations / Building Regulations?	
3.	What are building regulations?	
4.	What are the Building Consequence Classes?	
5.	Can an Owner build their own house by direct labour?	
6.	What are the most common building defects observed by Building Control Authorities?	
7.	What elements should be inspected by Building Control Inspectors, at the various stages of construction?	



Building Regulations – Technical/ Design Requirements of Buildings

FAQ No	Description	comments
8.	What process / methodology should you consider to ensure compliance with Building Regulations for Multi-Unit developments?	
9a.	Part A - Building Regulations: Structures	
9b.	Part B - Building Regulations: Fire Safety	
9b(2).	Part B - (Dwellings)-Building Regulations	
9c.	Part C - Building Regulations: Site Preparation & Resistance to Moisture	
9d.	Part D - Building Regulations: Materials and Workmanship	
9e.	Part E – Building Regulations: Sound	



Building Regulations – Technical/ Design Requirements of Buildings

FAQ No	Description	comments
9f.	Part F – Building Regulations: Ventilation	
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9h.	Part H – Building Regulations: Drainage and Wastewater Disposal	
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9l(2).	Part L – Building Regulations: Conservation of Fuel and Energy Buildings Other than Dwellings	



Building Regulations – Technical/ Design Requirements of Buildings

FAQ No	Description	comments
9m.	Part M – Building Regulations: Access and Use	
10.	Fire Safety Volume 2 Dwelling Houses Building Regulations 2017-TGD - 1.3.9.7 Final Exits-Clarification	
10(2).	Fire Safety Volume 2 Dwelling Houses Building Regulations 2017-TGD - 1.3.9.7 Final Exits-Clarification (Cont	
11.	Minimum Level of Provision - Accessible Bedrooms & Ensuites for Student Accommodation	
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13.	What considerations should be given when determining the approach to Risk Based Inspections?	



Building Control Legislation

	Description	
1.	<u>What are the key legislative changes which underpin S.I. 9 of 2014?</u>	
2.	<u>What are the key components of the building control acts 1990 and 2007?</u>	
3.	<u>What are the Key Definitions contained in Building Control Legislation?</u>	
4.	<u>What is the building control legislation framework?</u>	
5.	<u>What are the key components of the Building Control Regulations / Building Regulations?</u>	
6.	<u>Who is responsible for compliance with the Building Regulations and Building Control Regulations?</u>	
7.	<u>How does Building Control interact with other Legislation?</u>	



Building Control Legislation

FAQ No	Description	comments
8.	What are the contents of the Code of Practice for Inspecting and Certifying Works, September 2016?	
9.	Who can sign a Statutory Declaration?	
10.	What are the Statutory Documents referenced under the Building Control Act / Regulations?	
11.	Are equestrian buildings – indoor arena's, training facilities, facilities for show jumping or racing 'agricultural'?	
12.	Does a derelict dwelling require a BER?	

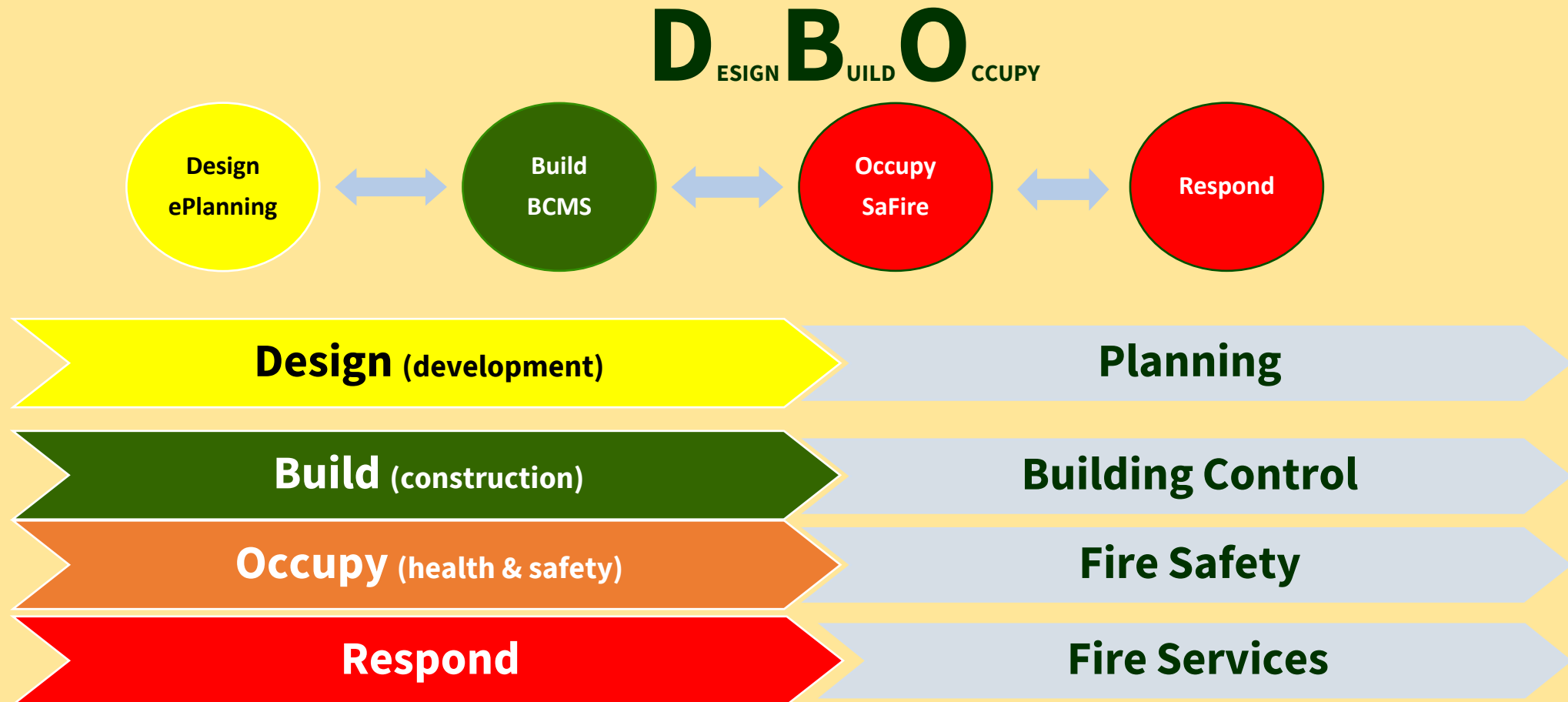


Construction Product Regulations – EU CE marking of construction products

FAQ No	Description	comments
1.	When is a Declaration of Performance required under the Construction Products Regulations?	
2.	What are the requirements of the Construction Products Regulations and Harmonised Standards?	
3.	Question-is a UKCA (UK conformity assessed) a CE marking under Construction Products Regulations (CPR)?	



FAQ 1. What is the Building Life Cycle Strategic Management Cycle?





FAQ 2. What are the Regulatory Considerations in Building Construction?

Planning Acts	SHWW Acts	Multi Units Development Acts	Construction Law
• Pre-planning	• PSDP	• Certification from	Housing Acts 1966-2015
• Development plans	• PSCS	Competent Person	Arbitration Acts 1954-1980
• Taking in Charge	• Safety File	Building Control Acts	Roads & Traffic Legislation
Health Acts	Fire Services Act	Building Regulations	TIC-Traffic Management
• Designated Centres	• Occupation Phase	Building Control Regulations	Pyrite Resolution Act 2013
• HIQA Registration	• Section 18(2) – Duty of Care	• Commencement / 7 Day Notices	EU – Regulations & Directives
• Certification from	• Section 18(6) – Fire	• Fire Safety Certificates	EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)
Competent Person	Safety Assessment	• Disability Access Certificates	EU (Energy Performance of Buildings) Regulations 2012 S.I. No. 243 of 2012
Sale of Goods & Services Acts	Contract Law Legislation	• Certificates of Compliance on Completion	Market Surveillance-Regulation No 765/2008 of 9 July 2008 -NZEB
Derelict Sites Act 1990	Dangerous Structures Act 1964	Technical Guidance Documents Part A-M	Urban Regeneration and Housing Act 2015



FAQ 3. WHAT IS THE BUILDING CONTROL LEGISLATION FRAMEWORK?

EU (Construction Products) (S.I. No. 225 of 2013) & S.I. No. 682/2020

(EU) No. 305/2011
Market Surveillance

Guidelines for Market Surveillance
Authorities-V1 0- June 2016

EU (Energy Performance of
Buildings)
(S.I. No. 243 of 2012)

BUILDING CONTROL ACTS 1990 – 2014
Establishment of Building Control Authorities
Making of Building Regulations
Dispensations / Relaxations
Making of Building Control Regulations
Appeals
Enforcement Notices
Powers of Inspections by Authorised Persons
Materials Prohibition, Documents, Offences, Penalties,
Professional Registration

Local Government
Reform Act 2014

Framework for Building
Control Authorities 2016

Administrative
Requirements of
Buildings

BUILDING REGULATIONS
12 Parts A-M
Applications –Dispensation from /Relaxation

Technical Guidance Documents
Parts A-M

Design Requirements
of Buildings

BUILDING CONTROL REGULATIONS
Exemptions
Notices-Commencement / 7 Day Notices
Applications-Fire Safety/Disability Access Certificates
Certificates of Compliance before Construction & on Completion
Statutory Register, Fees, Appeals

Code of Practice for Inspecting and Certifying Works 2016

31 BUILDING CONTROL AUTHORITIES INSPECTING FOR COMPLIANCE WITH REGULATIONS



FAQ 4. What are the Building Control Regulations?

The Building Control Regulations apply to new buildings, extensions, material alterations and changes of use of buildings. They promote observance of the Building Regulations by supplementing powers of inspection and enforcement given to Building Control Authorities. The Building Control Regulations regulate:

1. Commencement Notices and 7 Day Notices
2. Fire Safety Certificates, Revised Fire Safety Certificates and Regularisation Certificates
3. Disability Access Certificates and Revised Disability Access Certificates
4. Maintenance of Registers
5. Fees
6. Statutory registration of building control activity

Failure to submit a Commencement Notice is an offence and will have serious consequences which cannot be regularised at a later date. You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.

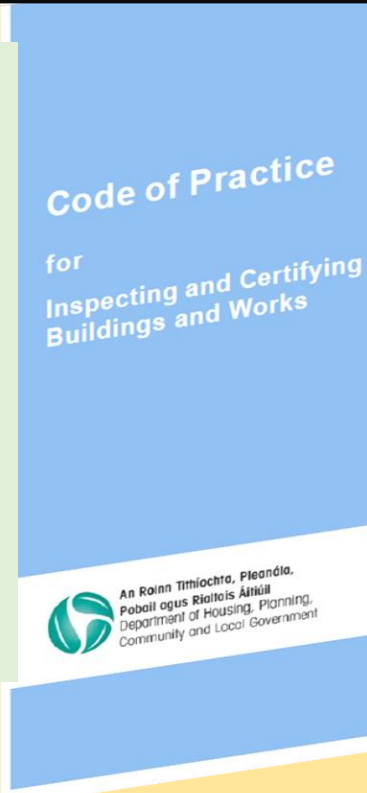


FAQ 5. Where can I find the Key Roles, Duties, and Standard Procedures in relation to Building Control?

1. **CODE OF PRACTICE FOR INSPECTING & CERTIFYING BUILDINGS & WORKS - SEPTEMBER 2016**
 - a. **OWNERS, BUILDERS, DESIGNERS RESPONSIBLE FOR COMPLIANCE**
 - b. **ASSIGNED CERTIFIERS- LIAISE WITH THE BCA, INSPECTION PLANS & DOCUMENT COLLATION FOR CERTIFICATE OF COMPLIANCE ON COMPLETION**
2. **FRAMEWORK FOR BUILDING CONTROL AUTHORITIES – JUNE 2016**
 - a. **BUILDING CONTROL AUTHORITY ADMINISTER THE PROCESS AND MAY TAKE ENFORCEMENT**

Purpose

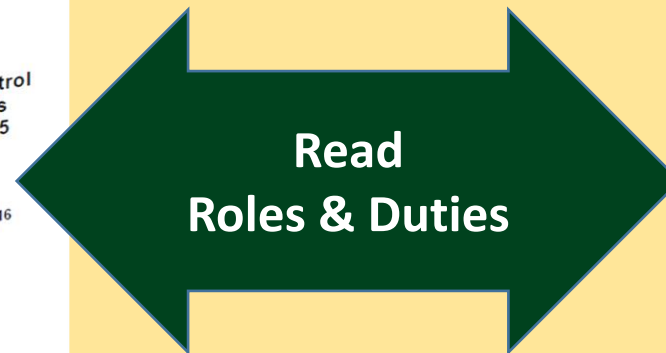
Provide guidance inspecting and certifying
Following the COP shall, prima facie, indicate compliance with the relevant requirements of the Building Control Regulations.



Building Control
Regulations
1997 to 2015
September, 2016



Art. 20G Code of Practice for Inspecting and Certifying Buildings and Works and Framework For Building Control Authorities One System for All to Follow



Purpose

Provide guidance for Building Control(BCAs) Authorities
Outlines Roles & Duties
Standardise role of the BCAs
Templates for use by the BCAs i.e. Delegations, Warning Letters & Enforcement Notices



FAQ 6. What are the contents of the Code of Practice for Inspecting and Certifying Works, September 2016?

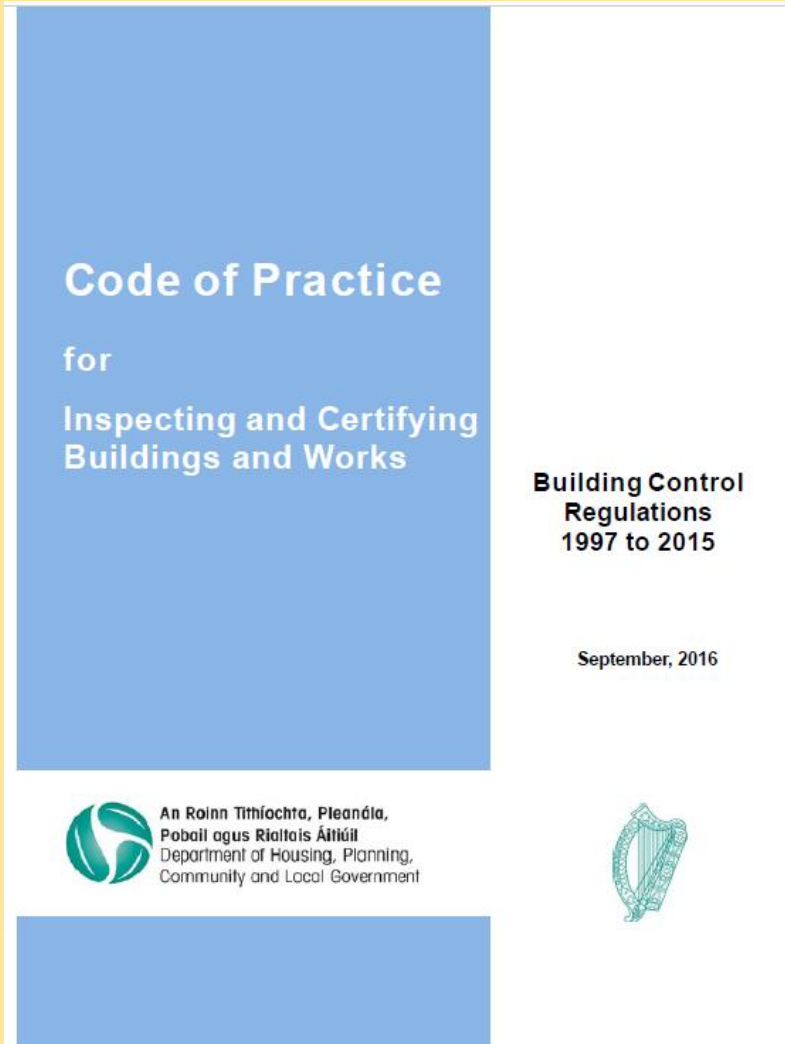


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9. Archiving of Records
10. E-lodgements
11. Professional Ethics
12. Insurance

Appendix: List of Requirements under Building Regulations



FAQ 7. As an Owner, how can I appoint a Competent Builder/Designer/Assigned Certifier?

- **“Competent Person”**: a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;
- Competence can be verified, for instance, by reference to involvement on previous similar projects.
- One way of choosing a competent builder is to select a builder included on the Construction Industry Register Ireland (CIRI). Further details may be found on www.ciri.ie
- Professional Designers and Assigned Certifiers may be selected from the Royal Institute of Architects of Ireland (RIAI), Society of Chartered Surveyors of Ireland (SCSI) and Engineers Ireland (EI) registers



FAQ 8. Who can act as an Assigned Certifier?

- (1) Architects on register pursuant to Part 3 (Registration of Architects) of the Building Control Act 2007 or**
- (2) Building Surveyors on register pursuant to Part 5(Registration of Quantity Surveyors) of the Building Control Act 2007 or**
- (3) Chartered Engineers on register pursuant to Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. and**

Competent: The regulations specifically require the Assigned Certifier to be competent to inspect and certify the works





FAQ 9. Who can sign a Statutory Declaration?

Statutory Declarations Act, 1938

1.—(1) It shall be lawful for any of the following persons, that is to say:—
(a) a notary public,
(b) a commissioner for oaths,
(c) a peace commissioner,
(d) a person authorised by law to take and receive statutory declarations,
to take and receive the declaration in writing of any person making the same before him in the form set out in the Schedule to this Act.

6.—Every person who makes a statutory declaration, which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Regarding the situation where somebody resident outside the jurisdiction of the Republic of Ireland wishes to sign a Statutory Declaration. When a Statutory Declaration is being witnessed outside the jurisdiction it should be signed in the presence of a Notary Public. A notary public is an internationally accepted accreditation.

The prospective applicant should normally be able to locate the nearest qualified notary in his/her area by carrying out an internet search.

*This Statutory Declaration is a legal sworn document. You are swearing that you have read, understand and are aware of the undertaking being made in this Statutory Declaration. It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect. **You should seek separate legal advice** prior to signing the Statutory Declaration in the presence of (a) a notary public, (b) a commissioner for oaths, (c) a peace commissioner, or (d) a person authorised by law to take and receive statutory declarations as (a), (b), (c) or (d) **cannot give advice on the contents**, their sole purpose being to witness the signature.*

Refer to <https://www.lawsociety.ie/globalassets/documents/public-leaflets/swearing.pdf>.



FAQ 10. Who signs the Statutory Building Control Documents, which are provided via the BCMS?

Commencement Notice FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT	Owner
FORM OF 7 DAY NOTICE Building Control Acts 1990 and 2007	Owner
Design Certificate Form of Certificate of Compliance (Design)	Designer
NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER (Notice of Assignment of Person to Inspect and Certify Works)	Owner
UNDERTAKING BY ASSIGNED CERTIFIER Form of Certificate of Compliance	Assigned Certifier
NOTICE OF ASSIGNMENT OF BUILDER	Owner
UNDERTAKING BY BUILDER FORM OF CERTIFICATE OF COMPLIANCE	Builder
CERTIFICATE OF COMPLIANCE ON COMPLETION	Assigned Certifier & Builder
FORM OF 7 DAY NOTICE STATUTORY DECLARATION	Owner & Commissioner of Oaths



FAQ 11. What are the Statutory Documents referenced under the Building Control Act / Regulations?

NOTICES	ENFORCEMENT NOTICE Section 8 of the Building Control Act 1990 – 2014 Where — (a) the construction of any building or the carrying out of any works to which building regulations apply is commenced or has been completed or any material change takes place in the purposes for which any building is used, and (b) the building or works are not designed or have not been, or are not being, constructed or carried out in conformity with building regulations, and (c) the failure to comply with building regulations is not such a failure in relation to which the building control authority would be prepared to grant a dispensation or relaxation pursuant to [the] Act, the building control authority may serve a notice under [section 8].	APPLICATIONS	DISPENSATION OR RELAXATION Section 4 of the Building Control Act 1990 – 2014 (1) Subject to the provisions of [section 4], a building control authority may, if it considers it reasonable having regard to all the circumstances of the case, grant a dispensation from, or a relaxation of, any requirement of building regulations in respect of buildings or works which are situated within the functional area of the building control authority and— (a) which are designed, constructed or carried out by or on behalf of the building control authority, or (b) in relation to which an application for such dispensation or relaxation has been submitted pursuant to [section 4, subsection (2)].	CERTIFICATES	CERTIFICATE OF COMPLIANCE (DESIGN) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	7 DAY NOTICE Section 6(2)(A)(IV) of the Building Control Act 1990 – 2014 The submission (before grant of the relevant fire safety certificate) of a notice in writing to a building control authority by a person who intends to commence work on the construction of a building or an extension of or a material alteration to a building, giving not less than 7 days notice of that person's intention to carry out those works, and requiring that such notice shall be accompanied by a valid application for a fire safety certificate		FIRE SAFETY CERTIFICATE Section 6(2)(a)(ii) of the Building Control Act 1990 – 2014 Requiring in respect of a building, or buildings, of a prescribed class or classes, the submission to a building control authority of an application for a certificate (in this Act referred to as a "fire safety certificate") that a building, if constructed in accordance with the plans, documents and information submitted, would, in the opinion of the building control authority, comply (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) with such provisions of building regulations as may be prescribed		CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	COMMENCEMENT NOTICE Section 6(2)(K) of the Building Control Act 1990 – 2014 requiring the giving of notice to building control authorities of the erection of such buildings, or classes of buildings, or the carrying out of such works, or classes of works, as may be specified in the regulations		REVISED FIRE SAFETY CERTIFICATE Section 6(2)(a)(vi) of the Building Control Act 1990 – 2014 Requiring where an application for a fire safety certificate in respect of the construction of a building or an extension of or a material alteration to a building has been submitted before planning permission has been granted in respect of such construction, extension or alteration, the submission, if required by the subsequent grant of such planning permission, of a further application to a building control authority for a fire safety certificate (in this Act referred to as a 'revised fire safety certificate') for the purpose of ensuring that the revised design arising from the grant of planning permission (including any condition attached to it) complies with the provisions of building regulations relating to fire safety		CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER) Section 6(2)(C) of the Building Control Act 1990 – 2014 The designation of the persons or the classes of persons by whom certificates of compliance may be given, and the classes of buildings or works in respect of which such certificates may be given		REGULARISATION CERTIFICATE Section 6(2)(a)(vi) of the Building Control Act 1990 – 2014 Requiring where work has been commenced or completed in respect of the construction of a building or an extension of or a material alteration to a building, and no application has been made for a fire safety certificate that is required under building control regulations for such construction, extension of or material alteration to a building, the submission to a building control authority of an application for a certificate (a 'regularisation certificate') which shall be accompanied by drawings of the relevant works (as they have been constructed) and a statutory declaration from the applicant stating that such works comply with the provisions of the building regulations relating to fire safety, and enabling the authority to specify in a regularisation certificate that the regularisation certificate shall not have effect unless, within 4 months after its being granted, any conditions attached to it by the authority (including conditions as to the carrying out of additional works) are complied with		CERTIFICATE OF COMPLIANCE ON COMPLETION Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	ASSIGNMENT OF BUILDER Section 6(2)(C) of the Building Control Act 1990 – 2014 The designation of the persons or the classes of persons by whom certificates of compliance may be given, and the classes of buildings or works in respect of which such certificates may be given		DISABILITY ACCESS CERTIFICATE Section 6(2)(a)(ix) of the Building Control Act 1990 – 2014 Requiring the submission to a building control authority of an application for a certificate of compliance with respect to requirements under the building regulations for provision of access to a building for persons with disabilities (a 'disability access certificate') and enabling the building control authority to grant such certificate if in its opinion the design of the building or the extension of or material alteration to the building in respect of which the submission is made would comply (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) with the relevant requirements of the building regulations.		
	NOTIFICATION OF CHANGE OF ASSIGNED CERTIFIER OR BUILDER Article 9(3) / 20A(2)(c) of the Building Control Regulations 1997 - 2015 If, for whatever reason, having submitted the commencement / 7 day notice in respect of works or a building subject to paragraph (1)(b), a building owner changes either the person assigned to inspect and certify the works or the assigned builder, then the building owner shall within 14 days notify the building control authority of the change by submitting, electronically or otherwise, the appropriate notices of assignment and forms of undertaking referred to under paragraph (1)(b) reflecting the up-to-date arrangements in this regard.		REVISED DISABILITY ACCESS CERTIFICATE Section 6(2)(a)(x) of the Building Control Act 1990 – 2014 Requiring the submission to a building control authority of an application for a fire safety certificate (in this Act also referred to as a 'revised fire safety certificate') or a disability access certificate (in this Act referred to as a 'revised disability access certificate') if significant revision is made to the design or works of a building or an extension of or a material alteration to a building in respect of which a fire safety certificate or a disability access certificate has been granted by a building control authority		



FAQ 12. What is a Commencement Notice?

- A Commencement Notice is a notification to a Building Control Authority that a person intends to carry out either works or a Material Change of Use to which the Building Regulations apply. The notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use. Once validated by the building control authority, works must commence on site within the 28 day period.
- If the works do not start within 28 days of the date of lodgement of the Commencement Notice, you must submit a new Commencement Notice prior to the commencement of any works taking place.



FAQ 13 (a). What are the 4 Commencement Notice Types?

Section 6(k) of the Building Control Acts 1990-2014 require the giving of notice to building control authorities of the erection of such buildings, or classes of buildings, or the carrying out of such works, or classes of works, as may be specified in the regulations. The Regulations provide for four Commencement Notice (CN) types:

- i. Commencement Notice With Additional Compliance Documentation
- ii. Commencement Notice with Opt Out Declaration
- iii. Commencement Notice Without Additional Documentation
- iv. 7 Day Notice which includes for
 - (a)FSC
 - (b)Declaration
- v. Covid Notice (SI 113 2020)

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 13(b). What is a 7 Day Notice?

A 7 day notice is similar to a Commencement Notice and may be used for works, which require a Fire Safety Certificate, when the works need to start before the Certificate is granted. It must be accompanied by a valid Fire Safety Certificate application and a Statutory Declaration. After the 1st March 2014, the additional requirements which apply to Commencement Notices will also apply to 7 Day Notices. The fee for a 7-Day Notice is €250 or €5.80 per square metre of applicable floor area (whichever is the greater).



FAQ 13(c). Do all developments require a Commencement Notice?

Commencement Notices **are** required for the following:

1. the erection of a building;
2. a material alteration or extension of a building, or material change of use of a building;
3. works in connection with the material alteration (excluding minor works) of a shop, office or industrial building.

Note: a commencement notice **may** be required in certain circumstances where a planning permission is not required e.g. for extension with a floor area not exceeding 25sqm or certain material alterations. Contact your local Building Control Officer for further clarification.

A Commencement Notice is **not** required:

1. for works or a change of use which are exempted development under the Planning Acts, and for which a Fire Safety Certificate is not required;
2. or where a 7 Day Notice has been submitted.



FAQ 13(d). What is the Fee for a Commencement Notice?

The fee for a Commencement Notice is €30, or where the Commencement Notice relates to multiple buildings, €30 in respect of each building.

Additional charges will be imposed by the Building Control Authority for commencement notices which are not submitted online via the Building Control Management System.



FAQ 13(e). Can a Commencement/7Day Notice be submitted Online?

- Yes, as an Owner you can submit a Commencement Notice via the online [Building Control Management System \(BCMS\)](#) hosted on localgov.ie
- The Building Owner must first register on the BCMS system.
- The BCMS will allow building Owners to nominate an Assigned Certifier, Designer and Builder for the development works.
- Each party must be registered with the BCMS system to accept their respective roles in or sign their respective statutory forms.



FAQ 13(f). Can a Commencement/7 Day Notice be submitted at the Local Building Control Office?

Yes, Commencement/7Day Notice can be submitted at the offices of your local Building Control Authority.

But, the online assessment must still be carried out via the [Building Control Management System](#).

There may also be an extra administrative charge for these over the counter submissions.



FAQ 13(g). Can an Owner build their own house by direct labour?

Yes.

The owner may appoint themselves as the builder if they believe they are competent to carry out that role and sign the Certificate of compliance (Undertaking by Builder). As the builder, they are responsible for compliance with the Building Regulations. They must sign the Certificate of Compliance on Completion and must also appoint an Assigned Certifier to inspect the works during construction.

If an owner decides to opt-out of statutory Certificate of Compliance on Completion, they must declare that they understand their statutory requirements and will ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Building Regulations.



FAQ 14. When should the relevant Commencement Notice type be used?

<p>COMMENCEMENT NOTICE WITH ADDITIONAL COMPLIANCE DOCUMENTATION</p> <p>S.I. 9 of 2014</p>	<p>A Building or works which relate to:</p> <ul style="list-style-type: none"> • The construction of a domestic dwelling, or domestic dwellings in a multi-unit development • The extension of a domestic dwelling of more than 40 sq.m • Works which require a Fire Safety Certificate
<p>COMMENCEMENT NOTICE WITH OPT OUT DECLARATION</p> <p>S.I. 9 365 of 2015</p>	<p>A Building or works which relate to:</p> <ul style="list-style-type: none"> • The construction of a single domestic dwelling on a single development site, or • The extension of a domestic dwelling of more than 40 sq.m, <p><u>Where the owner is choosing to Opt Out of the requirement for Statutory Certification</u></p>
<p>7 DAY NOTICE</p> <p>S.I. 9 of 2014</p>	<ul style="list-style-type: none"> • Works which require a Fire Safety Certificate, where the owner intends to commence the construction of such works before the grant of the relevant Fire Safety Certificate
<p>COMMENCEMENT NOTICE WITHOUT ADDITIONAL DOCUMENTATION</p> <p>S.I. 351 Of 2009</p>	<ul style="list-style-type: none"> • Any other works not listed above, where the Building Control Regulations require such a Notice
<p>Covid-19 notice</p> <p>S.I. 113 of 2020</p> <p>support@nbco.gov.ie & BCA@localauthority.ie</p>	<ul style="list-style-type: none"> • works or adaption of existing buildings carried out by or on behalf of a State Authority during the relevant period <p>. Acute and other health and social care accommodation; Self-isolation short stay accommodation; Covid-19 and other step-down accommodation; Medical testing centre or laboratory; Emergency management coordination facilities; Mortuary facilities; Other accommodation or buildings ancillary to the classes of building referred to above, including storage facilities.</p>

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 15. What documents / forms are required to accompany a Commencement Notice / CCC?

Commencement Notice with Additional Documentation	Commencement Notice without Additional Documentation	Commencement Notice with Opt Out of Statutory Declaration	7 Day Notice	Certificate of Compliance on Completion
Commencement Notice	Commencement Notice	Commencement Notice	7 Day Notice	Certificate of Compliance on Completion
		Declaration of Intention to Opt Out of Statutory Certification	Statutory Declaration	
Design Certificate			Design Certificate	
Nomination of Builder		Nomination of Builder	Nomination of Builder	
Undertaking by Builder			Undertaking by Builder	
Nomination of Assigned Certifier			Nomination of Assigned Certifier	
Undertaking by Assigned Certifier			Undertaking by Assigned Certifier	
General Arrangement Drawings		General Arrangement Drawings	General Arrangement Drawings	
Preliminary Inspection Plan			Preliminary Inspection Plan	Inspection Plan as Implemented
Schedule of Documents -6 CN	Schedule of Documents -6 CN	Schedule of Documents -6 CN	Schedule of Documents -6 CN	ANNEX-Table of Documents Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction.
Completion of an Online Assessment via the BCMS	Completion of an Online Assessment via the BCMS	Completion of an Online Assessment via the BCMS	Completion of an Online Assessment via the BCMS	



FAQ 16. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a Commencement Notice with Additional Documentation?

Schedule of Documents(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

Document	Description	Remarks	Reference No	Action
Commencement Notice-Statutory Form	Complete Fully & Sign	Statutory Form		Upload
(I)General Arrangements	Plan	Plan		upload
	Sections	Plan		upload
	Elevations	Plan		upload
	Compliance Statement Report	Report		upload
(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,(potential list A-M compliances below)	List/Schedule- include those designed i.e. available and to be designed during the project development	See Q6 Statutory Form i.e. • Document- • Reference No- • Description-		upload
(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,	Complete this online	BCMS Online-registered user		Complete BCMS Online
(IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and	List milestone inspections and relevant Building Regulation Compliance issues			upload
(I) a Certificate of Compliance (Design),		Statutory Form		upload
(II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),		Statutory Form		upload
(III) a Certificate of Compliance (Undertaking by Assigned Certifier),		Statutory Form		upload
(IV) a Notice of Assignment of Builder,		Statutory Form		upload
(V) Certificate of Compliance (Undertaking by Builder)		Statutory Form		upload



FAQ 17. How do I complete the Commencement Notice Submission Process to the Building Control Authority for a Commencement Notice with Opt Out Declaration?

Schedule of Documents(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.				
Document	Description	Remarks	Reference No	Action
Commencement Notice-Statutory Form	Complete Fully & Sign	Statutory Form		Upload
(I)General Arrangements	Plan	Plan		Upload
	Sections	Plan		upload
	Elevations	Plan		upload
	Compliance Statement Report	Report		upload
(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,(potential list A-M compliances below)	List/Schedule- include those designed i.e. available and to be designed during the project development	See Q6 Statutory Form i.e. • Document- • Reference No- • Description-		upload
(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,	Complete this online	BCMS Online-registered user		Complete BCMS Online
(V) Statutory Declaration of Intention to Opt Out of Statutory Certification	Complete fully and sign	Statutory Form		upload
(IV) a Notice of Assignment of Builder,		Statutory Form		upload



FAQ 18. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a Commencement Notice without Additional Documentation?

Schedule of Documents(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.				
Document	Description	Remarks	Reference No	Action
Commencement Notice-Statutory Form	Complete Fully & Sign	Statutory Form		Upload
(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,	Complete this online	BCMS Online-registered user		Complete BCMS Online



FAQ 19. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a 7 Day Notice?

Schedule of Documents(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.				
Document	Description	Remarks		Action
Commencement Notice-Statutory Form	Complete Fully & Sign	Statutory Form		Upload
Statutory Declaration	Complete fully and sign	Statutory form		Upload
(I)General Arrangements	Plan	Plan		upload
	Sections	Plan		upload
	Elevations	Plan		upload
	Compliance Statement Report	Report		upload
(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,(potential list A-M compliances below)	List/Schedule- include those designed i.e. available and to be designed during the project development	See Q6 Statutory Form i.e. • Document- • Reference No- • Description-		upload
(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,	Complete this online	BCMS Online-registered user		Complete BCMS Online
(IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and	List milestone inspections and relevant Building Regulation Compliance issues			upload
(I) a Certificate of Compliance (Design),		Statutory Form		upload
(II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),		Statutory Form		upload
(III) a Certificate of Compliance (Undertaking by Assigned Certifier),		Statutory Form		upload
(IV) a Notice of Assignment of Builder,		Statutory Form		upload
(V) Certificate of Compliance (Undertaking by Builder)		Statutory Form	44	upload



FAQ 20. What happens if a development, which required a Commencement Notice, commences without such a Notice?

1. A Commencement Notice is required under Article 9 of the Principal Regulations (Building Control 1997) for specified buildings or works; the requirement for this has changed very little from the 1990 Building Control Act other than the requirement for accompanying documentation and registered professionals for certain specified buildings or works.
2. Failure to comply with any requirement shall be an offence to which section 17(2) of the Act of 1990 applies." And again nothing has changed here.
3. For many buildings or works where a FSC and/or DAC is required the building cannot be occupied without a valid certificate from the BCA-again little has changed here.
4. A failure to submit a commencement notice and/or occupy the premises without valid certification under the BCA is an offence as set out in 2 above.
5. It is not possible now since the bringing into law of S.I. 9 of 2014 or before the advent of S.I. 9 of 2014 to regularise the breach of this legislation for non-submission of documentation including commencement notices.
6. The course of action open to the BCA is to enforce the requirements of the Building Regulations -i.e. serve enforcement for the buildings or works commenced without notice to the BCA in the form of a Commencement Notice i.e. enforcement for "to show compliance with the Building Regulations" and prosecute the non-submission of the Notice to Commence in the courts.
7. Prosecution proceedings against defaulters - Section 17 of the Act which must be; • instituted within twelve months after the date of the discovery of the offence but not later than five years after the date of the completion of any building or works in respect of which the offence is alleged to have been committed.
8. The BCA may decide to just serve the enforcement notice, put the particulars on the statutory register and before the expiry of the 12 months decide not to prosecute for stated reasons which may include; financial consideration, the proportionality of the offence in relation to the consequences, the common good and the fact that the building or works may be certified as fully compliant with the Building Regulations but not compliant with the administrative requirements of the Building Control Regulations etc. Each BCA must look at the individual situations and ultimately it is up to them how to proceed.
9. If a building has commenced without a commencement notice and this is brought to the attention of the BCA and/or owner; it is open to the owner to apply for a commencement notice for the remainder of the building or works; part of the certification and the accompanying documentation would have to include certification to the effect that due diligence was carried out on the already commenced buildings or works (similar to building an extra storey on top of an existing building) etc. The completion certificate pertaining to this would only cover the works in the commencement notice and the works already carried out could never be the subject of a completion certificate for the purpose of the legislation but that doesn't mean that they are not compliant with the Building Regulations. This may cause legal impediments for the owner but this is not a concern of the BCA
10. The other option is that the owner demolishes and starts again or
11. The BCA, enforces (Building Regulations), prosecutes (Building Control Regulations) and requests removal; it may be that the judge would look at proportionality (Wicklow Fortune High Court Case)

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 21. Requests from the Building Control Authority for a revised notice, or additional information, or fee.

- No works shall commence without a Valid Commencement Notice in compliance with Article 9 of S.I. No. 496 of 1997.
- In the case of a request for a revised notice, or additional information, or fee, under Article 8 of S.I. No. 9 of 2014, or Article 20A (3)(c)(ii) of S.I. No 351 of 2009 where the Building Control Authority has not received such a response, an applicant cannot commence works before such revised notice, or additional information, or fee, has been received by the Local Authority?



FAQ 22. What is a Certificate of Compliance on Completion?

- For work coming within the scope of S.I. 9 of 2014, a Certificate of Compliance on Completion must be submitted to the Building Control Authority and relevant particulars thereof shall be included on the statutory register before the building may be opened, occupied or used.
- The Certificate must be signed by the Assigned Certifier and the Builder. It certifies that the building or works have been carried out in accordance with the Building Regulations.
- It is a matter for the Building Control Authority to validate/invalidate the Certificate of Compliance on Completion in accordance with Article 20F of the Building Control Regulations as amended



FAQ 23. What is a Certificate of Compliance on Completion? S.I. 9 of 2014 (Article 20F) p29

[Article 20F]

CERTIFICATE OF COMPLIANCE ON COMPLETION

Building Control Authority: _____ Unique Identifier: _____
(for official use only)

- This certificate relates to Commencement / 7 Day Notice reference no. _____ in respect of the following building or works: _____

Part A – Certificate signed by Builder

- I confirm that I am the Builder assigned by the owner to construct, supervise and certify the building or works.
- I certify, having exercised reasonable skill, care and diligence, that the building or works as completed has been constructed in accordance with the plans, calculations, specifications, ancillary certificate and particulars as certified under the Form of Certificate of Compliance (Design) and listed in the schedule to the Commencement / 7 Day Notice relevant to the above building or works, together with such further plans, calculation, specifications ancillary certificates and particulars, if any, as have been subsequently issued to me and certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Buildings and Works.
- Reliant on the foregoing, I certify that the works are in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.
Signature: _____ Date: _____
(to be signed by a Principal or Director of a Building Company only)
Name: _____
Address: _____
Tel: _____ Fax: _____ Email: _____
Construction Industry Register Ireland registration number (where applicable): _____

Part B – Certificate signed by Assigned Certifier

- I confirm that I am the Assigned Certifier assigned by the owner to inspect and certify the building or works concerned.
- Plans, calculations, specifications and ancillary certificates and particulars as required for the purposes of Part IIIC of the Building Control Regulations are included in the Annex (see attached).
- I now confirm that the inspection plan, drawn up having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, has been undertaken by the undersigned having exercised reasonable skill, care and diligence, and by others nominated therein, as appropriate, on the basis that all have exercised reasonable skill, care and diligence in certifying their work in the ancillary certificates scheduled.
- Based on the above, and relying on the ancillary certificates scheduled, I now certify, having exercised reasonable skill, care and diligence, that the building or works is in compliance with the requirements of the Second Schedule of the Building Regulations, insofar as they apply to the building or works concerned.
Signature: _____ Date: _____ Registration No.: _____
(where the signatory is an employee) On behalf of _____
Name & Address: _____
Tel: _____ Fax: _____ Email: _____
Practice registration number (where relevant): _____

ANNEX

Table of Drawings, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction.

(Details of relevant drawings, etc. may be listed below and attached hereto)

VIP Dates of Inspections & Milestones.

“SIXTH SCHEDULE
CERTIFICATE OF COMPLIANCE
ON COMPLETION

VIP have a log of Ancillary Certification, not every docket.

• Form Completed

- Part A signed by Builder
- Part B Signed by Assigned Certifier

• INSPECTION PLAN - AS IMPLEMENTED and completed by Assigned Certifier

- **Annex:** Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction. (See FAQ no 29, 29a & Table C2 of Code of Practice for certifying & inspecting works (2016))



FAQ 24. What documents / forms are required to accompany a CCC?

Annex Table of Documents Mandatory & Other Required Documents -Name	Type	Remarks	Available on BCA request (AOR) Upload
CCC Signed by Builder & Assigned Certifier	Statutory Document		Upload
Inspection Plan as Implemented	Completed Inspection Plan		Upload
Annex of Documents	Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction (Details of relevant plans, etc. may be listed below and attached hereto)		Upload
Differences from commencement Submission	Document, Plans		AOR
Plans			AOR
Calculations			AOR
Specifications			AOR
Ancillary Certificates			AOR
Particulars			AOR
If relevant			
DACs-DAC-Revised			AOR
FSCs-FSC-Revised-Regularisation			AOR
Relaxation of Building Regulations			AOR
Dispensation from Building Regulations			AOR
Other Relevant Compliances which may be Listed in the Annex Table			AOR
DEAP Calculations			AOR
NEAP Calculations			AOR
Check			
Phased Developments stand alone Compliance Check Building Regulations			AOR
Compliance Documentation/Report re temporary Compliances the subject of future Development Works Compliances- i.e. development fully completed?			AOR
Previous CCC Ref No Documentation/Report which form part of this CCC			AOR
Other Commencement Notices relevant to this Completion certificate			AOR
Requests and Correspondence from BCA			
S11 Requests Resolution Report			Upload
Enforcement Resolution reports			Upload
Other Relevant Compliances			Upload



FAQ 25 (a). What documents / forms are required to accompany a CCC –See Code O Practice Inspecting & Certifying Works 2016?

Table C.2 Typical documentation supporting compliance with Parts A to M for a Detached Non-Complex Dwelling House		
Typical documentation (where applicable)	Builder to obtain and make available ✓	Assigned Certifier Check ✓
1. Confirmation of the use of proper materials.	See Table C.3	See Table C.3
2. Mechanical ventilation & heat recovery installation & commissioning report.		
3. Waste water treatment system installation & commissioning report.		
4. Space & water heating system installation & commissioning report.		
5. Air tightness test report.		
6. DEAP calculation for dwelling house (as built).		
7. Evidence of Fire detection/ alarm commissioning		
8. Other • •		

FAQ 25 (b). (APARTMENTS / NON DOMESTIC BUILDING) WHAT DOCUMENTS / FORMS ARE REQUIRED TO ACCOMPANY A CERTIFICATE OF COMPLIANCE ON COMPLETION (CCC)?

Annex Table of Documents Mandatory & Other Required Documents -Name	Type	Remarks	Available on BCA request (AOR) Upload
CCC Signed by Builder & Assigned Certifier	Statutory Document		Upload
Inspection Plan as Implemented	Inspection Plan as implemented		Upload
Certificate of Compliance on Completion Annex of Documents	Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction (Details of relevant plans, etc. may be listed below and attached hereto)		Upload
Differences from commencement Submission	Document, Plans		AOR
Plans			AOR
Calculations			AOR
Specifications			AOR
Ancillary Certificates			AOR
Particulars			AOR
If relevant			
DACs-DAC-Revised			AOR
FSCs-FSC-Revised-Regularisation			AOR
Relaxation of Building Regulations			AOR
Dispensation from Building Regulations			AOR
Other Relevant Compliances which may be Listed in the Annex Table			AOR
DEAP Calculations, Part L Compliance Report from DEAP, Final BER Certificate, Air-tightness test results			Upload
NEAP Calculations, Part L Compliance Report from NEAP, Final BER Certificate			Upload
Part E: Sound test results			Upload
Check			
Phased Developments stand alone Compliance Check Building Regulations			AOR
Compliance Documentation/Report re temporary Compliances the subject of future Development Works Compliances- i.e. development fully completed?			AOR
Previous CCC Ref No Documentation/Report which form part of this CCC			AOR
Other Commencement Notices relevant to this Completion certificate			AOR



FAQ 26. (APARTMENTS / NON-DOMESTIC BUILDING) WHAT DOCUMENTS / FORMS ARE REQUIRED TO ACCOMPANY A CERTIFICATE OF COMPLIANCE ON COMPLETION (CCC) contd.

Annex Table of Documents Mandatory & Other Required Documents -Name	Type	Remarks	Available on BCA request (AOR) Upload		
Requests and Correspondence from BCA					
S11 Requests Resolution Report					Upload
Enforcement Resolution reports					Upload
Other Relevant Compliances					Upload
Other Commencement Notices relevant to this Completion certificate			AOR		
Requests and Correspondence from BCA					
S11 Requests Resolution Report			Upload		
Enforcement Resolution reports			Upload		
Other Relevant Compliances			Upload		



FAQ 27. What is the role of the Building Control Authority at Completion Stage?

- Validate the submission of the Certificate of Compliance on Completion- process includes,
 - Check that certificate was properly completed and signed by the appropriate persons.
 - Check that Annex to CCC properly completed
 - Check that the Inspection Plan as Implemented properly completed
 - Check that there are no unresolved matters in relation to requests under Section 11 of the Act or
 - Enforcement Notices or
 - Conditions attached to Fire Safety Certificates, Disability Access Certificates, etc.
- Include details of same in the Statutory Building Control Register of Building Control Activity.

FAQ 28. What considerations should be given to phased completions?

ARTICLE 20F (9) (9) A Certificate of Compliance on Completion may refer to works, buildings, including areas within a building, or developments, including phases thereof, and relevant details shall be clearly identified on the Certificate of Compliance on Completion itself and, subject to validation in line with the requirements at *paragraphs (3) and (4)*, on the register.

Overview; As a general rule the purpose of the Certificate of purpose of the Certificate of Compliance on Completion is to required for compliance with the;

1. Administrative requirements as set out in the Building Control Regulations which is basically 3(a), (b)(i), and the
 2. Design requirements 3(b)(ii) i.e. the requirements of the Second Schedule to the Building Regulations before Works or buildings can be opened, occupied or used
- Therefore it is recommended that any phasing of developments for the purpose of Certificate of Compliance on Completion Certificates should be carefully considered in the context of interdependency of the Parts A-M with each other and the other phases in the development.
 - For the purpose of best practice housing development and construction compliance each phase should be designed to stand alone and as such compliance with Part A-M should be addressed both individually and collectively.
 - In essence each phase of the development must be compliant and not have outstanding compliances in other phases even if this requires completing all the development works in advance i.e. Part B access for fire appliances, Part H treatment systems, Part M access and use, Part L, J there may be district heating etc. in general each phase must stand alone and should be assessed on its merits; best method is to audit the phase against the particular requirements of the Building Regulations, a consolidated summary is set out below for ease of reference
 - Reference is made to the requirements of the Building Control Regulations the relevant section which is set out below;

“Building Control Regulations 1997-2014-Part IIIC – Certificate of Compliance on Completion

20F (1) Subject to paragraph (2), a Certificate of Compliance on Completion shall be submitted to a building control authority and relevant particulars thereof shall be included on the Register maintained under Part IV **before works or a building to which Part II or Part IIIA applies may be opened, occupied or used.**

(2) The requirement for a Certificate of Compliance on Completion shall apply to the following Commencement Notice Types-

- (a) Commencement Notice with Additional Documentation
- (b) 7 Day Notice

(3) A Certificate of Compliance on Completion shall be –

- (a) in the form specified for that purpose in the Sixth Schedule, and
- (b) (b) accompanied by such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed –
 - (i) differs from the plans, calculations, specifications and particulars submitted for the purposes of Article 9(1)(b)(i) or Article 20A(2)(a)(ii) as appropriate (to be listed and included at the Annex to the Certificate of Compliance on Completion), and
 - (ii) **complies with the requirements of the Second Schedule to the Building Regulations**, and the relevant Technical Guidance Documents
- (c) accompanied by the Inspection Plan as implemented by the Assigned Certifier in accordance with the Code of Practice referred to under article 20G(1) or a suitable equivalent.



FAQ 28 (contd). BCMS Certificate of Compliance on completion Checklist & Minimum Compliance Document Requirement

localgov.ie BCMS ANNEX to Certificate of Compliance on Completion

Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction (Details of relevant plans, etc. may be listed below and attached hereto)

(Details of relevant plans, etc. may be listed below and attached hereto)

Annex to Be Completed Refer to Q6 of Commencement Notice when Completing- Red are Mandatory Upload Documents

CERTIFICATE OF COMPLIANCE ON COMPLETION (CCC)-Cross Compliance

Annex List Mandatory & Other Required Documents -Name Annex-Table of ,	Y/N	Description-Plans, Sections, Elevations, Compliance Statement Report, Ancillary Certificates	Remarks	Reference No	May Request Upload
Plans					Upload
Calculations					Upload
Specifications					Upload
Ancillary Certificates					Upload
Particulars					Upload
Check if the following may or may not be relevant					
DACs-DAC-Revised					Upload
FSCs-FSC-Revised-Regularisation					Upload
Relaxation of Building Regulations					Upload
Dispensation from Building Regulations					Upload
Other Relevant Compliances which may be Listed in the Annex Table					
DEAP Calculations					Upload
NEAP Calculations					Upload
Phased Developments stand alone Compliance Check Building Regulations					Upload
Compliance Documentation/Report re temporary Compliances the subject of future Development Works					Upload
Compliances- i.e. development fully completed?					Upload
Previous CCC Ref No Documentation/Report which form part of this CCC					Upload
Other Commencement Notices relevant to this Completion certificate					Upload
Are all requests and Correspondence from BCA acknowledged and resolved?					
S11 Requests Resolution Report					Upload
Enforcement Resolution reports					Upload
Differences from commencement Submission					Upload
Inspection Plan as Implemented					Upload
Signed CCC by Builder & Assigned Certifier					Upload
Other Relevant Compliances					Upload

Note; Only necessary to upload the:

- Statutory CCC Form,
- Inspection Plan as Implemented
- Table/Schedule of Compliance Certificates & Documents

which show how compliance with regulations was achieved- & include details which differs from those details listed in the CN Schedule

Note; the documents/certificates listed in this table should be available for upload if requested by the BCA



FAQ 29. What considerations should be given to multi-unit developments

- Commencement Notices for each individual property in multi-unit developments are not appropriate, having regard to the multiple Building Regulatory compliance factors that lie outside the site boundaries of individual properties;
- Single Commencement Notices are appropriate for multi-unit developments where the entire development is to be completed continuously from Commencement in one phase;
- Where multi-unit developments are intended to be completed in phases, separate Commencement Notices should be submitted for each such phase;
- Each individual property within each phase, where phasing is applied, must comply with Building Regulations at the time of disposal, including compliance with matters that lie outside the legal boundaries of each such individual unit but that impact on that compliance;
- Part of the submission at Commencement Notice stage, where phased disposal of individual properties is planned, must describe how such compliance will be achieved, including description of such temporary measures as may be necessary to be provided during the works to complete the entire scheme to achieve such compliance at all times for all phases of completion.
- Regard should be had to BCR 1997-must Commence on a specified date between 14-28 days of submission of Commencement Notice

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 30. What construction stages should be inspected, as a minimum, for a one off house?

Sample Inspection Plan - one off house

1. Design
2. Formation
3. Foundation
4. Ground Floor
5. Wall Plate level
6. Roof Level
7. Completion

The Inspection Plan is dependent on many factors including -

- a) type of building and type of construction;
- b) method of construction;
- c) how serious the consequences of a particular contravention might be;
- d) the impracticability or impossibility of subsequent inspection of closed up work; and
- e) speed of construction.
- f) Stakeholder Experience & Competency

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 31. What construction stages should be inspected, as a minimum, for a one off house? Code of Practice Inspecting & Certifying Works 2016

Building Control Regulations		Code of Practice	
Table C.1 Inspection Template for a Detached Non-Complex Dwelling House relevant to Commencement Notice No: _____			
Inspection Stage	Elements for inspection	Builder Supervise ALL elements as work progresses ✓	Assigned Certifier Check priority elements as identified in the Preliminary Inspection Plan (See Appendix B) and other appropriate checks as deemed necessary ✓
1. Excavation/ Formation	a) Ground bearing suitability b) General arrangement of foundation c) Width of trench d) Depth below ground e) Steps in formation level (if any) f) Other relevant items •		
2. Foundations	a) General arrangement of foundation b) Depth and width of concrete c) Reinforcing steel d) Other relevant items •		
3. Sub-structure works (including ground floor)	a) Rising walls (external and internal) b) DPC c) Hardcore d) Under floor services e) Radon sump/venting pipe f) DPM or Radon Barrier (incl. seals) g) Ventilated sub-floor (if any) h) Floor Insulation – thickness/ type i) Floor structure e.g. • concrete ground bearing • concrete/ timber suspended j) Other relevant items •		

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Building Control Regulations		Code of Practice	
4. Super structure (prior to slabbing ceilings)	<ul style="list-style-type: none"> a) Wall construction <ul style="list-style-type: none"> • Masonry units e.g. block/ bricks etc. • Wall ties • Wall insulation b) Cills & lintels incl. DPC & bearing c) First floor joists & floor (if any) e.g. <ul style="list-style-type: none"> • timber grade/mark • span (allowable) • joist hangers • noggins & straps d) Chimney/ Flue liners/ gather e) Roof structure (Prefabricated) e.g. <ul style="list-style-type: none"> • truss tag/mark • bracing/ hangers & shoes • Wall-plate & tie down straps f) Roof structure (Cut) e.g. <ul style="list-style-type: none"> • purlins & Struts • collar ties • hangers & runners • timber grade/mark • Wall-plate & tie down straps g) Roof covering e.g. <ul style="list-style-type: none"> • felt type & laps • tile/slate & nailing • flashings h) Other relevant items 		

Building Control Regulations		Code of Practice	
5. Completion	<ul style="list-style-type: none"> a) Approach & Access b) Finished G.L versus FFL c) Soffit vents d) Radon sump vent identification e) Surface & Foul Drainage e.g. <ul style="list-style-type: none"> • rainwater goods • soil vent pipes • gully traps • waste water treatment system (if any) f) Fuel storage e.g. <ul style="list-style-type: none"> • Location • distance from dwelling/ burner/ boundary • fire protection g) Background vents & extraction fans h) Mechanical Ventilation Heat Recovery (if any) i) Windows & doors e.g. <ul style="list-style-type: none"> • opening sizes/ readily open able • restrictors • guarding • safety glazing • letter plate height j) Floor to ceiling height k) Circulation <ul style="list-style-type: none"> • Effective door width • Corridor width l) Stairs e.g. <ul style="list-style-type: none"> • bulk head height/ stair width • riser/tread dimensions • handrail height/ guarding m) Roof insulation (incl. tank insulation) 		

Building Control Regulations		Code of Practice	
5. Completion contd...	<ul style="list-style-type: none"> n) Fire requirements e.g. <ul style="list-style-type: none"> • smoke alarms (mains connected) • fire stopping at top of cavity wall o) Carbon monoxide alarms (if applicable) p) WC e.g. <ul style="list-style-type: none"> • Visitable • dual flush toilet q) Water supply e.g. <ul style="list-style-type: none"> • direct to sink incl. stop valve • water storage capacity • insulation of pipework r) Renewables s) Heating system e.g. <ul style="list-style-type: none"> • zone controls • pipe work insulation where applicable, etc. t) Primary heating appliance e.g. <ul style="list-style-type: none"> • Efficiency • air supply • condensate drain u) Secondary heating system e.g. <ul style="list-style-type: none"> • Efficiency • air supply • notice plate for hearths & flues v) Other relevant items 		

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 32. What types of works can a Completion Certificate cover? (not comprehensive)

1. STAND ALONE FULL COMPLETION - Detached Dwelling, Semi Detached Dwelling, Industrial Building.
2. MULTI-UNIT FULL COMPLETION - Apartment Block, Small Shopping Centre (Full Fit Out)
3. MULTI-UNIT PARTIAL COMPLETION - Shopping Centre (Shell & Core), Unit Fit Out
4. EXTENSION TO AN EXISTING BUILDING - Extension To Shop, Extension To Nursing Home
5. MATERIAL ALTERATION - Internal Works To Place Of Public Assembly, Provision Of Additional Internal Floor Area In An Existing Industrial Building
6. MATERIAL CHANGE OF USE -A Domestic Dwelling Becomes So Used, Change From Office To Place Of Public Assembly

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 33. What should the Assigned Certifier undertake to do?

ROLE -

- **Inspect;**
- **To Co-ordinate The Inspection Activities Of Others During Construction;**
- **To Certify The Building Or Works On Completion.**

Role does not include responsibility for the supervision of any builder.

They may or may not be a member of the design team.

- (a) Provide And Sign The Relevant Statutory Certificates -
 - I. Form Of Undertaking At Commencement And The
 - II. Certificate Of Compliance On Completion;
- (b) co-ordinate the ancillary certification by design team & other relevant bodies for the CCC;
- (c) identify all design professionals and specialists, in conjunction with the Builder, from whom certificates are required;
- (d) identify all certificates required and obtain them;
- (e) co-ordinate and collate all compliance certification in conjunction with the Builder;
- (f) in consultation with design team, plan and oversee the implementation of the Inspection Plan during Construction;
- (g) prepare Preliminary Inspection Plan- oversee adherence to this plan -on completion provide Inspection Plan as implemented;
- (h) on termination /relinquishment of their appointment make available to the Building Owner all certification prepared and inspection reports carried out;
- (i) act as single point of contact with the BCA during construction;
- (j) seek advice from the BCA, in respect of compliance matters relating to the building or works where disputes or differences of opinion arise between the parties to the project; and
- (k) maintain records of inspection



FAQ 34. What elements should be inspected by Building Control Inspectors, at the various stages of construction?

Refer slide35 and “Code of Practice for Inspecting and Certifying Buildings or Works September 2016”

Stage No	Building Elements	Relevant Part of Building Regulations	Elements to be Inspected / Checked
1. Design Stage	Paper Assessment- S11 Requests	A-M	A-M
2. Formation Level	Substructure & Drains	A,C,D,H	Ground bearing, Drainage
3. Foundations	Excavation Ready for Inspection	A,C,D,H,,B,K,L,M	Foundations, pipe covers
4. Ground Floor Level	Superstructure walls and floor Joists laid	A,C,D,H,,B,K,L,M	Access, ventilation, walls
5. Wall Plate Level	Services, ventilation etc	A,B,D,E,F,M	Fire, insulation, floors-sound
6. Roof	Roof Construction & bracing complete	A,B,J,K	Fire, bracing, water storage
7. Certification	First Fix Services Complete & Ready for Occupation	A-M	Installation manuals



FAQ 35. Can the owner of a development retrospectively Opt Out of statutory certification?

Retrospective Opting Out of Certification for Older Commencement Notices-Opinion;

As a general principle, people are obliged to comply with the law as it applies at a particular moment in time and changes to law are not retrospective. Retrospectively changing the rules once a project is underway is disruptive

SI 365 of 2015 permits an opt out of statutory certification requirements in respect of works or buildings for which a commencement notice is lodged on or after 1 September 2015.

The Building Control Regulations do not permit an opt out of statutory certification in respects of works/buildings for which a commencement notice was lodged prior to 1 September 2015.

The Department has already been advising people as above.

If an owner who submitted a commencement notice prior to 1 September 2015 fails to comply with the requirements of the Building Control Regulations they may be guilty of an offence. They will also be responsible for the consequences of their decision to operate outside of the law (e.g. breach of contract with assigned certifier, changing circumstances relevant to insurance cover if applicable).

It is important therefore that professional advice is sought regarding obligations and not risk being held liable for the consequences of such decisions.



FAQ 36. Is there any process, or statutory obligations surrounding a development which re-commences after a long delay?

A Valid Commencement does not have an Expiry Date once commenced within the 14-28 Day period and substantial works have been carried out. A new Commencement Notice is not required after a prolonged delay. However to comply with the Requirements of the Building Regulations it is recommended that the builder carry out due-diligence and the Building Control Authority issue a S11 request to show compliance with the Building Regulations.

S11 Notice;

“Building Control Act 1990-2007 as amended;

Notice....

XXXX County Council as the Building Control Authority for your area have noted that you have recommenced development after a considerable time lapse.

In order that the Building Control is satisfied that you have preformed due diligence in the building re-commencement process your are required to submit to the building control authority the following;

Evidence of surveys to the existing structure to show compliance with Parts A, Part C and Part D of the building regulations in particular your attention is drawn to compliance of radon barriers, dpcs, underfloor fill, concrete and block specification.”

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 37. Is there an obligation to commence all dwellings on a multiple unit development within the commencement window?

A **Commencement Notice** must be submitted not less than **14 and not more than 28** days before works are due to commence. The local authority has 7 days to validate.

Once **validated** works must commence within the 28 day period which would typically be within 7 to 10 days after validation. A multi unit project, even one of a modest size, would not find it possible to have a start made on each and every unit within that period.

Once the builder can point to some work that has been undertaken in furtherance of meeting any of the requirements of the Building Regulations within the statutory period, the development has properly commenced.

There is no statutory period within which a development (or any element, phase or unit of a development) must be completed.

Article 8 of the Building Control Regulations 1997 to 2015 specifically refers to ‘works’. I do not see how it can therefore be argued that the commencement notice can only refer to a building and not a site.

If the commencement notice referred to 65 houses and was validly commenced with 19 houses having been completed to date and ancillary works for all 65 unit having been undertaken, there is no reason why a further commencement notice would be required for the remaining houses at this stage.



FAQ 38. What are some common queries in relation to the use of the BCMS?

Query	Answer		
How do I update my qualifications?	In order to update your qualifications you must login to your account and click on the 'My Details' tab. You can then enter the details of your qualifications at the bottom. Then click 'Save Details' to save the changes.		
I don't have my planning permission no yet how do I get past this on the system?	If the Planning Permission No field is left blank then the system will not ask for a Date of Expiry.		
The 'supporting documents' section does not show a green tick	Please ensure all supporting documents have been uploaded. The additional support documents are as follows		
	General Arrangement Drawings	Schedule of Plans	Inspection Plan
	Plans	Calculations	Inspection Notification Framework
	Elevations		
The stakeholder has not received the nominated role email. Can this be resent?	Please ask him to check his junk email inbox. If the email is not in here then the creator of the project can remove him from the role and then add him in the role again. This will resend the email.		
How do I reset my password?	1. Go to the BCMS homepage www.localgov.ie/bcms-new . Click on Login. Select the 'Request New Password' tab 2. Enter your email address and click 'Email New Password' 3. You will now have an email with the subject 'replacement login information'. 4. Click on the link within the email to reset your password.		
I cannot see the full description of my property on the commencement form that I downloaded?	Due to space limitations, only 90 characters will appear on file for download and print. However, full description will be stored on the system for future reference		
How do I create a short commencement notice?	1. Log in to https://www.localgov.ie/en/user/?destination=bcms 2. Click on 'New Application' 3. In the 'NEW COMMENCEMENT NOTICE APPLICATION' section select 'Create New Application' 4. In the 'select notice type' dropdown select 'commencement notice without documentation' from the drop down menu.		
How do I update my qualifications as I do not have a builder qualification?	If you do not have a builder qualification you can select 'other' from the 'registration type' drop down menu and click on 'save details'.		
How do I change the name of a stakeholder?	The stakeholder can change this when they log in to the BCMS site by clicking on 'My Details' tab, making the required changes and clicking 'Save Details'.		
I am an architect in NI, but not RIAI registered. How do I accept my role?	The designer must be a member of one of the three professions-see section 3 of the design certificate below i.e. an architect must be a Registered Member of the Royal Institute of Architects of Ireland, the applicant should contact them and explain his circumstances as I believe that they have put a mechanism in place for such applicants.		
Individuals assigned to a project cannot see project when they log in	Check the building project nominate roles tab for the email address that was used for the role. You can then advise the customer that the email address is different to the one they are logging in with and they will need to contact the creator of the project to change this email address		



FAQ 39. Does a Garage conversion require a commencement notice?

A garage conversion is exempt development under Class 1 of Schedule 2 of the Planning & Development Regulations 2001 as amended.

The floor area of a converted garage is not taken into account when calculating the total floor area of extension's to a dwelling

If it requires Planning Permission, it will require a Commencement Notice without accompanying documentation.

If it is a two storey domestic garage, it requires a Fire Safety Certificate, and therefore, either a Commencement Notice with Additional Documentation, or a 7 Day Notice

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 40. Is there any building control guidance on loft conversions?

Yes, appropriate guidance for homeowners in relation to loft conversions can be found at:

<http://www.housing.gov.ie/housing/building-standards/loft-conversion/loft-conversion-leaflet>

FIRE DETECTION AND ALARM SYSTEMS

All new dwelling houses must be provided with fire detection and alarm systems. When the roof space of an existing dwelling-house is converted to create an additional storey, a fire detection and alarm system must be provided in accordance with the requirements for a new dwelling house.

Where a loft / attic space has been converted, interconnected mains operated self-contained fire alarm units (preferably with battery back-up power supplies) must be provided within the stairs enclosure at ALL storey levels.

It should be noted that smoke alarms powered only by batteries are not sufficient.

PROTECTION TO STRUCTURAL ELEMENTS

The building regulations impose requirements for fire resisting floor construction to restrict the spread of fire between storeys and to protect against premature collapse in the event of a fire.

A three-storey dwelling house has higher fire resistance requirements for floors than a two-storey dwelling house. A loft / attic conversion in a two-storey dwelling house adds an additional storey to the house and this has implications for the existing first floor and the new second floor construction.

The floor to the new storey will be required to provide the fire resistance requirements for a new three-storey dwelling house.

Special provisions apply to loft / attic conversions where not more than two additional habitable rooms are provided and additional floor area is less than 50m². Where these apply, the existing first floor will normally provide the necessary fire resistance, subject to assessment of the fire performance of the actual construction.

Where the accommodation does not extend into the eaves of the roof, the fire resisting floor construction should be carried through to the external walls.

Where a dwelling house is semi-detached or is part of a terrace of houses, it is essential to ensure that the party wall between adjoining houses continues to the roof level and the roof junction is adequately fire stopped.

There should be no gaps or imperfections in the party wall construction, which would facilitate the spread of fire between houses.

Any new structural members such as floor beams or columns should be provided with the required level of fire resistance.

ELECTRICAL INSTALLATIONS

It is very important that all electrical work is carried out by a qualified Electrician, as improperly designed / installed fittings and inadequate wiring can constitute a serious fire hazard.

Particular care is required with the design and installation of recessed lighting systems.

OTHER ASPECTS

This leaflet is intended to draw attention to the importance of properly dealing with fire safety issues in attic / loft conversions, with the help of professional advice. There are 11 other Parts of the Building Regulations, which must be complied with, and which deal with issues other than fire safety including:

- Part A - Structures
- Part D - Materials and Workmanship
- Part E - Sound Insulation
- Part F - Ventilation
- Part L - Conservation of Fuel and Energy, including thermal insulation

The relevant Technical Guidance Document, on how to comply with Parts A - M inclusive, can be viewed on the Department's website: www.envron.ie "What we do" - "Building Standards" or purchased from the Government's Publications Sales Office, Sun Alliance House, Molesworth St., Dublin 2 [Tel: 01 6476000].

HOUSES OF ARCHITECTURAL / HISTORIC IMPORTANCE

In the case of older houses, particularly those of architectural / historic importance the application of the guidance set out in TGD8 (Fire Safety) on Part B of the Building Regulations will not always be appropriate, and alternative approaches to meeting the fire safety requirements of the Building Regulations will need to be considered. If your house is a protected structure (or a proposed protected structure), under the Planning Act 2000, you may require planning permission for an attic / loft conversion. You, or your professional adviser, should contact the Conservation Officer in the local planning authority, well in advance of designing or carrying out the works.

be helpful if you should decide to sell your house, at some future date.

Professional advice should, for example, help to ensure that primary access to, and emergency exit from, the converted roof space is by means of a secure stairway (not just pull down steps); and to identify / resolve any important structural safety issues (e.g. structural strength of ceiling joists to support flooring, any proposed adjustment of timber trusses supporting roof). The extra cost of professional services should pay for itself by helping to ensure that the conversion is up to standard and is safe for you and your family.

provisions for loft conversions in existing two-storey dwelling houses, where the conversion provides not more than two habitable rooms and the additional accommodation is less than 50m². These relate to the means of enclosing the stairs to the new storey and upgrading of the protection to the existing stairway.

The habitable rooms in the new storey should each be provided with a window or roof light that is suitable for escape or rescue. Guidance is given on the dimensions for the size and position, relative to the eaves and new floor level, for these windows / roof lights (roof windows).

Each new attic room to have a window or rooflight for escape or rescue. This means:

- Unobstructed opening minimum 850 mm high and 500 mm wide
- Any fastenings to be readily operable from the inside
- Bottom of a window opening to be between 800 and 1100 mm above the floor
- Bottom of a rooflight opening to be minimum 600 mm above the floor
- From the eaves to the sill of a dormer window or rooflight, the distance to be maximum 1700 mm
- Ground under the window to be clear of any obstructions, to support a ladder safely, to be big enough to provide a place of safety
- Provide guarding around any balcony accessed by french window or patio door
- Provide interconnected mains powered smoke alarms with battery back up at all storey levels within the stairs enclosure to give an LDS system or better to BS 5839: 1995.

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 41. Do loft / attic conversions come within the scope of the requirement for statutory certification?

- The position regarding loft/attic conversions has not changed. Loft/attic conversions do not generally come within the requirement for statutory certificates. Where upgrade works may combine a loft/attic conversion with an extension, it is the size of the extension only (i.e. not counting the pre-existing attic space) that would determine whether the requirements for statutory certificates apply. The Department of the Environment, Community and Local Government has produced a guidance note on Loft/Attic Conversions which can be accessed at
- www.housing.gov.ie/housing/building-standards/loft-conversion/loft-conversion-leaflet
- Homeowners, builders and designers are reminded that the relevant requirements of the building regulations generally apply to works irrespective of whether the works are subject to any building control procedures.
- **Note** works should not be of a nature as to create a New or greater contravention in relation to the requirements of the Building Regulations

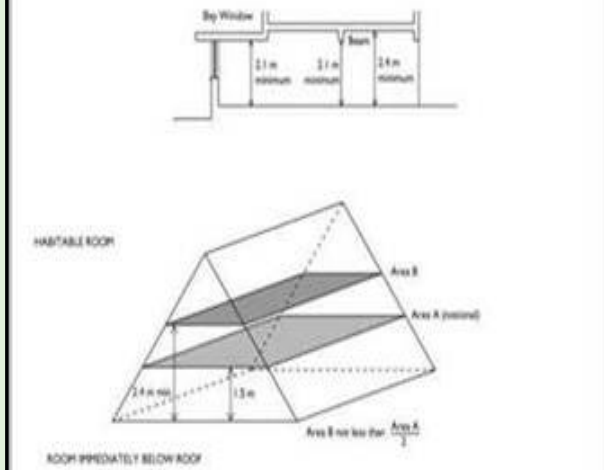
NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 42. Are Works to domestic dwellings, usually known as ‘loft conversions’ subject to specific requirements of the Building Regulations?’

- Works to domestic dwellings, usually known as ‘loft conversions’ are subject to specific requirements of the Building Regulations. These requirements are the minimum standards required to ensure the health and safety of persons in or around buildings. Ordinarily, Part A 2012 (Structure), Part B 2017 (Fire Safety – Volume 2 – Dwellings Houses), Part F 2019 (Ventilation), Part K 2014 (Stairways, Ladders, Ramps and Guards) and Part L 2019 (Conservation of Fuel and Energy - Dwellings) specify requirements relevant to attic conversions. Each of these requirements are supported by a Technical Guidance Document, which provides a prima facie means to comply with the Building Regulations. The Building Regulations are subject to ongoing review in the interests of safety and the well-being of persons in the built environment and to ensure that due regard is taken of changes in construction techniques, technological progress and innovation.
- The provisions of TGD F, which give guidance with respect to room heights, are necessary to ensure adequate ventilation. Para 1.2.1.7 of TGD F states that ‘Ceiling height is one of a number of factors, which affects ventilation of habitable rooms.
- The suggested dimensions in Diagram 3 are consistent with good room design, the use of standard materials and good building practice.
- Technical Guidance Document B, 2017 provides specific guidance for loft conversions under Para 1.3.6.5, and Appendix D.
- This Department is also preparing an update to its loft conversion guidelines, which should be published in early 2021.
- Enforcement of the Building Regulations is delegated under the Building Control Act 1990 – 2014 to the local building control authorities (i.e. the 31 local authorities) who are independent in the exercise of their statutory powers.

Diagram 3: Suggested height of habitable rooms



**NOTE: IF IN DOUBT,
CONTACT YOUR LOCAL
BUILDING CONTROL
AUTHORITY**



FAQ 43. Does a derelict dwelling require a BER?

243 of 2012 - *“dwelling” means a building, or any part of a building, which is used or suitable for use by persons as a place to live.*

If a dwelling is not suitable to live in it may be considered to be outside the scope of the regulations. If it was bought with a view to being made habitable it would require a BER cert before it is occupied or used or sold or let.

1. S.I. No. 243 of 2012, European Union (Energy Performance of Buildings) Regulations 2012, Part I, Article 4. Exempted buildings does not include Derelict buildings in the list of exemptions.
2. Building Regulations should not be confused with Derelict Sites Legislation as a dwelling on the Derelict Site Register may or may not be a habitable dwelling
3. SI 243 of 2012 (the recast of SI 666) defines a dwelling as(paraphrasing)
4. S.I. No. 243 of 2012, European Union (Energy Performance of Buildings) Regulations 2012, Part I, Article 4. Exempted buildings does not include Derelict buildings in the list of exemptions.

Note: works to a derelict dwelling may require planning permission and therefore a Commencement Notice



FAQ 44. Can a Commencement Notice be withdrawn?

Validation of a Commencement Notice and placement on the [Statutory Building Control Register](#) is a statutory process. There is no provision to withdraw a Commencement Notice, nor can the details included on the public register be changed by anyone once validated.

The drawings and documents which form part of the validated Commencement Notice are not for general public view.

If an omission inaccuracy is brought to the attention after validation by the Building Control Authority, they can note this in the BCMS notes.



FAQ 45. How to save a search in BCMS?

1. In the Building Projects Module click on 'Advanced search'
2. Hit the CLEAR button
3. In the LOCAL AUTHORITY filter box select the relevant LA
4. On the bottom Left Hand side of the search panel there are 2 boxes called "*Display Columns*" and "*Hide Columns*". Click on each of the items in the Display Column box and move it to the Hide Columns if you don't want this information visible when you run the search and visa versa from the Hide column if you do want to display this information (Important information to display is Date submitted, Project Name, Submission No, Status and Validation Status)
5. Set the "*Order by column*" option (Dated submitted is useful)
6. Set the "*Direction*" option (Ascending is useful)
7. Set the "*Save Search As*" option to name the Search as something meaningful
8. Hit the SAVE button
9. To run the saved search select the name saved in Step 7 above from the "*Saved Searches*" dropdown

Note : When running the search simply select the *Name* from the *Saved Searches* dropdown. There is no need to also hit the search button. If you do hit the search button the system will run the standard default search.



FAQ 46. What factors should govern a Building Control Authority's Inspection?

Refer to FAQ 33
& 33(a)
And Code of
Practice for
Inspecting and
Certifying
Buildings &
Works
September 2016

No guidance on what constitutes a proper full inspection

- Should cover as many parts of the Building Regulations as practical
 - BCA inspectors-inspect housing developments @ various stages of construction;
 - full inspection may not take place on the same development.
- 1. Inspection @ foundation stage prior to pouring of footings may include compliance with Part A , C and possibly H
- 2. Inspection @ dpc, radon barrier-may include compliance with Part C
- 3. Inspection during construction may include compliance with Part B,C,E, J & L i.e. fire barriers, moisture penetration, sound & thermal insulation, cavities, ties, flashing etc.
- 4. Inspection close to completion stage may cover compliance with Part E, F, L,K & M i.e. fire separation, vents, flues,
- Preliminary Inspection Plan should have regard to above



FAQ 47. What languages can a Building Control Authority be expected to communicate in?

.“9 (3) Where a public body communicates in writing or by electronic mail to the general public or a class of the general public to give information to the public or the class , the body will ensure that the communication will be in Irish, or in English and Irish”.



FAQ 48. What information should be contained on an Authorised Persons card for Building Control Officers?

Good Example Authorised Persons Card for information of Building Control Officers

- 1. Authorised Persons for Purposes of Building Control**
- 2. Construction Products Regulations**
- 3. Planning Enforcement-**

Note 1) 1 & 2 a must for Building Control Officers

Note 2) as many BCOs have other duties i.e. TIC etc. 3 very useful to have & don't need to be in Planning Enforcement, just pass report and comments to them for further action.

The holder of this card has been appointed by Dublin City Council, an Authorised Person for the purposes of the Building Control Acts, 1990-2007, Section 235 of the Planning and Development Act 2000, as amended, and an Authorised Officer under Regulations 29 and 30 of the European Union (Energy Performance of Buildings) Regulations 2012, and Regulations 11 and 12 of the European Union (Construction Products) Regulations 2013

Authorised by:

Jim Keogan – Executive Manager

(to whom appropriate powers are delegated by Order of the Dublin City Manager)



FAQ 49. Can a Certificate of Compliance on Completion be rescinded, once validated? – Only by CE Order

There is no provision to rescind a Statutory Certificate;

However if on submission of a Statutory Certificate it is found that the signature unwittingly omitted or found that there was something in the Certificate that was incorrect; proper public administration would facilitate an amendment. An amendment to a Statutory Notice/Application/Certificate can only be made by CE order-i.e. delegated person (Delegated Building Control Officer) for the purpose of the Building Control Acts 1990-2014

A request in writing should to be submitted to the Building Control Authority with reasons for withdrawing or amending.

This should to be recorded, assessed and a report prepared.

This report should go for recommendation with reasons to the Delegated Building Control Officer.

Any amendment should be made by CE Order with amendment and reasons attached to the Notice/ Application/ Certificate



FAQ 50. Can a Chairman of a Board of Management sign as the 'Owner' of the Statutory documents?

The role of chairman of a board of any company (community, voluntary, charity, commercial) comes with roles and responsibilities and if the board are the owners of the building, then a delegated board member must sign this statutory document. This is usually defined in the memorandum or articles of association.

The person that signs the document as the owner must be competent to do so and be in a position to accept any enforcement notices etc. on behalf of the board. There is no difference for the owner of a private house or company.

A check with the legal advisor and the board articles and memorandum of association is recommended.



FAQ 51. What happens if false or misleading information is included on a Statutory Form, or Supporting Document?

Validation is solely based on the assumption that the facts stated in and the attachments forming part of the Notice /Application /Certificate are true and accurate.

If at any time after validation it is found that there are inaccuracies, it may cause the Notice /Application /Certificate to be subsequently invalidated and may be subject to enforcement proceedings.

Enforcement carries a cost.

FAQ 52. What happens if a Director of a company, who signs the initial statutory assignments/ undertakings on behalf of the company, for whatever reason becomes no longer associated with that company prior to a Certificate of Compliance of Completion (CCC) being submitted to the local authority?

- In cases where the initial signatory is on behalf of a **building owner** or **builder**, this is not considered a change of owner and the CCC may be signed by an existing Director of the same company. However for the **Builder**, for the purpose of completing the CCC the change of role protocol should be initiated to ensure that a current member of the company is undertaking the process.
- In cases where the **Assigned Certifier** changes during the course of the project for whatever reason, a change of role protocol should be initiated. Refer to Section 4.7 of the Code of Practice for Certifying and Inspecting Buildings and Works for guidance.
- If the **Owner and/or Builder company is dissolved** and the same directors intend completing the building project through a **new Owner and/or Builder company** or as individual **Owner and/or Builder sole traders**, then this would constitute a new legal entity and a **change of Owner, Builder notification** would be required.



FAQ 53. From which date should a Building Control Authority calculate the 'Decision Due Date' for a Fire Safety Certificate - the Date of receipt of an application, or the date of validation of an application?

In accordance with the principle of fairness and efficient public administration, the start of the 2 month period should be taken from date of receipt of an application not the date of validation.



FAQ 54. Can an applicant appeal a condition attached to a Fire Safety Certificate which was the subject of a 7 Day Notice?

Yes, the right of appeal is dealt with under Part III- Fire Safety Certificates, **Article 20**, Building Control Regulations 1997 to 2015.



FAQ 55. Is there a time frame, specified in statute, within which a Building Control Authority must notify an applicant of the receipt of a valid Commencement/7 Day Notice?

- In accordance with proper public administration a Building Control Authority should issue an Article 9 non-compliance notice within 7 days and specify a two week timeframe for reply whereupon the Building Control Authority on receipt or non-receipt will make a decision.
- In accordance with proper public administration a Building Control Authority should issue their decision within 7 days of receipt of application.



FAQ 56. Can a DAC / FSC application be withdrawn by the applicant, and if so, at what stage, e.g., pre validation / post validation, pre-recommendation / post recommendation, pre-grant?

It is not possible to withdraw a FSC/ DAC application. However a revised FSC/ DAC may be applied for in accordance with Article 20B and 20E respectively.

FAQ 57. What happens if I change my builder or Assigned Certifier during the construction works?

The owner of the building must notify the Building Control Authority within 14 days of such changes and must submit new Notices of Assignment and undertakings. Failure to do so is an offence.



FAQ 58. What happens if ownership of the building, development or works changes during construction?

Under the new Regulations, the new owner of the building must notify the Building Control Authority within 14 days, in writing. Failure to do so is an offence.



FAQ 59. Commencement Notice – Project Particulars; Application Nature of Works 3.a & 5.b -Description of Proposed Works; require sufficient description to enable validation assessment without ambiguity

- **Address:** Denotes the building address of the building or works.
- **Townland :** Denotes the Townland of the building or works.
- 3A PROJECT PARTICULARS – 5(B) NATURE OF PROPOSED WORKS BRIEF DESCRIPTION TO INCLUDE:**
- **Works (type) to be carried out;**
 - **Erection** of a building (type)
 - **Extension** to a building (detail type and an outline of the building that is being extended)
 - Material **Change of Use** to a Building (Detail clearly existing use to proposed use)
 - **Material Alteration** (clearly detail works to be carried out under A & B)
- **Class/Use:**
 - Dwelling; Flat; Shop; Offices; Retail Premises; Industrial Units; Hospital; Stadia
 - School –educational institution (residential or non-residential) & teacher or classroom numbers
 - Storage, Assembly, Recreational Etc.
- **Composition: Gives a brief description of the building or works**
 - Detached, semi-detached, terraced middle, terraced end, multi-unit
 - Stories- number; Basement; Balconies; Treatment systems
 - Ancillary buildings
 - Note any other unique features which impact on Part A-M compliance
 - Number buildings; Number of Units; Number of Phases
 - Glazing
 - Etc
- **Type of Construction**
 - Masonry
 - Timber Frame
 - Composite
 - Modular- Factory Production
 - Frame-Steel/concrete etc

Description Examples

3 (a) Project Particulars or Development Description of proposed development should include

Works type include, the **class/use** of these works, an outline of the **description or composition** and the **type of construction**.

1. Erection of a of 6 terraced single storey, timber-frame, three bedroom dwellings with porches; and the erection of one, 4 storey structural frame, multi-unit block with balconies, comprising of 24 apartment units over a basement carpark and associated site works including new site entrance to be constructed in two phases. - 7 buildings
2. Erection of a two-storey detached dwelling of masonry construction with waste treatment system (description) and detached garage. - 2 buildings.

5(b) Nature of Proposed Works; Brief description

2. Material Alteration of ground floor restaurant premises in existing 3 storey building, upper floors are in retail use
3. Change of use of existing shop storage area at first floor level to a single dwelling unit (Area XX.Xm²) and access at ground floor (Area X.Xm²)
4. Erection of 4 single storey Masonry detached dwellings forming Phase 1 (House No.s 1, 2, 3 & 4) at (address)
5. Single storey extension to rear of newsagent shop for storage at ground floor level. (Area M2 XX.Xm²)



FAQ 60. What are the contents of the Framework for Building Control Authorities, June 2016?



Version 1.1 June 2016



Introduction -Purpose of Framework
2.Role of Building Control Authority
3.Consistency and Standardisation
4.Risk Assessment
5.Technical Assessment
6.Statutory Building Control Register
7.Appeals to An Bord Pleanála
8.Phased Completion
9.Archiving of Records
10.Administrative Validation and Assessment
Appendix I-EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)
Appendix II-EU (Energy Performance of Buildings) Regulations 2012 S.I. No. 243 of 2012
Appendix III-General Role and Guidelines
Appendix IV-Milestones throughout the Building Project;
Appendix V-Building Regulation Elements for Compliance
Appendix VI -Sample Inspection Form Developed for BCMS mobile phase
Appendix VII- Legislation Relevant to Built Environment;
Appendix VIII-Authorised Officers for the Built Environment
Appendix IX-Sample Letters and Notices



FAQ 61. What are the definitions for Stakeholders in the Building Control Process?

Building Owner

“Building Owner” means the person who has commissioned or paid for the works and who has legal entitlement to have such works carried out on their behalf;

Design Certifier

“Design Certifier” means the person who signs the Certificate of Compliance (Design);

Assigned Certifier

"Assigned Certifier" means the competent, registered professional person so assigned, in accordance with the Building Control Regulations;

Builder

“Builder” means a competent builder appointed, for purposes of the Building Control Regulations, by the building owner, to build and supervise the works;

Competent

“Competent Person”: a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;



FAQ 62. What considerations should a Building Control Authority have in proper public administration and governance?

Public Administration for the Citizens in the interest of legislative compliance for the common good.

Citizens must have Confidence in an independent and impartial public administration system.

Some Citizens will be Customers of Individual Service Areas

- Procedural Fairness (Natural Justice): *Two rules of natural justice:*
 - I. *Nemo iudex in causa sua* – “let nobody be a judge in their own case”-the requirement that decision makers be independent and unbiased i.e. Public confidence is clearly established as the conceptual foundation for the rule against bias.-164 Toy-Cronin, supra note 20 at 873
 - I. Subjective Approach: Would require proof of a danger that the decision-maker was actually biased, without requiring firm evidence as to whether he was or not.
 - II. Objective Approach: Asking if a reasonable person impugned by the decision or a disinterested but reasonable observer might suspect that justice was not served.
 - III. The reasonable apprehension test is the third option – and in many cases is virtually identical to the “real danger” test. This test better reflects the guiding principle in such cases however, that justice should not only be done, but also be *seen to be done*. It therefore aids in and solidifies the importance of public perception in the identification of bias.
 - II. *Audi alteram partem* – “hear the other side”-The requirement that the decision maker provide adequate opportunities for those affected to present their case and respond to the evidence and arguments being advanced by other participants or in the knowledge or possession of the decision maker.
 - I. Note: Art. 6.1 of the ERHC *Right to a “fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*
- Judicial Review: -Only decisions of public bodies can be challenged by judicial review.
 - Remedies
 - I. Certiorari – Quash the challenged decision.
 - II. Mandamus – “We command/order” – rarely sought. Order a public body to fulfill a duty which it is required by law to fulfill but has not or refuses to fulfill. Example: “*Hussey & Anor -v- Dublin City Council, [2007] IEHC 425 (2007)* “(shall be the duty) or You applied to the Minister – he is obliged to make a decision.
 - III. Prohibition – effect of this is to prevent a public body which exercises judicial functions from doing something it proposes to do, because the proposed act would be illegal or in breach of the requirements of natural justice
 - Grounds for Judicial Review-There are 6 general grounds for judicial review – these are not exhaustive:
 - I. Ultra Vires
 - II. Illegality
 - III. Breach of Natural Justice
 - IV. Abuse of Discretion
 - V. Legitimate Expectation
 - VI. Error of Law



FAQ 63. Note 1 of 2018-Material Change of Use

Where a material change of use to a building takes place, Article 13(1) of the Building Regulations 1997 (as amended) provides that the requirements of:

- **Parts A1 and A2** (Structure),
- **Part B** (Fire Safety),
- **Part C4** (Site Preparation and Resistance to Moisture),
- **Part E** (Sound),
- **Part F** (Ventilation),
- **Part G** (Hygiene),
- **Part H** (Drainage and Waste Water Disposal),
- **Part J** (Heat Producing Appliances), and
- **Part L** (Conservation of Fuel and Energy)
- **Part M** (Access & Use) *shall apply to the building, where there is a material change of use to a day center, a hotel, hostel or guest building, an institutional building, a place of assembly, a shop (which is not ancillary to the primary use of the building), a shopping center.*

Application of Part M to a Material Change of Use **Section 3(3) of the Building Control Act (No. 3 of 1990) defines a Material Change of Use as:**

“(3) In addition to the provisions of any regulations made for the purposes of subsection (1)(d), there shall be deemed to be a material change in the purposes for which a building is used if, on or after the operative day—

(a) a building, being a building which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been appropriated to other purposes, becomes used as a dwelling,

(b) a building, being a building which was originally constructed for occupation as a dwelling by one family only, becomes occupied by two or more families, or

(c) where building regulations contain special provisions in relation to buildings used for any particular purpose, a building to which the regulations apply and which was not being used for that purpose, becomes so used.”



FAQ 63. Note 1 of 2018-Material Change of Use continuing.

A Material Change of Use is further elaborated on in Article 13 of S.I. No. 497 of 1997, as follows:

“(2) A material change of use as regards a building shall be deemed to take place if—

(a) a change of use, deemed by Section 3(3) of the Act to be a material change of use, takes place, or

(b) a building which was not being used as—

(i) a day center, becomes so used, or

(ii) a hotel, hostel or guest building, becomes so used, or

(iii) an industrial building, becomes so used, or

(iv) an institutional building, becomes so used, or

(v) an office (which is not ancillary to the primary use of the building), becomes so used, or

(vi) a place of assembly, becomes so used, or

(vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or

(viii) a shopping center, becomes so used.”

And it states the parts of the regulations that applies to a change of use namely:

“(1)(a) the requirements of the following Parts of the Second Schedule shall apply to the building:

- Parts A1 and A2
- Part B
- Part C4
- Part F
- Part G
- Part H
- Part J
- Part L

Note: Part M is not included

S.I. No. 497 of 1997, was amended by S.I. No. 513 of 2010 by the addition of:

“In addition, Part M shall apply to the building, where a material change of use as described in subparagraph (2)(b)(i), (ii), (iv), (vi), (vii) or (viii) of this article takes place.”

[and more recently by S.I. No. 606 of 2014 to include “Part E”].

Thus Part M only applies to certain types of buildings referred to in **13(2) of S.I. 497 of 1997**, as highlighted above. **Part M** does not apply to where there is a change of use to:

(iii) an industrial building

(v) an office (which is not ancillary to the primary use of the building, or

a change of use deemed by Section 3(3) of the Act .

Therefore, a Disability Access Certificate is not required in these circumstances.



FAQ 64. Registration of Designers and Assigned Certifiers

Declaration made by Designers and Assigned Certifiers:

I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969.

Building Control Act 2007

Part 3 – Registration of Architects

Part 5 – Registration of Building Surveyors

The Institution of Civil Engineers of Ireland (Charter Amendment) Act, 1969

Chartered members of the Institution shall be known as “Chartered Engineers” and shall have the right so to describe themselves and to use after their names the abbreviation “C.Eng.”. Such right shall be confined to such Chartered Members and to persons within the State in respect of whom the Council is satisfied that they are authorized to describe themselves as Chartered Engineers by a professional body recognized by the Council in that behalf. The Council shall keep a register of such persons and the Bye-laws may provide for payment of fees for such registration.

Building Surveyors: <https://scsi.ie/the-register/check-the-register/is-your-bs-registered/>

Architects: <https://www.riai.ie/work-with-an-architect/register-of-architects>

Chartered Engineers: <https://www.engineersireland.ie/Professionals/Membership/Members/Find-a-member/Search-members/>



FAQ 1. What is the context of Building Control in the Built Environment?

Must Commence within
14-28 days of Validation of
Commencement Notice

Must Complete to Comply with the
Requirements of the 2nd Schedule to the
Building Regulations Part A-M →

- Connections to Water, Waste Water, Surface Water, Community Heating, -Utilities - Electricity, Gas, Broadband etc.
- Service Roads, Places of Refuge- Fire, Emergency Vehicles, Access etc.
- Phased development must stand alone for full compliance
- Waste permits etc...

Part A— Structure (2010)
Part B—Fire Safety (2017)
Part C—Site preparation and Resistance to Moisture Resistance (2004)
Part D—Materials and Workmanship (2013)
Part E—Sound (2014)
Part F—Ventilation (2009)
Part G—Hygiene (2011)
Part H—Drainage and Waste Water Disposal (2010) Amendment (2016)
Part J—Heat Producing Appliances (2014)
Part K—Stairways, Ladders, Ramps and Guards (2014)
Part L—Conservation of Fuel and Energy (2017)
Part M—Access and Use (2010)

Buildings in Context-Interdisciplinary field- Planning, Building Control, Fire, Environment,
No Profession or Academic Discipline has a Monopoly-
Planning & Strategic Development
Environment, Structures, Design, Aesthetics, Economics, Contract Management & Use...
Other Regulatory Compliances include Health & Safety, Taking In Charge, Roads, Services , Derelict/Dangerous Structures Acts, Multi Unit Developments Act, Housing Provision...



FAQ 2. What are the key components of the Building Control Regulations / Building Regulations

BCMS Building Control Act 1990-2007

Building Regulations

**Technical Guidance Documents -Applications- S4
Dispensation from and- S4 Relaxation of a requirement of
the Building Regulation**



- **Part A** – Structure (2012)
- **Part B** - Fire Safety (2017)
- **Part C** - Site Preparation and Moisture Resistance (2004)
- **Part D** – Materials & Workmanship (2013)
- **Part E** – Sound (2014)
- **Part F** - Ventilation (2009)
- **Part G** – Hygiene (2011)
- **Part H** - Drainage, Waste Water Disposal (2010)
- **Part J** - Heat Producing Appliances (2014)
- **Part K** - Stairways, Ladders, Ramps & Guards (2014)
- **Part L** - Conservation of Fuel & Energy (2017)
- **Part M** - Access & Use (2010)

Building Control Regulations

Notices- Section 6(k) Building Control Acts 1990-2014

Commencement Notice With Additional Compliance Documentation

Commencement Notice with Opt Out Declaration

Commencement Notice Without Additional Documentation

7 Day Notice which includes for (a)FSC (b)Declaration

Lodgement of Plans –

Design Certificate; Notices of Assignment; Undertaking Certificates

Schedule of documents; Preliminary Inspection Plan

Certificates - Certificate of Compliance on Completion-CCC

Annex Table of Documents

Inspection Plan as Implement

Applications

S6(2)(a)(ii) FSC –fire Safety Certificate

S6(2)(a)(vi) Revised FSC

S6(2)(a)(vi) Regularisation FSC

S6(2)(a)(ix) DAC-Disability Access Certificate

S6(2)(a)(x) Revised DAC

Statutory Public Register

-Validation by BCA

**Code of Practice for
Inspecting and Certifying
Works-September 2016**

Framework for BCAs –June 2016



FAQ 3. What are the Building Regulations?

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings. Building Regulations provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities.



FAQ 4. What are the Building Consequence Classes?

Technical Guidance Document A, 2012, Table 6 – Building Consequence Classes (Par. 2.2)

Consequence Class	Building type and occupancy
1	Single occupancy houses not exceeding 4 storeys; Agricultural buildings; Buildings into which people rarely go, provided no part of the building is closer to another building, or area where people do go, than a distance of 1.5 times the building height.
2a Lower Risk Group	5 storey single occupancy houses; Hotels not exceeding 4 storeys; Flats, apartments and other residential buildings not exceeding 4 storeys; Offices not exceeding 4 storeys; Industrial buildings not exceeding 3 storeys; Retailing premises not exceeding 3 storeys of less than 1000 m ² floor area in each storey; Single storey educational buildings; All buildings not exceeding two storeys to which the public are admitted and which contain floor areas not exceeding 2000 m ² at each storey.
2b Upper Risk Group	Hotels, flats, apartments and other residential buildings greater than 4 storeys but not exceeding 15 storeys; Educational buildings greater than single storey but not exceeding 15 storeys; Retail premises greater than 3 storeys but not exceeding 15 storeys; Hospitals not exceeding 3 storeys; Offices greater than 4 storeys but not exceeding 15 storeys; All buildings to which the public are admitted and which contain floor areas exceeding 2000 m ² but not exceeding 5000
3	All buildings defined above as Class 2 Lower and Upper Consequences Class that exceed the limits on area and number of storeys; All buildings to which members of the public are admitted in significant numbers; Stadia accommodating more than 5000 spectators; Buildings containing hazardous substances and /or processes

Notes

(i) For buildings intended for more than one type of use the 'consequences class' should be that relating to the most onerous type

(ii) In determining the number of storeys, basement storeys may be excluded provided such basement storeys fulfil the requirements of 'Consequences Class 2b Upper Risk Group'

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY



FAQ 5. Can an Owner build their own house by direct labour?

Yes.

The owner may appoint themselves as the builder if they believe they are competent to carry out that role and sign the Certificate of compliance (Undertaking by Builder). As the builder, they are responsible for compliance with the Building Regulations. They must sign the Certificate of Compliance on Completion and must also appoint an Assigned Certifier to inspect the works during construction.

If an owner decides to opt-out of statutory Certificate of Compliance on Completion, they must declare that they understand their statutory requirements and will ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Building Regulations.



FAQ 6. What are the most common building defects observed by Building Control Authorities?

1. Underfloor fill - panel fixings, pyrite.. (Part A, C, D)
2. Moisture ingress-radon, dpc. (Part C)
3. Fire resistance-eaves, party walls, ducting (Part B)
4. Sound transmission, flooring detail, insulation (Part E, L)
5. Condensation & mould growth (Part F)
6. Frozen pipes, attic tank, stopcocks (Part G)
7. Septic tanks overload, flooding (Part H)
8. Flues, location, size, burners (Part J)
9. Balcony, Stair rails-wrong height, glass (Part K)
10. Steps to entrances (Part M)
11. BER calculations don't exist, stud fixings, cavities clear of mortar (Part L)
12. Timber frame-fixings, vapour control, cavity barriers, fire stopping,
13. Blocks with no certification (Part A,D)





FAQ 7. What elements should be inspected by Building Control Inspectors, at the various stages of construction?

Refer slide35 and “Code of Practice for Inspecting and Certifying Buildings or Works September 2016”

Stage No	Building Elements	Relevant Part of Building Regulations	Elements to be Inspected / Checked
1. Design Stage	Paper Assessment- S11 Requests	A-M	A-M
2. Formation Level	Substructure & Drains	A,C,D,H	Ground bearing, Drainage
3. Foundations	Excavation Ready for Inspection	A,C,D,H,,B,K,L,M	Foundations, pipe covers
4. Ground Floor Level	Superstructure walls and floor Joists laid	A,C,D,H,,B,K,L,M	Access, ventilation, walls
5. Wall Plate Level	Services, ventilation etc	A,B,D,E,F,M	Fire, insulation, floors-sound
6. Roof	Roof Construction & bracing complete	A,B,J,K	Fire, bracing, water storage
7. Certification	First Fix Services Complete & Ready for Occupation	A-M	Installation manuals



FAQ 8. What process / methodology should you consider to ensure compliance with Building Regulations for Multi-Unit developments?

TABLE 1-METHODOLOGY FOR COMPLIANCE WITH BUILDING REGULATIONS	APPLICABLE Y/N	ESSENTIAL REQUIREMENTS FOR FULL COMPLIANCE IN THE CONTEXT OF THE DEVELOPMENT BEING CONSIDERED	Multi-Units-Phases i.e. Units 1.....n; note temporary for finished compliance-individual parts of CN
A- STRUCTURE			
B -FIRE SAFETY			
C- SITE PREPARATION & RESISTANCE TO MOISTURE			
D- MATERIALS AND WORKMANSHIP			
E- SOUND			
F- VENTILATION			
G- HYGIENE			
H- DRAINAGE AND WASTE DISPOSAL			
J- HEAT PRODUCING APPLIANCES			
K- STAIRWAYS, LADDERS, RAMPS AND GUARDS			
L- CONSERVATION OF FUEL AND ENERGY			
M -ACCESS AND USE			

ISSUES FOR CONSIDERATION-How do you propose to Comply?

- Preference for single CCC for each single legally distinct property
- Complete in one un-interrupted phase or many
- Taking In Charge?
- Single Commencement Notice –require multiple CCC?
- Length of time that might elapse between commencement of first units on a large development & last units & full completion/ Taking In Charge
- Disposing of parts of Large Developments to different Builders?
- Building Control Regulations 1997-2015-must Commence on a specified date between 14-28 days of submission of Commencement Notice
- If Phases proposed –consider separate Commencement Notices
- If different Builders proposed-consider separate Commencement Notices



FAQ 9a. Part A-Building Regulations

Structure-S.I. No. 138 of 2012

A1	Loading;
	(1) A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that the combined actions that are liable to act on it are sustained and transmitted to the ground -
	(a) safely, and
	(b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.
	(2) In assessing whether a building complies with sub-paragraph (1), regard shall be had to the variable actions to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.
A2	Ground movement;
	A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that movements of the subsoil caused by subsidence, swelling, shrinkage or freezing will not impair the stability of any part of the building.
A3	Disproportionate Collapse;
	(1) A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that in the event of an accident the structure will not be damaged to an extent disproportionate to the cause of the damage.
	(2) For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the substructure.
A4	Definitions for this Part
	“actions” means a set of forces (loads) applied to the structure (direct actions) or a set of imposed deformations or accelerations (indirect actions).
	“variable actions” means actions for which the variation in magnitude with time is neither negligible nor monotonic such as imposed loads on building floors, wind actions or snow loads.



FAQ 9b. Part B-Building Regulations

Fire -S.I. No. 115 of 2006

	Means of Escape in Case of Fire;
B1	A building shall be so designed and constructed that there are adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used.
	Internal Fire Spread (linings);
B2	For the purpose of inhibiting the spread of fire within a building, the internal linings –
	(a) shall have, either a rate of heat release or a rate of fire growth and a resistance to ignition which is reasonable in the circumstances
	(b) shall offer adequate resistance to the spread of flame over their surfaces
	Internal Fire Spread (Structure);
	(1) A building shall be so designed and constructed that, in the event of fire; its stability will be maintained for a reasonable period.
B3	(a) A wall common to two or more buildings shall be so designed and constructed that it offers adequate resistance to the spread of fire between those buildings.
	(b) A building shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the building.
	(3) A building shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.
	(4) For the purposes of sub-paragraph 2(a), a house in a terrace and a semi-detached house are each to be treated as being a separate building.
	External Fire Spread;
B4	The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire to and from neighbouring buildings.
	Access and Facilities for the Fire Service;
B5	A building shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life and property.



FAQ 9b(2). Part B (Dwellings)-Building Regulations

Part B (Dwellings) - Fire -S.I. No. ??? of 2017

B6	Means of Warning and Escape in Case of Fire;
	A dwelling house shall be so designed and constructed that there are appropriate provisions for the early warning of fire and there are adequate means of escape in case of fire from the dwelling house to a place of safety outside the building, capable of being safely and effectively used.
B7	Internal Fire Spread (linings);
	For the purpose of inhibiting the spread of fire within a dwelling house, the internal linings:
	(a) shall have, either a rate of heat release or a rate of fire growth and a resistance to ignition which is reasonable in the circumstances; and (b) shall offer adequate resistance to the spread of flame over their surfaces
B8	Internal Fire Spread (Structure);
	(1) A dwelling house shall be so designed and constructed that, in the event of fire, its stability will be maintained for a reasonable period.
	(2) (a) A wall common to a dwelling house and to one or more adjoining buildings shall be so designed and constructed that it offers adequate resistance to the spread of fire between those buildings.
	(b) A dwelling house shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the dwelling house.
	(3) A dwelling house shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.
B9	(4) For the purposes of sub-paragraph 2(a), a dwelling house in a terrace and a semi-detached dwelling house are each to be treated as being a separate building.
	External Fire Spread;
B10	The external walls and roof of a dwelling house shall be so designed and constructed that they afford adequate resistance to the spread of fire to and from neighbouring buildings.
	Access and Facilities for the Fire Service;
B11	A dwelling house shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life and property.
	Definitions for this Part
B11	In this Part - “dwelling house” means a dwelling that is not a flat.



FAQ 9c. Part C-Building Regulations Site Preparation & Resistance to Moisture

Part C - Site Preparation and Resistance to Moisture

C1	Preparation of Site;
	The ground to be covered by a building shall be reasonably free from vegetable matter.
C2	Subsoil Drainage;
	Subsoil drainage shall be provided if necessary so as to prevent the passage of ground moisture to the interior of the building or damage to the fabric of the building.
C3	Dangerous Substances;
	Reasonable precautions shall be taken to avoid danger to health and safety caused by substances (including contaminants) found on or in the ground to be covered by a building.
C4	Resistance to weather and ground moisture
	The floors, walls and roof of a building shall be so designed and constructed as to prevent the passage of moisture to the inside of the building or damage to the fabric of the building.
C5	Definitions for this Part
	In this Part -
	“contaminant” includes any substance which is or could become flammable, explosive, corrosive, toxic or radioactive and any deposits of faecal or animal matter;
	“floor” includes any base or structure between the surface of the ground or the surface of any hardcore laid upon the ground and the upper surface of the floor and includes finishes which are laid as part of the permanent construction;
	“moisture” includes water vapour and liquid water.



FAQ 9d. Part D-Building Regulations- Materials and Workmanship

Part D - Materials and Workmanship-S.I. No. 224 of 2013

D1	Materials and Workmanship;
	All works to which these Regulations apply shall be carried out with proper materials and in a workmanlike manner.
D2	Letterplates
	A letter plate aperture shall be so positioned at a reasonable height above ground level so as not to endanger the health and safety of persons using such apertures.
D3	Definitions for this Part
	In this part: “proper materials” means materials which are fit for the use for which they are intended and for the conditions in which they are to be used, and includes materials which:
	(a) bear a CE Marking in accordance with the provisions of the Construction Products Regulation;
	(b) comply with an appropriate harmonised standard or European Technical Assessment in accordance with the provisions of the Construction Products Regulation; or
	(c) comply with an appropriate Irish Standard or Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability
	“Agreement on the European Economic Area” means the Agreement on the European Economic Area between the European Union, its Member States and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway as published in the Official Journal of the European Communities (O.J. No. L1, 03.01.1994, page 3).
	“Construction Products Regulation” means Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.



FAQ 9e. Part E-Building Regulations - Sound

Part E - Sound- S.I. No. 606 of 2014 1st July 2015

E1	Sound
	Each wall and floor separating a dwelling from -
	(a) another dwelling or dwellings,
	(b) other parts of the same building,
	(c) adjoining buildings,
	shall be designed and constructed in such a way so as to provide reasonable resistance to sound.
E2	Reverberation.
	The common internal part of a building which provides direct access to a dwelling shall be designed and constructed so as to limit reverberation in the common part to a reasonable level.
E3	Definitions for this Part
	In this Part –
	“Reverberation” means the persistence of sound in a space after a sound source has been stopped.



FAQ 9f. Part F-Building Regulations- Ventilation

Part F - Ventilation-S.I. No. 556 of 2009

F1	Means of Ventilation;
	Adequate means of ventilation shall be provided for people in buildings. This shall be achieved by
	a) limiting the moisture content of the air within the building so that it does not contribute to condensation and mould growth, and
	b) limiting the concentration of harmful pollutants in the air within the building.
F2	Condensation in Roofs;
	Adequate provision shall be made to prevent excessive condensation in a roof or in a roof void above an insulated ceiling.”



FAQ 9g. Part G-Building Regulations - Hygiene

Part G – Hygiene - S.I. No. 335 of 2008

G1	Bathrooms and Kitchens;
	A dwelling shall be provided with –
	(a) a bathroom containing either a fixed bath or a shower bath, and a washbasin, and
	(b) a kitchen containing a sink of adequate size and a draining board, and
G2	(c) a suitable installation for the provision of hot and cold water to the bath or shower bath, washbasin and sink.
	Sanitary Conveniences and Washing Facilities;
	(1) Adequate sanitary conveniences shall be provided in a building in rooms provided for that purpose, or in bathrooms, and every room or bathroom which contains a sanitary convenience shall be adequately separated from any place where food is prepared or cooked.
	(2) Adequate washbasins shall be provided in –
	(a) rooms containing sanitary conveniences; or
	(b) rooms or spaces adjacent to rooms containing sanitary conveniences.
	(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with subparagraph (2).
G3	(4) Sanitary conveniences shall be of such design as to facilitate efficient use of water for flushing.
	(5) Sanitary conveniences and washbasins shall be of such design and be so installed as to allow for effective cleaning.
	Definition for this Part.
	In this Part, “sanitary convenience” means a water closet or a urinal.



FAQ 9h. Part H Building Regulations –Drainage and Wastewater Disposal

Part H – Drainage and wastewater disposal -S.I. No. 561 of 2010

H1	<p>Drainage System;</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
H2	<p>Wastewater Treatment Systems</p> <p>(1) A wastewater treatment system shall be so designed, sited and constructed that:—</p> <p>(a) it is not prejudicial to the health of any person,</p> <p>(b) it does not cause a risk to public health or the environment,</p> <p>(c) it prevents unauthorised access but allows adequate means of access for emptying and maintenance,</p> <p>(d) it will function to a sufficient standard for the protection of health in the event of a system failure,</p> <p>(e) it has adequate capacity,</p> <p>(f) it is impermeable to liquids, and</p> <p>(g) it is adequately ventilated.</p> <p>(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.</p>
H3	<p>In this Part –</p> <p>"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 -</p> <p>(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;</p> <p>"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;</p> <p>"soil water" means water containing excreted matter, whether human or animal;</p> <p>"wastewater" means used water not being soil water or trade effluent.</p>



FAQ 9j. Part J Building Regulations - Heat Producing Appliances

Part J – Heat Producing Appliances -S.I. No. 133 of 2014 1st September 2014

J1	Air Supply; A heat producing appliance shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any
J2(a)	Discharge of products of Combustion; A heat producing appliance shall have adequate provision for the discharge of the products of combustion to the outside air.
J2(b)	Warning of release of Carbon Monoxide Reasonable provision shall be made to avoid danger to the health and safety of the occupants of a dwelling caused by the release of carbon monoxide from heat producing appliances.
J3	Protection of Building; A heat producing appliance and any flue pipe shall be so designed and installed, and any fireplace and any chimney shall be so designed and constructed, as to reduce to a reasonable level the risk of the building catching fire in consequence of its use.
	Provision of information.
J4(a)	Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the type of heat producing appliance which can be safely served by the hearth, fireplace, flue or chimney shall be affixed in a suitable place in the building
J4(b)	Information on the system installed and any continuing maintenance required, to ensure its safe and effective operation and avoid risk to health, shall be provided to the owner.
J5	Fuel storage system — J5 Protection against spread, and any associated fire to the system. A fixed fuel storage system, which serves a heat producing appliance, and any associated pipework carrying fuel to that appliance, shall be so located as to reduce to a reasonable level the risk of fuel ignition due to fire spreading from the building being served or an adjacent building or premises.
J6	Liquid fuel storage system —protection against pollution by the system. A fixed liquid fuel storage tank, which serves a heat producing appliance, and the pipes connecting it to that appliance shall be so located, constructed and protected as to reduce to a reasonable level the risk of the fuel escaping and causing pollution.
J7	Definitions for this Part In this Part, “heat producing appliance” means a fixed appliance (including a cooker and an open fire) which is designed to burn solid fuel, oil, bio-fuel or gas and includes an incinerator.”



FAQ 9k. Part K-Building Regulations –Stairs Ladders Ramps and Guards

Part K - Stairways, Ladders, Ramps and Guards- S.I. No. 180 of 2014

K1	Stairways, Ladders and Ramps;
	Stairways, ladders and ramps shall be such as to afford safe passage for the users of a building.
K2	Protection from Falling;
	In a building, the sides of every floor, balcony and every part of a roof to which people normally have access, and sunken areas connected to a building, shall be guarded to protect users from the risk of falling.
K3	Vehicle Ramps floors and roofs
	In a building, the sides of every vehicle ramp and every floor and roof to which vehicles have access shall be guarded against the risk of vehicles falling therefrom
K4	Application of this part
	The requirements of this Part apply to stairways, ladders and ramps which form part of the structure of a building.”



FAQ 9I. Part L-Building Regulations – Conservation of Fuel and Energy (Dwellings)

Part L - Conservation of Fuel and Energy (Dwellings)

13	<p>Conservation of Fuel and Energy;</p> <p>A building shall be designed and constructed so as to ensure that the energy performance of the building is such as to limit the amount of energy required for the operation of the building and the amount of carbon dioxide (CO₂) emissions associated with this energy use insofar as is reasonably practicable.</p>
L2	<p>Conservation of Fuel and Energy in Existing Dwellings;</p> <p>For existing dwellings, the requirements of L1 shall be met by:</p> <ul style="list-style-type: none"> (a) limiting heat loss and, where appropriate, maximising heat gain through the fabric of the building; (b) controlling, as appropriate, the output of the space heating and hot water systems; (c) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air; (d) providing that all oil and gas fired boilers installed as replacements in existing dwellings shall meet a minimum seasonal efficiency of 90% where practicable.
L3	<p>Conservation of Fuel and Energy in New Dwellings;</p> <p>For new dwellings, the requirements of L1 shall be met by: -</p> <ul style="list-style-type: none"> (a) providing that the energy performance of the dwelling is such as to limit the calculated primary energy consumption and related carbon dioxide (CO₂) emissions insofar as is reasonably practicable, when both energy consumption and carbon dioxide (CO₂) emissions are calculated using the Dwelling Energy Assessment Procedure (DEAP) published by Sustainable Energy Authority of Ireland; (b) providing that, for new dwellings, a reasonable proportion of the energy consumption to meet the energy performance of a dwelling is provided by renewable energy sources; (c) limiting heat loss and, where appropriate, availing of heat gain through the fabric of the building; (d) providing and commissioning energy efficient space and water heating systems with efficient heat sources and effective controls; (e) providing that all oil and gas fired boilers shall meet a minimum seasonal efficiency of 90%; (f) providing to the dwelling owner sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and energy than is reasonable.



FAQ 9I(2). Part L-Building Regulations- Buildings Other than Dwellings

Part L - Conservation of Fuel and Energy (Buildings other than Dwellings)

L1	<p>Conservation of Fuel</p> <p>A building shall be designed and constructed so as to ensure that the energy and Energy performance of the building is such as to limit the amount of energy required for the operation of the building and the amount of CO2 emissions associated with this energy use insofar as is reasonably practicable.</p>
L4	<p>Buildings other than dwellings;</p> <p>For buildings other than dwellings, the requirements of L1 shall be met by:</p> <p>(a) providing that the energy performance of the new building is such as to limit the calculated primary energy consumption and related CO2 emissions insofar as is reasonably practicable, when both energy consumption and CO2 emissions are calculated using the Non-domestic Energy Assessment Procedure (NEAP) published by Sustainable Energy Ireland;</p> <p>(b) limiting the heat loss and, where appropriate, maximising the heat gains through the fabric of the building;</p> <p>(c) providing energy efficient space and water heating services including adequate control of these services;</p> <p>(d) ensuring that the building is appropriately designed to limit need for cooling and, where air-conditioning or mechanical ventilation is installed, that installed systems are energy efficient, appropriately sized and adequately controlled;</p> <p>(e) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;</p> <p>(f) limiting the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air conditioning systems;</p> <p>(g) providing energy efficient artificial lighting systems (other than emergency lighting, display lighting or specialist process lighting) and adequate control of these systems.</p>



FAQ 9m. Part M-Building Regulations – Access and Use

Part M – Access and Use

	Access and Use of Buildings;
M1	Adequate provision shall be made for people to access and use a building, its facilities and its environs.
M2	Adequate provision shall be made for people to approach and access an extension to a building.
M3	If sanitary facilities are provided in a building that is to be extended, adequate sanitary facilities shall be provided for people within the extension.
M4	Part M does not apply to works in connection with extensions to and material alterations of existing dwellings, provided that such works do not create a new dwelling.



FAQ 10. Part B Fire Safety Volume 2 Dwelling Houses Building Regulations 2017-TGD - 1.3.9.7 Final Exits-Clarification

1.3.9.7 Final Exits

- *“Any final exit door in a dwelling house or a door which gives direct access to a balcony as provided in 1.3.7 should be provided with simple fastenings (thumb latches or other readily openable mechanism) which can be operated from the escape side without the use of a key”*
- Section 0.1.17 defines a final exit as ‘The termination of an escape route from a building giving direct access to a street, passageway, walkway or open space, and sited to ensure the rapid dispersal of persons from the vicinity of a building so that they are no longer in danger from fire and/or smoke’.
- The reference to "Any" in Section 1.3.9.7 refers to the door on the primary escape route usually the front door i.e. the door of the hallway serving the dwelling. In such scenarios the patio or back door may still be locked by key and do not have to be readily openable. The only scenario where more than one door may need to be readily openable is where the stairs delivers the occupant between two areas (either of which could be on fire) and in such cases the "Final exit" may be either of the doors see diagram 2(b) (attached for your reference) in which case both the "Final exits" should be readily openable. For the purposes of clarity the reference to door to Balcony is where the door is being used as an alternative escape instead of a window as per Section 1.3.7.1. of TGDB 2017



FAQ 10(2). Part B Fire Safety Volume 2 Dwelling Houses Building Regulations 2017- TGD - 1.3.9.7 Final Exits-Clarification (Cont)

1.3.9.7 Final Exits

Clarification

- *The "Any" refers to the door on the primary escape route usually the front door i.e. the door of the hallway serving the dwelling. In such scenarios the patio or back door may still be locked by key and do not have to be readily openable.*
- *The only scenario where more than one door may need to be readily openable is where the stairs delivers the occupant between two areas (either of which could be on fire) and in such cases the "Final exit" may be either of the doors see diagram 2(b) in which case both the "Final exits" should be readily openable.*
- *For the purposes of clarity the reference to door to Balcony is where the door is being used as an alternative escape instead of a window as per 3.7.1.*



FAQ 11. Part M - Minimum Level of Provision - Accessible Bedrooms & En-suites for Student Accommodation

The Building Regulations came into force on the 1st June 1992. As and from that date, all works to which the Building Regulations relate, which are carried out must be carried out in accordance with the Building Regulations.

The Building Regulations 1997 - 2017 set out the legal requirements in Ireland for the construction of new buildings (including houses), extensions to existing buildings as well as for material alterations and certain material changes of use to existing buildings. The related Technical Guidance Documents (Parts A - M respectively) provide technical guidance on how to comply with the regulations in practical terms. Where works are carried out in accordance with the relevant technical guidance, such works are considered to be, prima facie, in compliance with the relevant regulation(s). Technical Guidance Documents are free to view / download on the website of the Department of Housing, Planning and Local Government at the hyperlink set out below: - <https://www.housing.gov.ie/housing/building-standards/tgd-part-d-materials-and-workmanship/Technical-guidance-documents>

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings. Interpretation of the legislation is, ultimately, a matter for the Courts and implementation of the Building Control system is a matter for the local Building Control Authority.

The DHPLG has no function in assessing whether any particular proposal complies with the Building Regulations. Enforcement of the Building Regulations is a matter for the local Building Control Authority.

Part M of the Second Schedule to the Building Regulations 1997 – 2017, and to Technical Guidance Document M, 2010. Section 0.5 of TGDM 2010 specifies that Section 1 *‘sets out the minimum level of provision for the following buildings to meet the requirements of M1: (a) buildings other than dwellings and their environs, and (b) the common areas of apartment blocks and their environs’*. Section 2 relates to existing buildings other than dwellings and their environs, and the common areas of existing apartment blocks and their environs, while Section 3 relates to individual dwellings and individual apartments.

Opinion is that the type of building referenced as, ‘student accommodation’ falls under the description of ‘buildings other than dwellings and their environs’, and is therefore subject to the provisions of Section 1, or Section 2 of TGDM 2010. As such, accessible sleeping accommodation should be provided at a rate of *‘One guest bedroom out of every twenty, or a minimum of one guest bedroom if less than twenty guest bedrooms’*. They should be *‘suitable in terms of size, layout and facilities for independent use by people with a wide range of abilities in accordance with 1.5.6.’*



FAQ 12. Part M - Sub-Station Water Treatment Works etc. Staff Shower – WC facilities

Query:

Sub-Station e.g. Water treatment works etc, building not be occupied on a continuous or routine basis i.e. principally a facility for plant (small substation) with a store room and a shower facility. The building is compartmentalised and each section has a single access/egress point. For two of the compartments of the building there is also a double door – to get plant in and out. The building has no internal corridors and is of a size that a few paces would get an able bodied person from door to back of compartment.

Response:

The building does not seem to fall under any of the exempted classes of building listed under the Building Regulations. As such the Building Regulations would apply to the works.

The building as described does not fall under any of the exemptions for a FSC listed under Article 11(2), therefore, opinion is that a FSC is required for the whole building.

Those parts of the building subject to inspection, repair or maintenance of fixed plant or machinery may afford the exemption for a DAC under S.I 526 of 2018 (as Part M does not apply), however this does not cover the shower area, therefore a DAC is required.

The above is not conditional on the routine nature in which the building is to be used or occupied



FAQ 13. What considerations should be given when determining the approach to Risk Based Inspections?

◆ Hazard

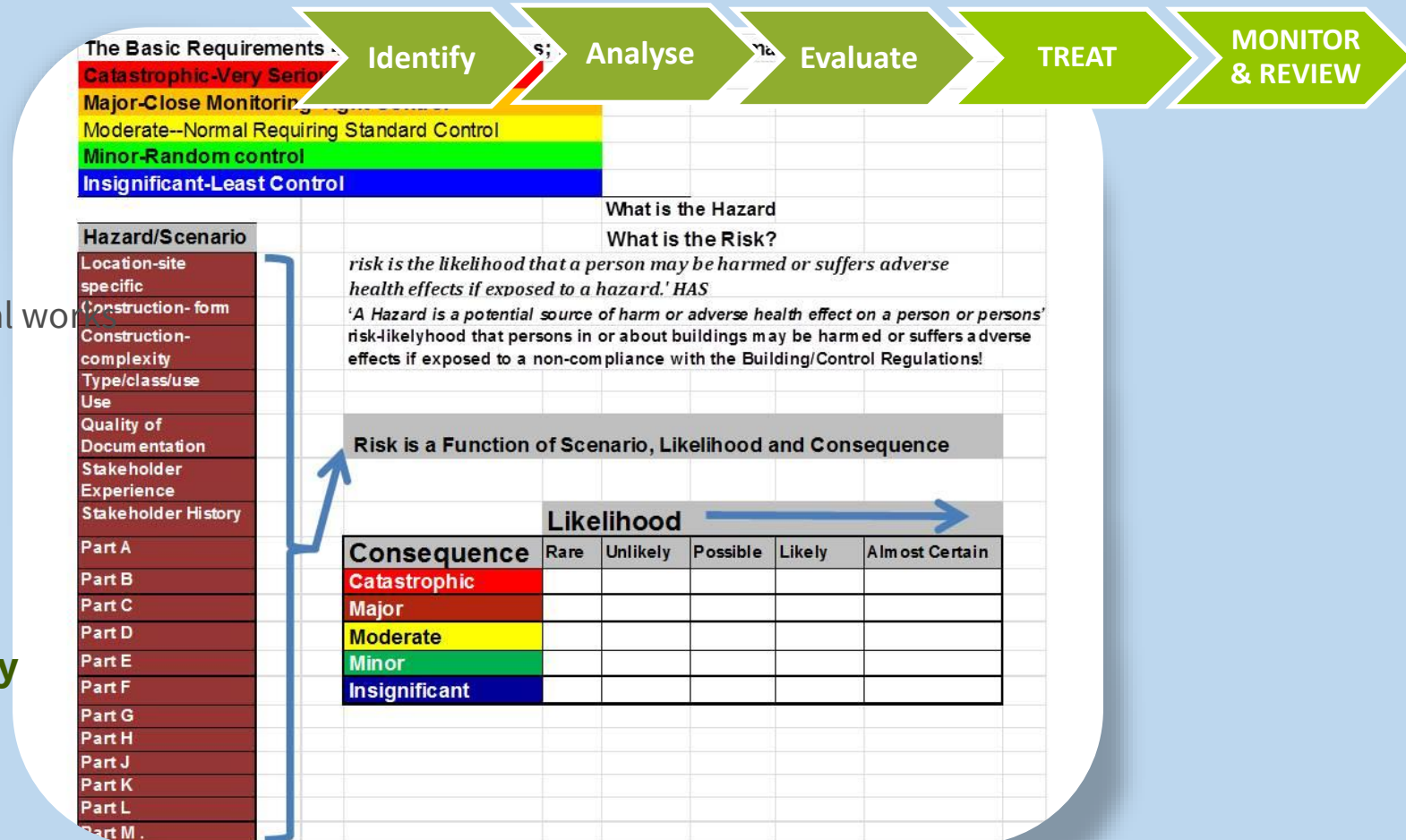
- Hazard - Scenario
- Likelihood
- Consequence/Severity
 - PRIME
 - Cost of remedial works

◆ Risk

- How widespread
- Is it transmittable
- Commercial
- Residential
- Life

◆ Consequence/Severity Level

- Catastrophic
- Major
- Moderate
- Minor
- Insignificant





FAQ 1. What are the Key Legislative Changes which underpin S.I. 9 of 2014?

Consumer Protection, Health and Safety in or About Buildings & Competitiveness, Sustainability

Local Government Reform Act 2014 & Programme – EFFICIENCY, CUSTOMER SERVICE & VALUE FOR MONEY

- **Building Control Amendment Regulations 2014 – MANDATORY INSPECTIONS AND CERTIFICATION SYSTEM**

- Certificates of compliance
- Undertakings by Owners, Builders, Assigned Certifiers, Designers
- Nomination of competent Builders, Assigned Certifiers, Designers

- **Construction Products Regulations - BREAK DOWN TECHNICAL BARRIERS & MARKET SURVEILLANCE**

- July 2013-construction products covered by harmonised European Standards-placed on the market, CE Marking mandatory.

- **Construction 2020 - STRENGTHENING PUBLIC CONFIDENCE THROUGH ROBUST REGULATION**

- 53 ensure effective implementation of Building Control (Amendment) Regulations –to ensure stronger consumer protection.
- 54 Agreed Operational Framework for BCAs to standardise work practices, systems, procedures and decision-making in relation to oversight of building control activity across 31 BCAs - move towards a risk-based approach to inspections
- 55 Construction Industry Register, Ireland's register of contractors, builders and tradespersons

- **Action Plan for Jobs - IMPROVE EASE OF DOING BUSINESS**

235 Streamline the application procedures for Fire Safety Certificates and Disability Access Certificates, in the interests of efficient administration and furthering Government policy to make Ireland a better place to do business.

236 Further develop the Building Control Management System (BCMS)-Prepare comprehensive user manual for industry users
Develop BCMS to incorporate/accommodate FSC, applications for waivers and dispensations, etc.



FAQ 2. What are the Key Components of the Building Control Acts 1990 and 2007?

Number 3 of 1990.

BUILDING CONTROL ACT, 1990

AN ACT TO PROVIDE FOR

- ◆ THE ESTABLISHMENT OF BUILDING CONTROL AUTHORITIES AND
- ◆ THE MAKING OF BUILDING REGULATIONS AND
- ◆ BUILDING CONTROL REGULATIONS AND
- ◆ TO PROVIDE FOR MATTERS RELATING TO THE
- ◆ CONSTRUCTION OF BUILDINGS AND
- ◆ TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH.

[21st March, 1990]

Number 21 of 2007

BUILDING CONTROL ACT 2007

- ◆ AN ACT TO AMEND AND EXTEND THE BUILDING CONTROL ACT 1990;
- ◆ TO REGULATE THE USE OF THE TITLES
- ◆ “ARCHITECT”,
- ◆ “QUANTITY SURVEYOR” AND “BUILDING SURVEYOR”;
- ◆ TO IMPLEMENT CERTAIN PROVISIONS OF DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 SEPTEMBER 2005 ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS
- ◆ AND TO PROVIDE FOR RELATED MATTERS.

[21st April, 2007]



FAQ 3. What are the Key Definitions contained in Building Control Legislation?

DESIGN	"design" includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the construction, extension, alteration, repair or renewal concerned is to be executed and "designed" shall be construed accordingly;
CONSTRUCTION	"construction" includes the execution of works in connection with buildings and any act or operation necessary for or related to the construction, extension, alteration, repair or renewal of a building and "constructed" shall be construed accordingly;
BUILDING	"building" includes part of a building and any class or classes of structure which are prescribed by the Minister to be a building for the purposes of this Act;
WORKS	"works" includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building;
MINOR WORKS	"minor works" means works consisting of the installation, alteration or removal of a fixture or fitting, or works of a decorative nature;
SUBSTANTIAL WORK HAS BEEN COMPLETED	"substantial work has been completed" means that the structure of the external walls of the building has been erected.
REPAIR OR RENEWAL	"repair or renewal" means works of maintenance or restoration of a routine nature relating to—(a) the keeping of a building in good condition or working order
MATERIAL ALTERATION	"material alteration" means an alteration (other than a repair or renewal), where the work, or any part of the work, carried out by itself would be subject to a requirement of Part A or B of the Second Schedule to the Building Regulations;
MATERIAL CHANGE OF USE	"Material Change of Use" Section 3(3) of the Act (a) a building, being a building which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been appropriated to other purposes, becomes used as a dwelling,



FAQ 4. WHAT IS THE BUILDING CONTROL LEGISLATION FRAMEWORK?

EU (Construction Products) (S.I. No. 225 of 2013) & S.I. No. 682/2020

(EU) No. 305/2011
Market Surveillance

Guidelines for Market Surveillance
Authorities-V1 0- June 2016

EU (Energy Performance of
Buildings)
(S.I. No. 243 of 2012)

BUILDING CONTROL ACTS 1990 – 2014
Establishment of Building Control Authorities
Making of Building Regulations
Dispensations / Relaxations
Making of Building Control Regulations
Appeals
Enforcement Notices
Powers of Inspections by Authorised Persons
Materials Prohibition, Documents, Offences, Penalties,
Professional Registration

Local Government
Reform Act 2014

Framework for Building
Control Authorities 2016

Administrative
Requirements of
Buildings

BUILDING REGULATIONS
12 Parts A-M
Applications –Dispensation from /Relaxation

Technical Guidance Documents
Parts A-M

Design Requirements
of Buildings

BUILDING CONTROL REGULATIONS
Exemptions
Notices-Commencement / 7 Day Notices
Applications-Fire Safety/Disability Access Certificates
Certificates of Compliance before Construction & on Completion
Statutory Register, Fees, Appeals

Code of Practice for Inspecting and Certifying Works 2016

31 BUILDING CONTROL AUTHORITIES INSPECTING FOR COMPLIANCE WITH REGULATIONS



FAQ 5. What are the key components of the Building Control Regulations / Building Regulations?

BCMS Building Control Act 1990-2007

Building Regulations

**Technical Guidance Documents -Applications- S4
Dispensation from and- S4 Relaxation of a requirement of
the Building Regulation**



- **Part A** – Structure (2012)
- **Part B** - Fire Safety (2017)
- **Part C** - Site Preparation and Moisture Resistance (2004)
- **Part D** – Materials & Workmanship (2013)
- **Part E** – Sound (2014)
- **Part F** - Ventilation (2009)
- **Part G** – Hygiene (2011)
- **Part H** - Drainage, Waste Water Disposal (2010)
- **Part J** - Heat Producing Appliances (2014)
- **Part K** - Stairways, Ladders, Ramps & Guards (2014)
- **Part L** - Conservation of Fuel & Energy (2017)
- **Part M** - Access & Use (2010)

Building Control Regulations

Notices- Section 6(k) Building Control Acts 1990-2014
Commencement Notice With Additional Compliance Documentation
Commencement Notice with Opt Out Declaration
Commencement Notice Without Additional Documentation
7 Day Notice which includes for (a)FSC (b)Declaration

Lodgement of Plans –

Design Certificate; Notices of Assignment; Undertaking Certificates

Schedule of documents; Preliminary Inspection Plan

Certificates - Certificate of Compliance on Completion-CCC

Annex Table of Documents

Inspection Plan as Implement

Applications

S6(2)(a)(ii) FSC –fire Safety Certificate

S6(2)(a)(vi) Revised FSC

S6(2)(a)(vi) Regularisation FSC

S6(2)(a)(ix) DAC-Disability Access Certificate

S6(2)(a)(x) Revised DAC

Statutory Public Register

-Validation by BCA

**Code of Practice for
Inspecting and Certifying
Works-September 2016**

Framework for BCAs –June 2016



FAQ 6. Who is responsible for compliance with the Building Regulations and Building Control Regulations?

The owner of the building, the designer who designs the works, and the builder who carries out the works are responsible, under law, for compliance with Building Regulations and Building Control Regulations.



FAQ 7. How does Building Control interact with other Legislation?

- Part A - Structure
- Part B - Fire Safety
- Part C - Site Preparation & Resistance to Moisture
- Part D - Materials & Workmanship
- Part E - Sound
- Part F - Ventilation
- Part G - Hygiene
- Part H - Drainage & Waste Water Disposal
- Part J - Heat Producing Appliances
- Part K - Stairways, Ladders, Ramps & Guards
- Part L - Conservation of Fuel & Energy-Dwellings
- Part L - Conservation of Fuel & Energy-Buildings Other Than Dwellings
- Part M - Access & Use





FAQ 8. What are the contents of the Code of Practice for Inspecting and Certifying Works, September 2016?

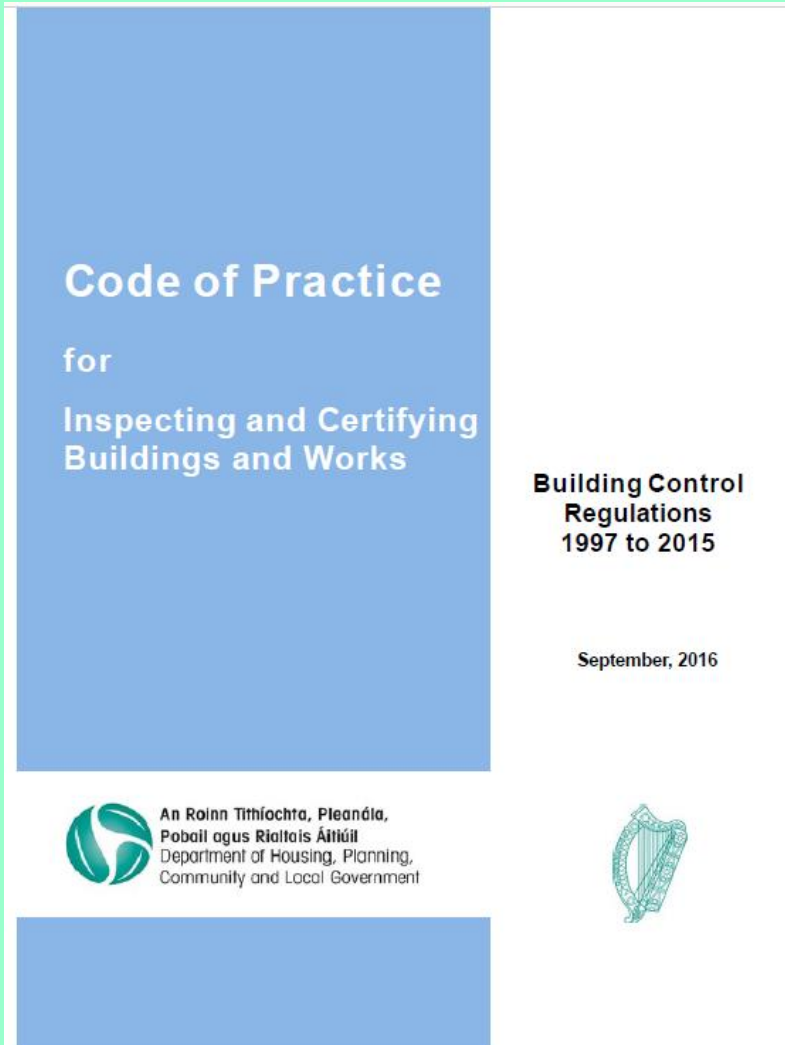


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4. Certification
5. Lodgement of Plans and Documentation
6. Commencement Stage
7. Construction Stage Inspection – by Certifiers
8. Completion Stage
9. Archiving of Records
10. E-lodgements
11. Professional Ethics
12. Insurance

Appendix: List of Requirements under Building Regulations



FAQ 9. Who can sign a Statutory Declaration?

Statutory Declarations Act, 1938

1.—(1) It shall be lawful for any of the following persons, that is to say:—

- (a) a notary public,
 - (b) a commissioner for oaths,
 - (c) a peace commissioner,
 - (d) a person authorised by law to take and receive statutory declarations,
- to take and receive the declaration in writing of any person making the same before him in the form set out in the Schedule to this Act.

6.—Every person who makes a statutory declaration, which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Regarding the situation where somebody resident outside the jurisdiction of the Republic of Ireland wishes to sign a Statutory Declaration. When a Statutory Declaration is being witnessed outside the jurisdiction it should be signed in the presence of a Notary Public. A notary public is an internationally accepted accreditation.

The prospective applicant should normally be able to locate the nearest qualified notary in his/her area by carrying out an internet search.



FAQ 10. What are the Statutory Documents referenced under the Building Control

Act / Regulations?

NOTICES	ENFORCEMENT NOTICE Section 8 of the Building Control Act 1990 – 2014 Where — (a) the construction of any building or the carrying out of any works to which building regulations apply is commenced or has been completed or any material change takes place in the purposes for which any building is used, and (b) the building or works are not designed or have not been, or are not being, constructed or carried out in conformity with building regulations, and (c) the failure to comply with building regulations is not such a failure in relation to which the building control authority would be prepared to grant a dispensation or relaxation pursuant to [the] Act, the building control authority may serve a notice under [section 8].	APPLICATIONS	DISPENSATION OR RELAXATION Section 4 of the Building Control Act 1990 – 2014 (1) Subject to the provisions of [section 4], a building control authority may, if it considers it reasonable having regard to all the circumstances of the case, grant a dispensation from, or a relaxation of, any requirement of building regulations in respect of buildings or works which are situated within the functional area of the building control authority and— (a) which are designed, constructed or carried out by or on behalf of the building control authority, or (b) in relation to which an application for such dispensation or relaxation has been submitted pursuant to [section 4, subsection (2)].	CERTIFICATES	CERTIFICATE OF COMPLIANCE (DESIGN) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	7 DAY NOTICE Section 6(2)(A)(IV) of the Building Control Act 1990 – 2014 'The submission (before grant of the relevant fire safety certificate) of a notice in writing to a building control authority by a person who intends to commence work on the construction of a building or an extension of or a material alteration to a building, giving not less than 7 days notice of that person's intention to carry out those works, and requiring that such notice shall be accompanied by a valid application for a fire safety certificate'		FIRE SAFETY CERTIFICATE Section 6(2)(a)(ii) of the Building Control Act 1990 – 2014 Requiring in respect of a building, or buildings, of a prescribed class or classes, the submission to a building control authority of an application for a certificate (in this Act referred to as a "fire safety certificate") that a building, if constructed in accordance with the plans, documents and information submitted, would, in the opinion of the building control authority, comply (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) with such provisions of building regulations as may be prescribed		CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	COMMENCEMENT NOTICE Section 6(2)(K) of the Building Control Act 1990 – 2014 requiring the giving of notice to building control authorities of the erection of such buildings, or classes of buildings, or the carrying out of such works, or classes of works, as may be specified in the regulations		REVISED FIRE SAFETY CERTIFICATE Section 6(2)(a)(vi) of the Building Control Act 1990 – 2014 Requiring where an application for a fire safety certificate in respect of the construction of a building or an extension of or a material alteration to a building has been submitted before planning permission has been granted in respect of such construction, extension or alteration, the submission, if required by the subsequent grant of such planning permission, of a further application to a building control authority for a fire safety certificate (in this Act referred to as a 'revised fire safety certificate') for the purpose of ensuring that the revised design arising from the grant of planning permission (including any condition attached to it) complies with the provisions of building regulations relating to fire safety		CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER) Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER) Section 6(2)(C) of the Building Control Act 1990 – 2014 The designation of the persons or the classes of persons by whom certificates of compliance may be given, and the classes of buildings or works in respect of which such certificates may be given		REGULARISATION CERTIFICATE Section 6(2)(a)(vi) of the Building Control Act 1990 – 2014 Requiring where work has been commenced or completed in respect of the construction of a building or an extension of or a material alteration to a building, and no application has been made for a fire safety certificate that is required under building control regulations for such construction, extension of or material alteration to a building, the submission to a building control authority of an application for a certificate (a 'regularisation certificate') which shall be accompanied by drawings of the relevant works (as they have been constructed) and a statutory declaration from the applicant stating that such works comply with the provisions of the building regulations relating to fire safety, and enabling the authority to specify in a regularisation certificate that the regularisation certificate shall not have effect unless, within 4 months after its being granted, any conditions attached to it by the authority (including conditions as to the carrying out of additional works) are complied with		CERTIFICATE OF COMPLIANCE ON COMPLETION Section 6 (2)(a)(i) of the Building Control Act 1990 – 2014 Requiring the submission to building control authorities of certificates (in this Act referred to as "certificates of compliance") being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) prior to the commencement of, during, and after the completion of, the construction of any buildings, classes of buildings, works or classes of works, to which such building regulations apply
	ASSIGNMENT OF BUILDER Section 6(2)(C) of the Building Control Act 1990 – 2014 The designation of the persons or the classes of persons by whom certificates of compliance may be given, and the classes of buildings or works in respect of which such certificates may be given		DISABILITY ACCESS CERTIFICATE Section 6(2)(a)(ix) of the Building Control Act 1990 – 2014 Requiring the submission to a building control authority of an application for a certificate of compliance with respect to requirements under the building regulations for provision of access to a building for persons with disabilities (a 'disability access certificate') and enabling the building control authority to grant such certificate if in its opinion the design of the building or the extension of or material alteration to the building in respect of which the submission is made would comply (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) with the relevant requirements of the building regulations,		
	NOTIFICATION OF CHANGE OF ASSIGNED CERTIFIER OR BUILDER Article 9(3) / 20A(2)(c) of the Building Control Regulations 1997 - 2015 If, for whatever reason, having submitted the commencement / 7 day notice in respect of works or a building subject to paragraph (1)(b), a building owner changes either the person assigned to inspect and certify the works or the assigned builder, then the building owner shall within 14 days notify the building control authority of the change by submitting, electronically or otherwise, the appropriate notices of assignment and forms of undertaking referred to under paragraph (1)(b) reflecting the up-to-date arrangements in this regard.		REVISED DISABILITY ACCESS CERTIFICATE Section 6(2)(a)(x) of the Building Control Act 1990 – 2014 Requiring the submission to a building control authority of an application for a fire safety certificate (in this Act also referred to as a 'revised fire safety certificate') or a disability access certificate (in this Act referred to as a 'revised disability access certificate') if significant revision is made to the design or works of a building or an extension of or a material alteration to a building in respect of which a fire safety certificate or a disability access certificate has been granted by a building control authority		



FAQ 11. Are equestrian buildings – indoor arena's, training facilities, facilities for show jumping or racing 'agricultural'?

Opinion

Agricultural buildings may fall into a number of distinct categories. The requirements of these buildings could be defined as follows::

Detached Single Storey Agricultural buildings of less than 300 sq. m. – Exempted development (Article 8, Third Schedule, Building Regulations 1997 – 2014): No CN required

Rationale: Article 7 of the BCR's 1997 – 2014 state that the Part (Part II) applies to (a), (b), (c) to which the building regulations apply. As Agricultural buildings of less than 300 sq. m. are exempted from the Building Regulations, Article 7 does not apply

Single-Storey Agricultural buildings of more than 300 sq. m. – Not exempted development (Article 8, Third Schedule, Building Regs 1997 – 2014): CN without additional information required

Rationale: As Agricultural buildings of more than 300 sq. m. (whether by extension or initial construction) are not exempted from the Building Regulations, Article 7 of the Building Control Regulations applies, therefore a CN without additional information is required. The additional documentation and Assigned Certifier, etc. is not required as a single storey agricultural building does not require a FSC, (A. 11(2) BCR's 1997 – 2014), therefore the provisions of A. 9(2) BCR's 1997 – 2014 do not apply

Multi – Storey Agricultural buildings: CN with additional information / 7 Day Notice, Assigned Certifier, FSC, etc. required

Rationale: Multi storey Agricultural buildings are subject to the provisions of Part III of the BCR's 1997 – 2014 (A. 11(1) (a) & A. 11(2)(a) BCR's 1997 – 2014, therefore the provisions of A. 9(2) BCR's 1997 – 2014 apply.

Part III

(2) For the purposes of this Part, the following buildings are exempted —

(a) a single storey building which —

(i) is used exclusively for the storage of materials or products, for the accommodation of plant or machinery or in connection with the housing, care or management of livestock,

(ii) is used solely for the purpose of agriculture, and

(iii) is a building in which the only persons habitually employed are engaged solely in the care, supervision, regulation, maintenance, storage or removal of the materials, products, plant, machinery or livestock in the building, and which is either attached to another such building or detached from any other building,



FAQ 12. Does a derelict dwelling require a BER?

243 of 2012 - *“dwelling” means a building, or any part of a building, which is used or suitable for use by persons as a place to live.*

If a dwelling is not suitable to live in it may be considered to be outside the scope of the regulations. If it was bought with a view to being made habitable it would require a BER cert before it is occupied or used or sold or let.

1. S.I. No. 243 of 2012, European Union (Energy Performance of Buildings) Regulations 2012, Part I, Article 4. Exempted buildings does not include Derelict buildings in the list of exemptions.
2. Building Regulations should not be confused with Derelict Sites Legislation as a dwelling on the Derelict Site Register may or may not be a habitable dwelling
3. SI 243 of 2012 (the recast of SI 666) defines a dwelling as(paraphrasing)
4. S.I. No. 243 of 2012, European Union (Energy Performance of Buildings) Regulations 2012, Part I, Article 4. Exempted buildings does not include Derelict buildings in the list of exemptions.

Note: works to a derelict dwelling may require planning permission and therefore a Commencement Notice

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL PPLANNING & BUILDING CONTROL AUTHORITY



FAQ 1. When is a Declaration of Performance required under the Construction Products Regulations?

CPR Chapter II Declaration of Performance and CE marking Article 4.

1. When a construction product is covered by a harmonised standard or conforms to a European Technical Assessment which has been issued for it, the manufacturer shall draw up a declaration of performance when such a product is placed on the market.

I.S. EN 13242:2002+A1:2007

This European standard specifies the properties obtained by processing natural or manufactured or recycled materials for hydraulically bound or unbound materials for civil engineering work and road construction.



FAQ 2. What are the requirements of the Construction Products Regulations and Harmonised Standards?

Construction Products Regulation and the CE Marking

The construction products regulation (CPR) which came into effect on 1st July 2013 supersedes the construction products directive in its entirety. The CPR has, for the first time, introduced mandatory CE marking in Ireland for all construction products covered by a harmonised standard.

The harmonised standard (hEN) I.S. EN 13242:2002+A1:2007 *“Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction”*, applies to ALL such materials that are to be placed on the market for use in building and civil engineering works. This has the effect of ensuring that all aggregates legally placed on the market MUST bear the CE mark and carry a declaration of performance (DOP).

Traditionally in Ireland it had been the practice in specifying aggregates to use the UK’s *“Specification for Highway Works”*. This document specifies a large number of aggregates for specific purposes and these are commonly known as *“Series 600”* or *“Series 800”* aggregates. The Specification for Highway Works also defines material characteristics required for specific uses and these characteristics may differ, or be at variance with, the Essential Characteristics identified in I.S. EN 13242:2002+A1:2007. Should manufacturers find that their customers have used the Specification for Highway Works (or any other technical specification) this does not relieve them of the responsibility to place the CE mark on their product. In such cases, manufacturers must bear in mind that only values relating to the Essential Characteristics identified in Annex ZA of I.S. EN 13242:2002+A1:2007 can appear on the DOP. In addition, the DOP is the only place any information may be provided that relates to these Essential Characteristics. It is therefore not possible to declare No Performance Determined (NPD) on the DOP yet provide additional technical data that states performance relating to the essential characteristics elsewhere. Information of any additional property, or conformation that the material complies with another technical specification (cl.804 etc.), can be provided as additional technical information in the form of test reports etc. This additional information lies outside the scope of the hEN and the CPR.

Seán Balfe *Director Sustainability and Built Environment*



FAQ 3. Question-is a UKCA (UK Conformity Assessed) a CE marking under Construction Products Regulations (CPR)?

ANSWER: In the context of marketing of construction products, the UKCA (UK Conformity Assessed) marking is a new UK marking that is used for products (including construction products) being placed on the market in Great Britain (England, Wales and Scotland). It covers the same range of construction products which (under the CPR) require CE Marking when placed on the EU Market i.e. those covered by harmonised technical specifications.

Whilst there is scope for dual marking on construction products, the UKCA marking (as any third country marking) can be affixed to a product which bears the CE Marking provided that such marking does not create confusion with the CE Marking. This confusion may either refer to the meaning or the form of CE marking (Article 30(5) of Regulation 765/2008). Therefore, the UKCA marking as well as any other information concerning UK legislation must be separate from the CE Marking and information concerning EU legislation. This applies also to the Declaration of Performance under EU law.

Where building control officers come across a construction product labelled with UKCA by itself i.e. without a CE Marking, this would indicate that the construction product has been marketed unlawfully.

The suggested action to be taken is as follows:

1. Building Control Officers (BCO)/ Authorised Officers (AO) should bring the matter to the attention of National Building Control Office (DCC-NBCO) (support@nbco.gov.ie), who can liaise with the BCO/AO and make follow up enquiries with the economic operator/enforcement, as necessary.
2. In accordance with the DCC-NBCO Memo of Understanding with Customs, DCC-NBCO may need to supply Customs with specific details of construction products they require to be controlled by Customs. A general risk-based intervention to consider may be:
 - a. Where construction products are identified to bear UKCA marking and the CE Marking/ DoP is absent, such products should not be cleared for free circulation until DCC-NBCO has indicated that the product can be released.