

STATUTORY INSTRUMENTS

S.I. No. ___ of 2012

Building Control (Amendment) Regulations 2012

(Prn. ___/___)

BUILDING CONTROL (AMENDMENT) REGULATIONS 2012

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BUILDING CONTROL (AMENDMENT) REGULATIONS 2011

I, Phil Hogan, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3, 6, 7, 8 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 2012.

(2) These Regulations, the Building Control Regulations 1997 (S.I. No. 496 of 1997), 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) may be construed as one and cited together as the Building Control Regulations 1997 to 2012.

Commencement

2. These Regulations shall come into effect on XX XXXXXXXX 2012.

Interpretation

3. (1) In these Regulations, any reference to a Schedule, Part or Article, which is not otherwise identified is a reference to a Schedule, Part or Article of these Regulations.

(2) In these Regulations, save where the context otherwise states: “the 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).

“the 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);

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

(3) Article 5(4) of the principal regulations is amended by including the following definition to appear immediately after the definition of “Commencement Notice”:

“Certificates of Compliance” including Certificates of Compliance (Design), Certificates of Compliance (undertaking by person assigned to inspect and certify works) and Certificate of Compliance on Completion means a certificate of compliance referred to in section 6(2)(a)(i) of the Act of 1990.

Amendment of Title of Part II

4. The title of Part II of the Principal Regulations shall be substituted by the title “Part II – Commencement Notices and Certificates of Compliance before construction”.

Amendment of Article 9 of the Principal Regulations

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

“Form of Commencement Notice

9. (1) A commencement notice shall be—

(a) in the form set out for that purpose in the Second Schedule, and

(b) subject to subparagraph (2), shall be accompanied by—

(i) such plans, calculations, specifications and particulars as are necessary to demonstrate how the proposed works or building will comply with the requirements of the Second Schedule of the Building Regulations relevant to the building or works concerned

(ii) a Certificate of Compliance (Design) in the form set out for that purpose in the Second Schedule

(iii) a Notice of Assignment of Person to Inspect and Certify Works in the form set out for that purpose in the Second Schedule

(iv) a Certificate of Compliance (Undertaking by Person assigned to Inspect and Certify Works) in the form set out for that purpose in the Second Schedule, and

(v) such fee as is required under Part V.

(2) In the case of a building or works which is not a new dwelling and which does not require a fire safety certificate in accordance with Part III the commencement notice is not required to be accompanied by the documents referred to at (1)(b)(i) to (iv) inclusive while, for the avoidance of doubt, it shall be accompanied by the fee referred to at (1)(b)(v).

(3) If, for whatever reason, a building owner is required to change the person assigned to inspect and certify the works after a commencement notice has been submitted, the building owner shall be obliged to notify the building control authority in writing of the change by submitting forms as referred to at (1)(b)(iii) and (1)(b)(iv) reflecting the up-to-date arrangements in this regard.

Insertion of Article 10A to the Principal Regulations

6. The following article shall be inserted immediately after article 10 of the Principal Regulations:-

“Offences under Part II

10A. Failure to comply with any requirement under Part II shall be an offence to which section 17(2) of the Act of 1990 applies.”

Amendment of Title of Part IIIA

7. The title of Part IIIA shall be substituted by the title “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

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

- “(2) A 7 day notice shall be—
- (a) in the form set out for that purpose in the Second Schedule, and
 - (b) shall be 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 paragraphs (a) and (b) of article 13(2),
 - (ii) such plans, calculations, specifications and particulars as are necessary to demonstrate how the proposed works or building will comply with the requirements of the Second Schedule of the Building Regulations relevant to the building or works concerned;
 - (iii) a Certificate of Compliance (Design) in the form set out for that purpose in the Third Schedule
 - (iv) a Notice of Assignment of Person to Inspect and Certify Works in the form set out for that purpose in the Third Schedule
 - (v) a Certificate of Compliance (Undertaking by Person assigned to Inspect and Certify Works) in the form set out for that purpose in the Second Schedule, and
 - (vi) such fee as may from time to time be prescribed for that purpose in Part V.

- (c) If, for whatever reason, a building owner is required to change the person assigned to inspect and certify the works after a commencement notice has been submitted, the Building Owner shall be obliged to notify the building control authority in writing of the change by submitting forms as referred to at (b)(iv) and (b)(v) reflecting the up-to-date arrangements in this regard.

Insertion of Part IIIC to the Principal Regulations

9 The Principal Regulations are amended by inserting the following after article 20E:

“Part IIIC — Certificate of Compliance on Completion

- 20F (1) 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 V before a building or works to which Part II or Part IIIA applies may be opened, occupied or used.
- (2) A Certificate of Compliance on Completion shall be
- (a) in the form specified for that purpose in the Fifth Schedule, and
- (b) shall be accompanied by such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed
- (i) differs from plans, calculations, specifications and particulars submitted for the purposes of article 9(b)(i) or Article 20A(2)(b)(ii) as appropriate (to be listed and included at the Annex 2 to the Certificate of Compliance on Completion), and
- (ii) complies with the requirements of the Second Schedule of the Building Regulations.
- (3) On receipt of a Certificate of Compliance on Completion, a building control authority shall –
- (a) stamp the certificate with the date of receipt, and
- (b) consider whether the certificate complies with the requirements of article 20F(2), and.
- (i) where it is considered that a certificate does comply with the requirements of article 20F(2), the building control authority shall enter particulars relating to the relevant certificate on the register maintained under Part V and shall notify the person who submitted the certificate that particulars have been included on the register; or
- (ii) where it is considered that a certificate does not comply with the requirements of article 20F(2), the building control authority may within three weeks 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 article 20(F)(2) and cannot be accepted by the authority, or
 - (II) require the person submitting the certificate to submit such revised certificate notice, or such additional documentation as may be specified as being necessary to accompany the certificate for the purposes of article 20F(2).
- (5) A building control authority serving a notice in accordance with sub-article 20F(3)(b)(ii)(I) shall return to the person giving the certificate, the certificate and any documentation that accompanied the certificate.

Amendment of Article 21 of the Principal Regulations

10. The following shall be substituted for Article 21:

“The 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 the works or building 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 during construction and on completion, and brief particulars of the works or building 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 the works or building forming the subject of the application,
 - (d) their decision in respect of any application referred to in (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 (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 (f), including the date and effect of the decision.
- (2) The register shall be kept at the offices of the building control authority and shall be available for inspection 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 Second Schedule to Principal Regulations

11. The following is substituted for the Second Schedule to the Principal Regulations:

“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 2009)	
Building Control Authority: _____	OFFICIAL USE Date Received _____ Register Ref. _____ Entered on _____ Entered by _____
<p>1. I, hereby give notice in accordance with Part II of the Building Control Regulations 1997 to 2012 that it is intended to carry out the development as described below commencing on the date of _____.</p> <p>Name of Building Owner(s): _____</p> <p>Address: _____ _____ _____</p> <p>Tel: _____ Fax: _____</p> <p>Email: _____</p> <p>2. I enclose the fee payable for making this Notice of €: _____</p>	

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: _____

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: _____ Tel: _____ Fax: _____

Address:

Email: _____

Is Project Insurance Cover in place for this development?: _____

If so : The Policy No: is _____ and the Insurer is _____ and is *satisfied that the cover provided is adequate for the risks associated with involvement in this development.*

5. Building Designer Details:

Name: _____ Tel: _____ Fax: _____

Address:

Email: _____

Professional Indemnity Insurance Cover: Policy No: _____ Insurer: _____ *who is satisfied that the cover provided is adequate for the risks associated with involvement in this development.*

The mandatory certificate of design compliance signed by the above Building Designer accompanies this Notice.

6. Submission of Documents: A Schedule of Documents (Plans, Calculations, Specifications & Particulars) accompanying this Commencement Notice is attached in the following format:

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

Doc Type	Reference Identifier	Description/Remarks

7. **Signature:** Signed by the building owner on the date shown:

Signature: _____

Date: _____

FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

2. I confirm that the plans, specifications, calculations and particulars included in the schedule to the Commencement Notice to which this certificate is relevant have been prepared to demonstrate compliance with all applicable requirements of the Second Schedule of the Building Regulations.

3. I certify, having regard to the plans, specifications, calculations and particulars included in the schedule to the Commencement Notice to which this certificate is relevant, that the proposed design for the works or building are neither defective nor contravene any requirements of the Second Schedule of the Building Regulations insofar as they apply to the building works concerned.

Signature: _____

Date: _____

Tel: _____

Fax: _____

Email: _____

Name of person(s): _____

Address: _____

NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:
2. As the building owner, I have assigned the following person, 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 and being competent in the inspection and certification of the works involved, to inspect the works and to ensure that the works and the building are neither defective nor contravene any relevant requirement of the Building Regulations:

Name: _____

Qualification: _____ Registration(s): _____

Address: _____

Tel. No. _____ Fax No. _____ Email: _____

Signature of Assigned Person: _____ Date: _____

3. Any requests 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 works as notified herein.

Building Owner's Signature: _____ Date: _____

FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY PERSON ASSIGNED TO INSPECT AND CERTIFY WORKS)

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

2. I confirm that I have accepted the assignment to inspect and certify works in relation to the Commencement Notice to which this certificate is attached.

3. I undertake to inspect and certify the works or building to which this Commencement Notice and the accompanying plans, specifications and particulars listed in the schedule apply in accordance with the Code of Practice for Inspecting and Certifying Building Works.

4. Notwithstanding the responsibilities of other person/s or firms/s in relation to the works, I accept responsibility and legal liability for the inspection of all works as necessary to ensure that they are neither defective nor contravene any requirements of the Second Schedule of the Building Regulations, as applicable to the building works concerned.

Signature: _____

Date: _____

Tel: _____

Fax: _____

Email: _____

Name of person(s): _____

Address: _____

”

Amendment of Third Schedule to Principal Regulations

12. The following is inserted in the Third Schedule to the Principal Regulations in substitution of the Form of 7 DAY Notice set out therein:

FORM OF 7 DAY NOTICE

Building Control Acts 1990 and 2007

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

(*Delete whichever is inappropriate

1. I, hereby give 7 days notice in accordance with Part III A of the Building Control Regulations 1997 to 2011 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 Number: _____

Location of development: _____

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: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

Is Project Insurance Cover in place for this development?: _____

If so : The Policy No: is _____ and the Insurer is _____ and is *satisfied that the cover provided is adequate for the risks associated with involvement in this development.*

5. Building Designer Details:

Name: _____ Tel: _____ Fax: _____

Address:

Email: _____

Professional Indemnity Insurance Cover: Policy No: _____ Insurer: _____ *who is satisfied that the cover provided is adequate for the risks associated with involvement in this development.*

The mandatory certificate of design compliance signed by the above Building Designer accompanies this Notice.

6. Submission of Documents: A Schedule of Documents (Plans, Calculations, Specifications & Particulars) accompanying this Commencement Notice is attached in the following format:

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

Doc Type	Reference Identifier	Description/Remarks

7. Signature: Signed by the building owner on the date shown:

Signature: _____ Date: _____

FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

2. I confirm that the plans, specifications, calculations and particulars included in the schedule to the Commencement Notice to which this certificate is relevant have been prepared to demonstrate compliance with all applicable requirements of the Second Schedule of the Building Regulations.

3. I certify, having regard to the plans, specifications, calculations and particulars included in the schedule to the Commencement Notice to which this certificate is relevant, that the proposed design for the works or building is neither defective nor contravenes any requirements of the Second Schedule of the Building Regulations, as applicable to the building works concerned.

Signature: _____

Date: _____

Tel: _____

Fax: _____

Email: _____

Name of person(s): _____

Address: _____

NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:
2. As the building owner, I have assigned the following person, 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 and being competent in the inspection and certification of the works involved, to inspect the works and to ensure that the works and the building are neither defective nor contravene any relevant requirement of the Building Regulations:

Name: _____

Qualification: _____ Registration(s): _____

Address: _____

Tel. No. _____ Fax No. _____ Email: _____

Signature of Assigned Person: _____ Date: _____

3. Any requests 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 works as notified herein.

Building Owner's Signature: _____ Date: _____

FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY PERSON ASSIGNED TO INSPECT AND CERTIFY WORKS)

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

2. I confirm that I have accepted the assignment to inspect and certify works in relation to the Commencement Notice to which this certificate is attached.

3. I undertake to inspect and certify the works or building to which this Commencement Notice, and the accompanying plans, specifications and particulars listed in the schedule apply, in accordance with the Code of Practice for Inspecting and Certifying Building Works.

4. Notwithstanding the responsibilities of other person/s or firms/s in relation to the works, I accept responsibility and legal liability for the inspection of all works as necessary to ensure that they are neither defective nor contravene any requirements of the Second Schedule of the Building Regulations, as applicable to the building works concerned.

Signature: _____ Date: _____

Name : _____

Qualifications: _____ Registrations: _____

Tel: _____ Fax: _____

Email: _____

Name of person(s): _____

Address: _____

”

Insertion of Fifth Schedule

13. The following is inserted as a new schedule to follow immediately after the Fourth Schedule:-

“FIFTH SCHEDULE

CERTIFICATE OF COMPLIANCE ON COMPLETION

CERTIFICATE OF COMPLIANCE ON COMPLETION	
Building Control Authority: _____	OFFICIAL USE Date Received _____ Register Ref. _____ Entered on _____ Entered by _____
<p>1. This certificate relates to the following works:</p> <p>2. I confirm that I am the person assigned by the owner of the relevant building works to inspect and certify the works and I now certify that I have inspected the works in accordance with the Code of Practice for the oversight of Building Works and that the building or works as completed is neither defective nor contravenes any requirement of the Second Schedule of the Building Regulations as applicable to the building works concerned.</p> <p>3. Plans, specifications, calculations and further particulars are listed and included at the Annex to this form for the purposes of (i) outlining how the works or building as completed differs from works or building as designed (having regard to the documents submitted with the relevant Commencement Notice) and (ii) demonstrating how the works or building as completed has achieved compliance with the requirements of the Second Schedule of the Building Regulations relevant to the building or works concerned.</p>	
Signature: _____	Date: _____
Tel: _____	Fax: _____
Email: _____	
Name of person(s): _____	

Address: _____

ANNEX

Table of As Constructed Drawings, Calculations, Specifications and Particulars showing how the completed building or works differ from the design submitted at Commencement Notice Stage

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

”

GIVEN under my Official Seal,

XX XXXX 20XX

XXXX XXXX,

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 amend the Building Control Regulations to provide for the introduction of certificates of compliance (as referred to under Section 6 of the Building Control Act 1990) to be signed by designers and builders as appropriate prior to, and on completion of building works. The regulations also require the lodgement of documentation demonstrating compliance with all relevant requirements of the Second Schedule of the Building Regulations. The forms prescribed for the purposes of commencement notice and 7 day notice are also revised.