

An owner's guide to the new Building Control Regulations

Consumer guide on building certification and construction
relating to the Building Control (Amendment) Regulations 2014



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Consumer guide on building certification and construction relating to the Building Control (Amendment) Regulations 2014

Introduction

The Building Control (Amendment) Regulation 2014 now provide for a much more intensive system of monitoring and control of certain building or works from March 1st 2014. The new legislation requires mandatory design certification, lodgement of plans and particulars, builders supervision and certification, mandatory inspection by an appointed Assigned Certifier with inter-reliance on ancillary certification by key parties involved in the building process. This will affect all buildings and works requiring a Fire Safety Certificate, new dwellings and extensions to dwellings greater than 40 m².

These new regulations should help improve standards of construction and compliance on new buildings and works. Administration and overseeing of the system will be by local Building Control Authority, but they will not have responsibility for certification of works.

Commencement Notices

A Commencement Notice is a notification to a Building Control Authority that a person intends to carry out either works or a Material Change of Use to which the Building Regulations apply. The notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use. There is also a Seven Day procedure allowed for in certain circumstances.

All, but very minor works will require a Commencement Notice or a Seven Day Notice. If in doubt you should consult your professional advisor.

NOTE: where works require a commencement notice, no work should commence without completing, and submitting a signed commencement notice, associated statutory forms and details to your local Building Control Authority. Failure to do this will affect your ability to occupy the building, sell it or rent it. The form of commencement notice may vary dependant on works proposed. Where a Seven Day notice is being considered in lieu of a Commencement Notice, there are additional statutory requirements that will need to be complied with.



What are building control regulations?

Along with the Building Regulations which outline minimum construction standards, Building Control Regulations provide for the control mechanisms to support the implementation of standards including such items as Commencement Notices, Fire Safety Certificates, Disability Access Certificates and now, in certain cases, Certificates of Compliance. The Department of the Environment, Community and Local Government have useful information on construction standards and the Building Control Regulations and this can be viewed on their website <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>. This website also hosts useful information such as Technical Guidance Documents which can be referred to ensure important construction standards are carried to provide prima facie evidence of compliance with the minimum standards. Interpretation of these standards should be by a competent professional. Localgov.ie also provides information on the Building Control Management System and addresses frequently asked questions in this area.

What will these new regulations mean for me?

The new Building Control Regulations are for construction of new dwellings, extensions to dwellings over 40m² and works where a Fire Safety Certificate is required. If you are unsure as to whether your proposed works come under the new regime, you should consult an appropriate professional such as a Chartered Building Surveyor. It should also be noted that existing regulations in relation to works not falling within the above category still remain e.g. commencement notice.

Under the regulations the building owner should

1. Ensure that a Fire Safety Certificate and a Disability Access Certificate are obtained where required;
2. Sign a Commencement Notice (or 7 day notice) that is lodged online through <http://www.localgov.ie/>
3. Sign the notice for the assignment of:
 - A. A competent, registered professional (the Assigned Certifier) who will inspect the building works during construction and provide a certificate of compliance on completion, and
 - B. A competent Builder to construct in accordance with the plans, specifications and Building Regulations and to sign the Certificate of Compliance on completion; Builders included on the Construction Industry Register Ireland or equivalent may be regarded as competent for projects consistent with their registration profile. Owners should satisfy themselves that these builders have the skills, capacity and experience appropriate to the proposed works..
4. Ensure that adequate resources and competent persons are made available to design, construct, inspect and certify the building works. The owner should satisfy himself or herself that they have appropriate skills, capacity and experience to carry out the works.
5. Promptly appoint a replacement Assigned Certifier or Builder where the Assigned Certifier or Builder withdraws from the project for whatever reason; where this happens the Building Owner is required under the Code of Practice for Inspecting and Certifying Buildings or Works (February 2014) to give notice to the Building Control Authority of the new assignment within 14 days;
6. At all times the Building Owner should use reasonable endeavours to ensure that an Assigned Certifier and Builder are in place;
7. Where there is a change of Building Owner, prior to the submission of the completion certificate, the new Building Owner is required under the Building Control Regulations to give notice of the change of Building Owner and, also, to notify the Building Control Authority in writing of all appointments that are in place; and
8. Maintain records.

You will be required to engage the services of a competent professional such as a Registered Building Surveyor, Registered Architect or Chartered Engineer to act as the "Assigned Certifier" to coordinate the development of an inspection plan and ensure that this is implemented to achieve compliance with the regulations as set out in the Code of Practice for Inspecting and Certifying Building Works.

To begin, you're Registered Building Surveyor, Registered Architect or Chartered Engineer will have to submit a certificate of design with sufficient detailed drawings and appropriate supporting information to the Building Control Authority at Commencement stage. If Planning Permission is required this should precede the commencement notice. You must appoint an Assigned Certifier and Builder and inform the Local Authority of these appointments on the statutory forms.

The Assigned Certifier will co-ordinate the inspection plan and inspection notification framework and will carry out or arrange to have appropriate inspections to ensure adequate evidence of compliance with Building Regulation and will ensure there are sufficient Ancillary Certificates by the key persons involved in the design and construction of the building. Statutory certificates are submitted with the plans specifications and certifications to the Building Control Authority through an online portal <http://www.localgov.ie/> (or lodged directly to the individual Local Authority portal)

During the construction process the Assigned Certifier monitors the works and both the Builder and the Assigned Certifier sign and issues a Certificate of Compliance on Completion. These are submitted along with the plans, calculations, specifications and particulars, showing how the completed building has achieved compliance with the Building Regulations. If satisfied with the submissions, the Local Authority then validates and places the certificate on the register.

Note: The building or works can not be opened, used or occupied until the Completion Certificate is accepted and put on the register by the Building Control Authority.

What is an assigned certifier?

An Assigned Certifier is the registered professional you will be required to appoint to be responsible for overseeing the inspection and certification process.

The Assigned Certifier will work in conjunction with your Builder as they will both be certifying that a finished building complies with the requirements of the Building Regulations. The Assigned Certifier will be setting out and ensuring the execution of

an inspection plan (incorporating an inspection notification framework), ensuring that all certification is provided, co-ordinating ancillary certification and specialist tests in conjunction with the Builder and providing certification at the completion stage along with the Builder.

What are my obligations regarding the Local Authority and Building Control?

The Building Owner is ultimately responsible for ensuring that buildings or works are carried out in accordance with the requirements of the Building Regulations and the Building Control Regulations.

As Building owner you will be required to ensure that the necessary notifications are given to the Building Control Authority including:

1. Fire Safety Certificate and Disability Access Certificate applications and grants
2. Notice of assignment of the competent Builder, signed by you
3. Notice of assignment of Ancillary Certifier, signed by you
4. Commencement notice (or 7 day notice and statutory declaration) signed by you
5. Notify the Building Control Authority of any change to Builder or Assigned certifier
6. You must not open, occupy or use the building or works until the completion certificate is on the Building Control Authority register

The on line Building Control Authority system will only allow the Assigned Certifier to make any changes to the building control application, once the commencement notice is issued.

Note: The owner should be aware of the Safety, Health and Welfare at Work (Construction) Regulations introduced in August 2013 which has applied new obligations on the homeowners including the making of certain key health and safety appointments and to notify with the Health and Safety Authority in the case of certain works. More information can be sourced from www.hsa.ie

Summary

In essence, the new Building Control (Amendment) Regulations were introduced in order to improve evidence of compliance with building standards in the construction industry. The Building Owner is ultimately responsible for ensuring that buildings and/or works are designed by competent Designers, and are overseen by Assigned Certifiers and supervised by competent Builders. For convenience, please see table below identifying the main points of the Building Control Regulations

The building owner needs to ensure that they engage the services of competent Designers, a competent Builder and Assigned Certifier. To find an **Assigned Certifier or Designer (Building Surveyor)** in your area, log on to www.scsi.ie and check the register of Building Surveyors.

Note: The new building control application and processing system operates an online facility <http://www.localgov.ie/>. The Local Authority may assist applicants, for a small fee, that are unable to use the online lodgement of paperwork system. Please contact your local authority for assistance.



Obligations under the Building Control Regulations

Commencement Notices

Fire Safety Certificate

Disability Access Certificate

7 day notices

Appointment of Assigned Certifier and Builder

Undertaking certificates from the Assigned Certifier and Builder

Provision of a Certificate of Compliance (Design) at commencement stage

Lodgement of plan, calculations, specifications and particulars at commencement and completion stage

Lodgement of an inspection plan at commencement and completion stage

Coordination of ancillary certificates, tests and inspections during the construction stage.

Certificate of compliance on Completion

Validation by Building Control Authority

Placing of certificate of completion on the Building Control Authority Register before the building or works can be opened used or occupied.

Public Register

Disclaimer

This information is intended as a practical guide only. It is not a definitive legal interpretation of building control law. For more information, you should consult your technical advisor or Local Authority Building Control



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