



NOTE ON COVID-19
EXTENSION OF DISREGARDED
PERIOD WHEN CALCULATING BUILDING CONTROL SYSTEM TIME PERIODS.

1. GENERAL

The Government on 16 April 2020 agreed, at the request of Eoghan Murphy T.D., Minister for Housing, Planning and Local Government, to make an order, which has the effect of further extending the period which may be disregarded when calculating any appropriate period, specified period, or other timelines in certain sections of the Building Control Act 1990 (and certain planning Acts) for 19 additional days, up to and including 9 May 2020, adding six weeks to the normal time periods for such purposes. The previous Government Order, which was made on 29 March 2020, had specified that the extension period was to end on 20 April 2020. In other words, the initial 23-day extension to the building control system time periods has been further extended, so that the total extension period is now 42 days or 6 weeks.

2. *Emergency Measures in the Public Interest (Covid-19) Act 2020*

Having considered the potential impacts of the announcements by An Taoiseach on 27 March 2020, on the effective operation of planning and building control systems, the Minister for Housing, Planning and Local Government commenced Section 9 of the *Emergency Measures in the Public Interest (Covid-19) Act 2020 (Act of 2020)* by order *Emergency Measures in the Public Interest (Covid-19) Act 2020 (Part 3) (Commencement) Order 2020*. The end date was set out in a second order, by Government, *Planning and Development Act 2000 (Subsection (3) of Section 251A) Order 2020*. The end date was subsequently extended by the ***Planning and Development Act 2000 (Subsection (4) of Section 251A) Order 2020 (attached)***. For the purpose of this circular these three orders will be referred to as the Orders.





These Orders allow that the period from **Sunday 29th March 2020 to Saturday 9th May 2020 inclusive**, a total period of six weeks (42 days), may be disregarded when calculating any appropriate period, specified period, or other timelines in certain sections of the Building Control Act 1990 (and certain planning Acts), namely

- Section 4(4) Dispensation or relaxation of building regulations¹,
- Section 6 Building control regulations², and
- 17(6) Penalties³.

To illustrate how this works in the case of a fire safety certificate (FSC) application, the **time periods** specified in the Building Control Act of 2 months beginning on the date of an application (or within such extended period as may at any time be agreed in writing between the applicant and the building control authority), may be **extended** for the duration of the time period specified by the Orders, by disregarding 42 days from Sunday 29th March 2020 to Saturday 9th May 2020 inclusive.

The exact calculation of the date of extended time period will depend on the date a FSC application is submitted.

For example, under Section 6(5) of the Building Control Act, 1990 – 2014, an application for a Fire Safety Certificate, which was lodged on 18 March 2020, would ordinarily require a decision on or before 17 May 2020, however, the Orders referred to above disregard the period between 29 March 2020, and 9 May 2020. Therefore, the application would now require a decision on or before 28 June 2020

¹ 4. Application for a Dispensation or Relaxation

(4) Where, within a period of two months beginning on the date of an application, or within such extended period as may at any time be agreed in writing between the applicant and the building control authority, the building control authority does not notify the applicant of the decision on the application, a decision by the building control authority to grant the dispensation or relaxation, as the case may be, shall be regarded as having been made on the last day of the period or such extended period, as the case may be.

² 6. Building Control Regulations

³ 17. Penalties (6) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may 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.



While the above example demonstrates the extension to a Fire Safety Certificate, this same approach applies to the following:

- an application for a Dispensation or relaxation of building regulations, (as set out in Section 4 of the Building Control Act),
- a 7 day notice,
- revised fire safety certificate,
- regularisation certificate (including the 4month period for conditions to be complied with),
- disability access certificate, and
- revised disability access certificate.

In respect of offences, under the Building Control Act (Section 17(6)) summary proceedings may be instituted within twelve months after the date of the discovery of the offence but not later than 5 years after the date of completion of any building or works in respect of which the offence is alleged to have been committed. These periods may be extended by the time periods specified by the recent Orders, by disregarding 42 days from Sunday 29th March 2020 to Saturday 9th May 2020 inclusive.

The Orders also allow the period from Sunday 29th March 2020 to Saturday 9th May 2020 inclusive (42 days) to be disregarded when calculating any appropriate period, specified period or other time limits referred to in regulations made under Section 6 of the Building Control Act i.e. the Building Control Regulations.

This includes the time limits and periods, set out in the Building Control Regulations, in relation to;

- commencement notices & 7 day notices
- Certificate of Compliance on Completion, and
- Appeals to An Bord Pleanála.



While the Orders facilitate the extension of time limits and periods, it does not affect the operation of the building control system as set out in the Building Control Regulations or the Building Control Act. In the interest of clarity, building control authorities can still grant or validate an application/ notice/ certificate etc., at any time within the time limits and periods.

At an operational level, commencement notices and Certificates of Compliance on Completion are facilitated by the Building Control Management System (BCMS) which can be accessed remotely over the local authority network. The National Building Control Office (support@nbco.gov.ie) is on hand to provide support to individual building control authorities for continued operation of the system and assistance with validation of commencement notices or Certificates of Compliance on Completion should this be necessary.

It should be noted, the legislation provides that the Government may further extend the disregarded period (before it expires) as many times as is considered necessary until 9th November, once the statutory requirements for extension are met. Any such decision to further extend the period of the order will be communicated to building control authorities.

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