



Rialtas na hÉireann
Government of Ireland

Proposed Amendments to the Building Control Acts 1990 - 2020

Eoin O'Dowd
Building Standards Advisor
IBCI Conference 2024

Building Control Acts



- Introduced in 1990
- Amended in 2007
 - Revised Fire Safety Certificates
 - 7 Day Notices
 - Regularisation Certificates
 - Disability Access Certificates & Revised Disability Access Certificates
 - Registration of Titles – Architect, Building Surveyor, Quantity Surveyor
- Further amended in 2020, and 2022

Building Control Acts Amendments



- On 30 January, 2024 Government approved the General Scheme of the Housing (Miscellaneous Provisions) Bill 2024
- One of the three main provisions in this Bill are to provide amendments to the Building Control Acts 1990-2020

Building Control Acts Amendments



The amendments provide:

- a legal remedy for the situation whereby works have commenced or been completed on a building without submitting, by either act or omission, an appropriate valid notice to the building control authorities.
- Strengthening of building control enforcement powers
- Other amendments

Building Control Acts Amendments



Notification of works

- Commencement Notice
- Commencement Notice with Declaration of Intention to opt out of Statutory Certification
- Commencement Notice With Additional Documentation
- 7 Day Notice
- ‘Regularisation Notice’ + Statutory Declaration

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: _____
(for official use only)

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: _____

Building Control Acts Amendments



Completion of works

- Certificate of Compliance on Completion
- 'Regularisation 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: _____

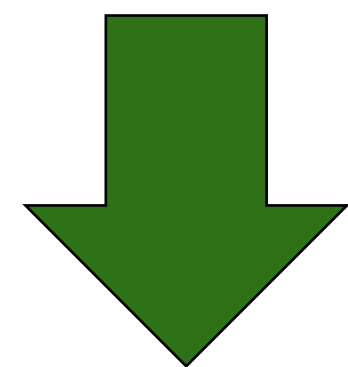
Tel: _____ **Fax:** _____ **Email:** _____
Practice registration number (where relevant): _____

Building Control Acts Amendments



Regularisation process-

Regularisation Notice, accompanied by a
Statutory Declaration + Fee



Regularisation Certificate of Compliance on
Completion

Building Control Acts Amendments

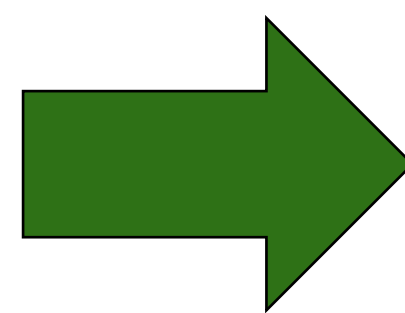


Amendment of names of documents:

- Better reflect their purpose
- Align with Building Regulations

Fire Safety Certificate

Revised Fire Safety
Certificate



Fire Safety (Design) Certificate

Revised Fire Safety (Design)
Certificate

Building Control Acts Amendments

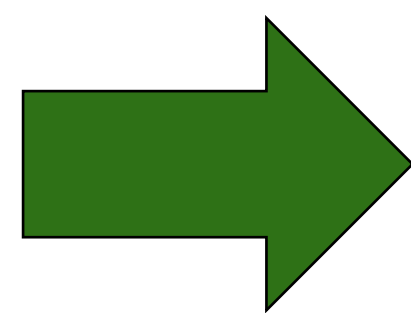


Amendment of names of documents:

- Better reflect their purpose
- Align with Building Regulations

Disability Access Certificate

Revised Disability Access
Certificate



Access and Use (Design) Certificate

Revised Access and Use (Design)
Certificate

Building Control Acts Amendments



Regularisation Certificate

- Local Authority Inspection
- Conditions to be complied with within 4 months

Regularisation Fire Safety (Design) Certificate

- No Local Authority Inspection
- Conditions to be applied before operation, occupation or use

Building Control Acts Amendments



Additional Powers

- Warning Letter
- Power to request the opening up of works

Building Control Acts Amendments

Other Amendments



- Withdrawal of an Enforcement Notice, on application & provision of proof of compliance
- To extend the powers of the Minister to make Building Regulations

Building Control Acts Amendments



Next Steps:

- Housing (Miscellaneous Provisions) Bill 2024 referred for pre-legislative scrutiny
- Bill expected to be published during the lifetime of this current Government
- Department to provide guidance
- Development of Bill and Guidance subject to the normal legislative processes

Building Control Acts Amendments



Questions?