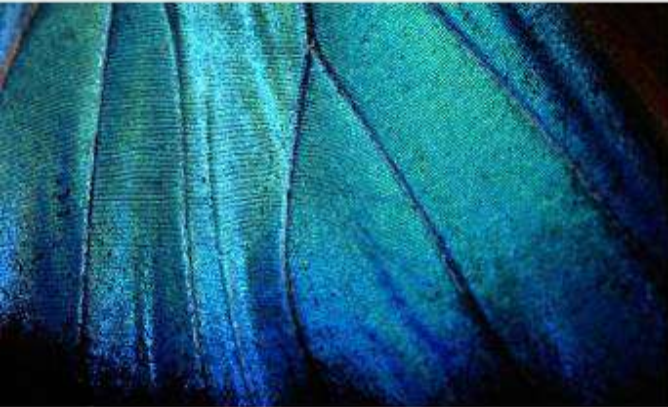


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# **2015 Amendments The Outs and Ins**

**Barrett Chapman**

**IBCI Conference  
10 March 2016**

# Introduction

- Outs – private dwelling option
- Ins – Building Control Authorities

# Private Dwellings opt-out

- Application
  - new single development on a single unit development
  - extension to a dwelling

# Private Dwellings opt-out

- Do not need to file following with commencement notice
  - Preliminary Inspection Plan prepared by A.C.
  - Certificate of Compliance (Design)
  - Notice of Assignment (A.C.)
  - Certificate of Compliance (Undertaking by A.C.)
  - Certificate of Compliance (Undertaking by Builder)

# Private Dwellings opt-out

- Must still file Commencement Notice with
  - Plans, calculations, specifications and particulars as necessary to demonstrate how building will comply
  - General arrangement drawings
  - Schedule of plans and drawings to be prepared later
  - On-line assessment via BCMS
  - Notice of Assignment of Builder
  - Fee
  - Opt-out Statutory Declaration

## Private Dwellings opt-out

- Notify assignment of Builder
  - Owner satisfied is competent
- No certificate/undertaking by builder
- Could self-appoint
- If sign Opt-Out Declaration then provisions regarding completion certificate to be filed on BCA register do not apply
- Opt-Out Declaration kept on public register by BCA
- Particulars of builder also contained on register

# Private Dwellings opt-out

- Opt-Out Declaration
  - additional liability
  - probably not
- Owner as Builder
  - potential liability?
- Experience to date

# Building Control Authority as Developer

- Construction Contracts
- Just say builder carry out obligations under
  - Building Control Regulations?
  - Code of Practice?
- Why different to compliance with Safety, Health and Welfare at Work Construction Regulations



# Variations?

- Provision of Undertaking by Builder
- Compliance with Inspection Plan
- Co-operation with Assigned Certifier/Design Certifier inspections
  - What power/role does Assigned Certifier have to instruct a change?
- Sub-contractor ancillary certs
  - Form of cert

## Variations? (*cont/d*)

- Provision of assistance to certifiers
- Record maintenance

# Completion

- Linked to registration?
- Registration process
  - Who manages that for client?
  - Assigned certifier?
- Obligation to provide drafts to Assigned Certifier?
- What occurs if Assigned Certifier refuses to issue cert?

# Registration

- What if RFI relates to:
  - Something omitted in error by Architect
  - Ancillary cert relating to design by a sub-contractor
    - Domestic?
    - Nominated?

# Pre-Registration

- 3 – 5 weeks prior to “*nominated date*”
- Who determines “*nominated date*”
  - Assigned certifier – does it know?
  - Contractor – in contact with BCA?
- RFI's
- Risk allocation

## Traditional v D + B

- Definition of Practical Completion
  - D + B
  - Traditional
- Delay in registration not due to Contractor
  - Insurances?
  - Release of retention?
  - Liquidated damages?

# Certification/Opinion on Compliance

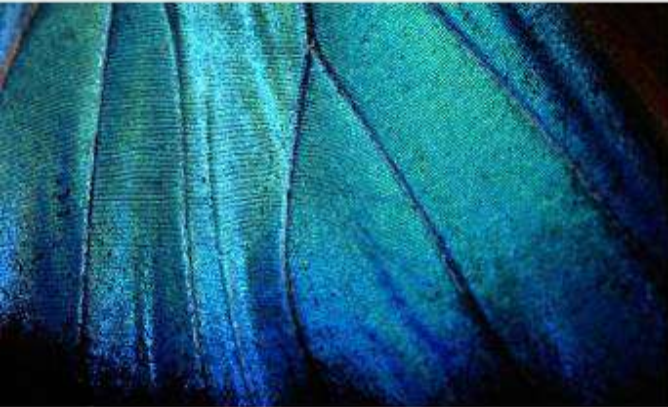
- Any need for opinion on compliance?
- Collateral Warranties in favour of
  - Third parties?
  - Design certifier?
  - Ancillary certifier?

# Sub-Contracts/Consultants

- Obligation to provide ancillary certificate
- Form of certificate
- Co-operation with Assigned Certifier
- Compliance with Inspection Plan
- Collateral warranties?



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