



STATUTORY INSTRUMENTS.

S.I. No. 9 of 2014



BUILDING CONTROL (AMENDMENT) REGULATIONS 2014

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S.I. No. 9 of 2014

BUILDING CONTROL (AMENDMENT) REGULATIONS 2014

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3, 6, 17 and 18 of the Building Control Act 1990 (No. 3 of 1990), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Building Control (Amendment) Regulations 2014.

(2) The Principal Regulations and these Regulations may be cited together as the Building Control Regulations 1997 to 2014 and shall be construed together as one.

Commencement

2. These Regulations come into operation on 1 March 2014.

Interpretation generally

3. In these Regulations:

“Act of 1990” means the Building Control Act 1990 (No. 3 of 1990) as amended by the Building Control Act 2007 (No. 21 of 2007);

“Minister” means the Minister for the Environment, Community and Local Government;

“Principal Regulations” means the Building Control Regulations 1997 (S.I. No. 496 of 1997) as amended by the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000), the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004) and the Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009).

Amendment of Article 5(4) of the Principal Regulations

4. The Principal Regulations are amended in Article 5(4):

(a) by inserting after the definition of “building control authority” the following definition—

“Building Control Management System” means the information technology-based system hosted by the Local Government Management Agency and developed to facilitate the electronic administration of building control matters by building control authorities as the preferred means of building control administration;”, and

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21st January, 2014.

- (b) by inserting after the definition of “commencement notice” the following definition—

“Certificate of Compliance” means a certificate of compliance provided for under section 6(2)(a)(i) of the Act of 1990 and includes—

- (i) Certificates of Compliance (Design),
- (ii) Certificates of Compliance (Undertaking by Assigned Certifier),
- (iii) Certificates of Compliance (Undertaking by Builder), and
- (iv) Certificates of Compliance on Completion;”.

Insertion of Article 6A to the Principal Regulations

5. The Principal Regulations are amended by inserting after Article 6 the following:

“Offences

6A. Failure to comply with any requirement under Parts II, III, IIIA, IIIB or IIIC shall be an offence to which section 17(2) of the Act of 1990 applies.”.

Amendment of Title of Part II of the Principal Regulations

6. The Principal Regulations are amended by substituting for the Title of Part II the following:

“Part II — Commencement Notices and Certificates of Compliance before construction”.

Amendment of Article 9 of the Principal Regulations

7. The Principal Regulations are amended by substituting for Article 9 the following:

“Form of Commencement Notice

9. (1) A commencement notice shall be—

- (a) filed electronically on the Building Control Management System or set out in the form for that purpose included in the Second Schedule, and
- (b) subject to paragraph (2), accompanied by—
 - (i) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned, and including—
 - (I) general arrangement drawings including plans, sections and elevations,

- (II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,
 - (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,
 - (IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and
- (ii) the following certificates and notices in the appropriate forms set out in the Second Schedule—
- (I) a Certificate of Compliance (Design),
 - (II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
 - (III) a Certificate of Compliance (Undertaking by Assigned Certifier),
 - (IV) a Notice of Assignment of Builder,
 - (V) a Certificate of Compliance (Undertaking by Builder), and
- (iii) such fee as is required under Part V.

(2) The requirements of paragraph (1)(b) shall apply to the following works and buildings—

- (a) the design and construction of a new dwelling,
- (b) an extension to a dwelling involving a total floor area greater than 40 square metres,
- (c) works to which Part III applies.

(3) If, for whatever reason, having submitted the commencement 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.

(4) If, for whatever reason, a change of ownership of works or a building subject to paragraph (1)(b) occurs prior to completion, the new owner shall

within 14 days notify the building control authority electronically or otherwise that they are now the owner of the building or the works.”.

Amendment of Article 10 of the Principal Regulations

8. The Principal Regulations are amended—

(a) by substituting for Article 10(1)(a) the following:

“record the date of receipt of the notice, and”,

(b) by substituting for Article 10(3) the following:—

“Where a building control authority considers that a commencement notice does not comply with Article 9, they may respond, within 7 days of receipt of a notice filed electronically or within 12 days of receipt of a notice received in writing, by electronic means or in writing as appropriate, and notify the person giving the commencement notice, that, having regard to the extent of the failure to comply with the said Article,

(a) the commencement notice is invalid and cannot be accepted by the authority, or

(b) that such revised notice, or such additional information or fee, as may be necessary to comply with the said Article will be required to be submitted.”,

(c) by substituting for “the notice and the fee which accompanied the notice.” in Article 10(4) the following:

“the fee and any original documentation received from the person giving the notice.”.

Amendment of Title of Part IIIA of the Principal Regulations

9. The Principal Regulations are amended by substituting for the Title of Part IIIA the following:

“Part IIIA — 7 Day Notice, Certificates of Compliance, Revised Fire Safety Certificate, Regularisation Certificate, Statutory Declaration and 7 Day Notice Statutory Declaration”.

Amendment of Article 20A(2) of the Principal Regulations

10. The Principal Regulations are amended by substituting for Article 20A(2) the following:

“(2) (a) A 7 day notice shall be—

(i) filed electronically on the Building Control Management System or set out on the form for that purpose included in the Third Schedule,

(ii) subject to subparagraph (b), accompanied by—

- (I) a valid application for a fire safety certificate from the applicant in the form specified for that purpose in the Third Schedule and accompanied by such plans and particulars as required under Articles 13(2)(a) and 13(2)(b),
 - (II) a 7 day notice statutory declaration in the form specified for that purpose in the Third Schedule,
 - (III) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned, and including—
 - (A) general arrangement drawings including plans, sections and elevations,
 - (B) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,
 - (C) the completion of an online assessment, via the Building Control Management System, of the proposed approach to comply with the requirements of the Second Schedule to the Building Regulations,
 - (D) the preliminary Inspection Plan prepared by the Assigned Certifier, and
 - (IV) the following certificates and notices in the appropriate forms set out in the Third Schedule—
 - (A) a Certificate of Compliance (Design),
 - (B) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
 - (C) a Certificate of Compliance (Undertaking by Assigned Certifier),
 - (D) a Notice of Assignment of Builder, and
 - (E) a Certificate of Compliance (Undertaking by Builder), and
- (iii) accompanied by such fee as is required under Part V.

- (b) The requirements of paragraphs (2)(a)(ii)(III) and (2)(a)(ii)(IV) shall apply to the following works and buildings—
- (i) the design and construction of a new dwelling,
 - (ii) an extension to a dwelling involving a total floor area greater than 40 square metres,
 - (iii) works to which Part III applies.
- (c) If, for whatever reason, having submitted the 7 day notice in respect of works or a building subject to paragraphs (2)(a)(ii)(III) and (2)(a)(ii)(IV), 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, electronically or otherwise, by submitting the appropriate notices of assignment and forms of undertaking as referred to under paragraph (2)(a) reflecting the up-to-date arrangements in this regard.
- (d) If, for whatever reason, a change of ownership of works or a building subject to the requirements of paragraphs (2)(a)(ii)(III) and (2)(a)(ii)(IV) inclusive occurs prior to completion, the new owner shall within 14 days notify the building control authority, electronically or otherwise, that they are now the owner of the building or works.”.

Amendment of Article 20A(3) of the Principal Regulations

11. The Principal Regulations are amended—

- (a) by substituting for “stamp the documents with the date of receipt.” in Article 20A(3)(a)(ii) the following:
“record the date of receipt of the notice.”, and
- (b) by inserting after “other than” in Article 20A(3)(e) the following:
“by electronic communication or”.

Insertion of Part IIIC to the Principal Regulations

12. The Principal Regulations are amended by inserting after Article 20E the following:

“Part IIIC — Certificate of Compliance on Completion

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 works and buildings—

- (a) the design and construction of a new dwelling,
- (b) an extension to a dwelling involving a total floor area greater than 40 square metres,
- (c) works to which Part III applies.

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

- (a) in the form specified for that purpose in the Sixth Schedule, and
- (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
- (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.

(4) On receipt of a Certificate of Compliance on Completion, a building control authority shall—

- (a) record the date of receipt of the Certificate, and
- (b) consider within 21 days of the date of its receipt whether the Certificate of Compliance on Completion is valid having regard to—
 - (i) the requirements of paragraph (3) above, and
 - (ii) the building control authority's own satisfaction that all enforcement notices, information requests and statutory processes, including any applications for certificates under Part III, Part IIIA or Part IIIB, relevant to the building concerned have been satisfactorily concluded.

(5) Where the building control authority considers that a Certificate of Compliance on Completion may not be valid having regard to paragraphs (3) and (4), the building control authority may within 21 days of receipt of the certificate, write to the person who submitted the certificate and

- (i) inform them, giving reasons, that the certificate does not comply with paragraphs (3) and (4) and cannot be accepted by the authority, or
- (ii) require the person submitting the certificate to submit such revised certificate or such additional documentation as may be deemed necessary by the building control authority to accompany the certificate for the purposes of paragraphs (3) and (4).

(6) (i) Where the building control authority considers the Certificate of Compliance on Completion to be valid having regard to paragraphs (3) and (4), the building control authority shall, no later than 21 days of receipt of said certificate, enter particulars relating to the relevant certificate on the register maintained under Part IV and shall notify the person who submitted the certificate that particulars have been included on the register.

- (ii) Notwithstanding paragraph (6)(i), where a revised certificate or additional documentation has been required in accordance with paragraph (5)(ii), the building control authority, on full receipt of such revised certificate or additional documentation as appropriate, may avail of a further period of 7 days within which to consider the validity of the certificate. On or before the expiry of said 7 day period the building control authority, if it considers that no further action is warranted pursuant to paragraph (5), shall enter the relevant particulars on the register and notify the person who submitted the certificate as appropriate.

(7) A building control authority serving a notice in accordance with paragraph (5)(i) shall return to the person giving the certificate, the certificate and any documentation that accompanied the certificate.

(8) Where the plans, calculations, specifications and particulars comprehended under paragraph (3)(b) and the Inspection Plan comprehended under paragraph (3)(c) have been submitted to a building control authority on a date falling not more than 5 weeks and not less than 3 weeks prior to a nominated date on which a valid Certificate of Compliance on Completion is intended to be entered on the register, the building control authority shall at that point begin to consider the validity of a prospective Certificate of Compliance on Completion in

accordance with paragraphs (3) and (4) so that the authority is in a position to include the details of the relevant Certificate of Compliance on Completion on the register on the nominated date provided that a valid Certificate of Compliance on Completion is received by the building control authority on a date not later than the date preceding the nominated date.

(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.

Code of Practice for Inspecting and Certifying Buildings and Works

20G (1) The Minister may from time to time publish a document with the title of the Code of Practice for Inspecting and Certifying Buildings and Works for the purposes of providing guidance with respect to inspecting and certifying a building or works for compliance with the requirements of the Second Schedule to the Building Regulations.

(2) Where a building or works to which these Regulations apply is inspected and certified in accordance with the guidance contained in the Code of Practice for Inspecting and Certifying Buildings and Works this shall, prima facie, indicate compliance with the relevant requirements of these Regulations.

(3) The provisions of any guidance contained in the Code of Practice for Inspecting and Certifying Buildings and Works concerning the use of a particular inspection framework or approach shall not be construed as prohibiting the use of other suitable frameworks or approaches.”.

Amendment of Article 21 of the Principal Regulations

13. The Principal Regulations are amended by substituting for Article 21 the following:

“Register

21. (1) A building control authority shall keep a register and shall enter in the register particulars of—

- (a) any valid application for a dispensation or relaxation, including the name and address of the applicant, the date of receipt of the application, and brief details of a building or works forming the subject of the application,
- (b) any valid commencement notice or 7 day notice or certificate of compliance given to them under Part II, Part IIIA or Part IIIC, as appropriate, including the name and address of the owner of

the building, the date of receipt of the notice, the person or persons carrying out the works, the person who certified the design, the person assigned to inspect and certify the works (the assigned certifier), the builder assigned to undertake the works, any changes to previously recorded detail notified in accordance with Articles 9(3), 9(4), 20A(2)(c), or 20A(2)(d) and brief particulars of a building or works forming the subject of the notice,

- (c) any valid application for a fire safety certificate, a revised fire safety certificate, a regularisation certificate, a disability access certificate, or a revised disability access certificate made to them under Part III, Part IIIA or Part IIIB, as appropriate, including the name and address of the applicant, the date of receipt of the application, and brief particulars of a building or works forming the subject of the application,
- (d) their decision in respect of any application referred to in paragraphs (a) and (c) and the date of the decision,
- (e) any determination or direction by the Board in respect of an appeal relating to a decision referred to in paragraphs (a) or (c) and the date of the determination or direction,
- (f) any enforcement notices served by them, including the name and address of the person on whom the notice was served, the date of the notice and brief particulars of the contents of the notice,
- (g) the date and effect of any decision by the District Court in respect of a notice referred to in paragraph (f), including the date and effect of the decision,
- (h) any valid Certificate of Compliance on Completion accepted by the building control authority.

(2) The register, where it is not available on the website of the local authority concerned, shall be available for inspection at the offices of the local authority during office hours.

(3) In the interest of clarity, records relating to particulars included on the register may be accessed in accordance with the Freedom of Information Acts 1997 and 2003.

(4) For the avoidance of doubt, the register may be maintained electronically subject to the Data Protection Acts 1998 and 2003.

Amendment of Article 23 of the Principal Regulations

14. The Principal Regulations are amended by inserting after Article 23(3) the following:

“(4) An additional administrative charge limited solely to the direct costs incurred by a building control authority in respect of scanning and uploading

documentation on the Building Control Management System may be levied by the building control authority on the building owner, or a person assigned in accordance with these Regulations to act on the owner's behalf, who seeks to submit plans, calculations, specifications, ancillary certificates and particulars relevant to a procedure for which a fee is required under sub-article (1) notwithstanding the availability of the Building Control Management System to receive such documentation in electronic form.”

Amendment of Second Schedule to the Principal Regulations

15. The Principal Regulations are amended by substituting for the Second Schedule the following:

“SECOND SCHEDULE

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT AND
FORMS OF CERTIFICATES OF COMPLIANCE REQUIRED BEFORE
CONSTRUCTION COMMENCES

(Article 9)

| FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT | |
|---|---|
| (Notice to a Building Control Authority pursuant to Part II of the Building Control Regulations 1997 to 2014) | |
| Building Control Authority: | Unique Identifier: _____ <i>(for official use only)</i> |
| _____ | |
| 1. I, hereby give notice in accordance with Part II of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below commencing on the date of _____ | |
| Name of Building Owner(s): _____ | |
| Address: _____ _____ | |
| Tel: _____ Fax: _____ Email: _____ | |
| 2. I enclose the fee payable for making this Notice of €: _____ | |
| 3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below) | |
| Description of proposed development: _____ | |
| Planning Permission No.: _____ Date Granted: _____ | |
| Date of expiry: _____ | |
| Fire Safety Certificate No. (if applicable): _____ | |
| Disability Access Certificate No. (if applicable): _____ | |
| Location of development: _____ _____ | |
| Number of buildings: _____ Number of new buildings: _____ | |
| Use of buildings: _____ | |

3b. Residential Development Information:

Total number of dwelling units (all phases*): _____

Total no. of phases* _____ of which _____ are multiple unit dwellings.

Phase for this commencement notice: _____

No. of units for this phase/commencement notice** : _____

Commencement date for this phase: _____

(Proposed) End-date for this phase: _____

* Where applicable, i.e. phasing not relevant for single houses.

** Include single house figure here also.

4. Builder:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Construction Industry Register Ireland registration number (where applicable): _____

5. Building Designer Details:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

Where required under Part III of the Building Control Regulations 1997 to 2014, the mandatory Certificate of Compliance (Design) signed by the above Building Designer accompanies this Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this Commencement Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates and Particulars)

| Document | Reference | Description/Remarks |
|----------|-----------|---------------------|
| | | |
| | | |

7. Signature by Building Owner:Signature: _____
(Building Owner)

Date: _____

| DESIGN CERTIFICATE | |
|---|---|
| Form of Certificate of Compliance (Design) | |
| Building Control Authority: | Unique Identifier: _____ <i>(for official use only)</i> |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| 1. This certificate relates to the following building or works: | |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| 2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Buildings and Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent. | |
| 3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the building or works described above and to certify such design. I further confirm that 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 and that I am competent to carry out my design and to coordinate the design of others for the building or works concerned. | |
| 4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the Commencement Notice to which this certificate is relevant, and which have been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned. | |
| 5. I certify, having exercised reasonable skill, care and diligence, that, having regard to the plans, calculations, specifications and particulars which have been prepared by me and others and having relied on ancillary certificates and particulars referred to at 4 above, the proposed design for the building or works is 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: _____ |
| Person's Name: _____ Registration No.: _____ | |
| On behalf of: _____ (company name where relevant) | |
| Address: _____ _____ | |
| Tel: _____ Fax: _____ Email: _____ | |
| Practice registration number (where relevant): _____ | |

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER
(Notice of Assignment of Person to Inspect and Certify Works)

Building Control Authority: _____

Unique Identifier: _____
(for official use only)

1. This notice of assignment relates to the following building or works:

2. As the building owner, I have assigned the following person as Assigned Certifier, being 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. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Buildings and Works that the person so assigned is competent to inspect the building or works and to coordinate the inspection work undertaken by others, and to certify the works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

Name: _____

Qualification(s): _____ Registration No.: _____

On behalf of: _____ (Company/Practice name where relevant)

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the works or building, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.

4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the building or works as notified herein.

Building Owner's Signature: _____ **Date:** _____

UNDERTAKING BY ASSIGNED CERTIFIER**Form of Certificate of Compliance****Building Control Authority:****Unique Identifier:***(for official use only)*

1. This certificate relates to the following building or works:

2. In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the building or works and to coordinate the inspection work of others and to certify, following the implementation of the inspection plan by myself and others, for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works to which the accompanying Commencement Notice together with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule thereto refer.

Signature: _____ **Date:** _____

Person's Name: _____ Registration No.: _____

On behalf of: _____ (company name where relevant)

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

NOTICE OF ASSIGNMENT OF BUILDER

Building Control Authority: _____

Unique Identifier: _____
(for official use only)

1. This notice of assignment relates to the following building or works:

2. As the building owner, I have assigned the following person as Builder of the building or works and I am satisfied that they are competent to undertake the works so assigned on my behalf.

Builder's Name: _____

Address: _____

Tel.: _____ Fax: _____ Email: _____

Construction Industry Register Ireland registration number (where applicable): _____

3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as Builder of the building or works as notified herein.

Building Owner's Signature: _____ **Date:** _____

| UNDERTAKING BY BUILDER | |
|---|---|
| FORM OF CERTIFICATE OF COMPLIANCE | |
| Building Control Authority: | Unique Identifier: _____ <i>(for official use only)</i> |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| 1. This certificate relates to the following building or works: | |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| 2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works. | |
| 3. I undertake to construct the building or works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the Commencement Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design), or as 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. | |
| 4. Having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that the building or works is 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): _____ | |

Amendment of Third Schedule to the Principal Regulations

16. The Principal Regulations are amended by substituting for the Form of 7 Day Notice set out in the Third Schedule the following:

“(Article 20A)

| FORM OF 7 DAY NOTICE | |
|---|---|
| Building Control Acts 1990 and 2007 | |
| Building Control Authority: | Unique Identifier: _____ <i>(for official use only)</i> |
| _____ | |
| 1. I hereby give 7 days notice in accordance with Part IIIA of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below. | |
| Name of Building Owner(s): _____ | |
| Address: _____ | |
| _____ | |
| _____ | |
| Tel: _____ Fax: _____ Email: _____ | |
| Proposed Commencement Date: _____ | |
| 2. I enclose the fee payable for making this Notice of € _____ | |
| 3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below) | |
| Description of proposed development: _____ | |
| _____ | |
| Planning Permission No.: _____ Date Granted: _____ | |
| Date of expiry: _____ | |
| Valid Fire Safety Certificate Applied for (date): _____ | |
| Fire Safety Certificate No.: _____ | |
| Location of development: _____ | |
| Number of buildings: _____ Number of new buildings: _____ | |
| Use of buildings: _____ | |

3b. Residential Development Information:

Total number of dwelling units (all phases*): _____

Total no. of phases* _____ of which _____ are multiple unit dwellings.

Phase being commenced under this 7 Day Notice: _____

No. of units covered by this phase/ 7 Day Notice**:

Commencement date for this phase: _____

(Proposed) End-date for this phase: _____

* Where applicable, i.e. phasing not relevant for single houses.

** Include single house figure here also.

4. Builder:

Name: _____

Address: _____

Construction Industry Register Ireland registration number (where applicable): _____

5. Building Designer Details:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

Where required under Part IIIA of the Building Control Regulations 1997 to 2014, the mandatory certificate of design compliance signed by the above Designer accompanies this 7 Day Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this 7 Day Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars)

| Document | Reference | Description/Remarks |
|----------|-----------|---------------------|
| | | |
| | | |

7. Signature by Building Owner:Signature: _____
(Building Owner)

Date: _____

DESIGN CERTIFICATE**Form of Certificate of Compliance (Design)****Building Control Authority:** _____**Unique Identifier:** _____
(for official use only)1. This certificate relates to the following building or works:

2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Buildings and Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.

3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the building or works described above and to certify such design. I further confirm that 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 and that I am competent to carry out my design and to coordinate the design of others for the building or works concerned.

4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the 7 Day Notice to which this certificate is relevant, and which have been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

5. I certify, having exercised reasonable skill, care and diligence, that, having regard to the plans, calculations, specifications and particulars which have been prepared by me and others and having relied on ancillary certificates and particulars referred to at 4 above, the proposed design for the works or building is 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:** _____

Person's Name: _____ Registration No.: _____

On behalf of: _____ (company name where relevant)

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER**(Notice of Assignment of Person Assigned to Inspect and Certify Works)****Building Control Authority:** _____**Unique Identifier:** _____
(for official use only)1. This notice of assignment relates to the following building or works:

2. As the building owner, I have assigned the following person as Assigned Certifier, being 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. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Buildings and Works that the person so assigned is competent to inspect the building or works and to coordinate the inspection work undertaken by others, and to certify the building or works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

Name: _____

Qualification(s): _____ Registration No.: _____

On behalf of: _____ (Company/Practice name where relevant)

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the building or works, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.

4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the building or works as notified herein.

Building Owner's Signature: _____ **Date:** _____

UNDERTAKING BY ASSIGNED CERTIFIER**Form of Certificate of Compliance****Building Control Authority:****Unique Identifier:** _____
(for official use only)

1. This certificate relates to the following building or works:

2. In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the building or works and to coordinate the inspection work of others and to certify, following the implementation of the inspection plan by myself and others, for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works to which the accompanying 7 Day Notice together with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule thereto refer.

Signature: _____ **Date:** _____

Person's Name: _____ Registration No.: _____

On behalf of: _____ (company name where relevant)

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

NOTICE OF ASSIGNMENT OF BUILDER

Building Control Authority: _____

Unique Identifier: _____
(for official use only)

1. This notice of assignment relates to the following building or works:

2. As the building owner, I have assigned the following person as Builder of the building or works and I am satisfied that they are competent to undertake the works so assigned on my behalf.

Builder's Name: _____

Address: _____

Tel.: _____ Fax: _____ Email: _____

Construction Industry Register Ireland registration number (where applicable): _____

3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as Builder of the building or works as notified herein.

Building Owner's Signature: _____ **Date:** _____

UNDERTAKING BY BUILDER
FORM OF CERTIFICATE OF COMPLIANCE

Building Control Authority: _____

Unique Identifier: _____
(for official use only)

1. This certificate relates to the following building or works:

2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.

3. I undertake to construct the building or works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the 7 Day Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design), or as 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.

4. Having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that the works or building is 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:** _____

(where the signatory is an employee) On behalf of: _____

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Construction Industry Register Ireland registration number (where applicable): _____

Insertion of Sixth Schedule to the Principal Regulations

17. The Principal Regulations are amended by inserting after the Fifth Schedule the following:

“SIXTH SCHEDULE

CERTIFICATE OF COMPLIANCE ON COMPLETION

CERTIFICATE OF COMPLIANCE ON COMPLETION**Building Control Authority:** _____**Unique Identifier:** _____
(for official use only)

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

Part A — Certificate signed by Builder

2. I confirm that I am the Builder assigned by the owner to construct, supervise and certify the building or works.
3. 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 certificates 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, calculations, 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.
4. 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

5. I confirm that I am the Assigned Certifier assigned by the owner to inspect and certify the building or works concerned.
6. 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).
7. 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.
8. 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 to 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

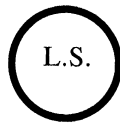
Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the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

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

”

Revocation

18. The Building Control (Amendment) Regulations 2013 (S.I. No. 80 of 2013) are revoked.



GIVEN under my Official Seal,
15 January 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations revoke and replace S.I. No. 80 of 2013. The key changes include changes to the wording of the statutory certificates in the interests of the insurability of persons giving the certificates and changes to recognise the online Building Control Management System as the preferred means of building control administration.

These Regulations strengthen the current arrangements in place for the control of building activity by requiring greater accountability in relation to compliance with Building Regulations in the form of statutory certification of design and construction, lodgement of compliance documentation, mandatory inspections during construction and validation and registration of certificates.

Regulation 7 amends Article 9 of the Principal Regulations to provide for a revised form of Commencement Notice which must be submitted to a building control authority prior to the commencement of construction works. The Commencement Notice must henceforth be signed by the owner of the works. Where the works involve the creation of a building (including a single dwelling unit), an extension greater than 40 square metres or require an application for a Fire Safety Certificate in accordance with Part III of the Building Control Regulations 1997 to 2014 the Commencement Notice and the appropriate fee must in addition be accompanied by the following:

- (a) General arrangement drawings;
- (b) A schedule of design documents as are currently prepared or to be prepared;
- (c) An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2013;
- (d) The preliminary inspection plan;
- (e) A Certificate of Compliance (Design);
- (f) Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works; and
- (g) Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control

authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

Regulation 7 further amends Article 9 of the Principal Regulations to oblige a building owner to notify the Building Control Authority of any changes of ownership of the works or of the persons assigned as Builder or as Assigned Certifier and to provide the appropriate notices of assignment and forms of undertaking in respect of the new assignees. Failure to attend to any of these obligations, as well as being an offence in itself, would delay or inhibit inclusion of details of the final certificate on the statutory register.

Regulation 10 amends Article 20A(2) of the Principal Regulations to provide for a revised form of 7 Day Notice and otherwise changes the administrative arrangements that pertain to the 7 Day Notice process in line with those changes described above in relation to the Commencement Notice process.

Regulation 12 inserts a new Part IIIC to the Principal Regulations providing for Certificates of Compliance on Completion. A completion certificate must be sent to the Building Control Authority and included on the statutory register maintained under Part IV of the Principal Regulations before works or a building to which these regulations apply can be opened, occupied or used. The completion certificate must be signed by the Builder and the Assigned Certifier and must be accompanied by plans and documentation showing how the completed building complies with the requirements of the Building Regulations (and clearly indicating any differences to design documentation previously submitted to the Building Control Authority at commencement or during construction) and by the Inspection Plan as implemented by the Assigned Certifier.

A Code of Practice for Inspecting and Certifying Buildings and Works will be published by the Minister for the purposes of providing guidance with respect to inspecting and certifying work for compliance with the Building Regulations. Compliance with this Code of Practice shall, prima facie, indicate compliance with the relevant requirements of these regulations.

Documentation held on file by a building control authority relevant to works or a building included on the statutory register will be accessible to any person who subsequently acquires an interest in the building concerned.

Failure to comply with the requirements of the Building Control Regulations 1997 to 2014 shall be an offence to which section 17 (2) of the Building Control Act 1990 refers.

These Regulations come into operation on 1 March 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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