FAQ 1. What is the Building Life Cycle Strategic Management Cycle?

Design > Planning > Building Control > Fire Services

DESIGN BUILD OCCUPY

Design ePlanning Build BCMS Occupy

Design Planning Building Control Fire Services
FAQ 2. What is the context of Building Control in the Built Environment?

Must Commence within 14-28 days of Validation of Commencement Notice

Must Complete to Comply with the Requirements of the 2nd Schedule to the Building Regulations Part A-M →

- Connections to Water, Waste Water, Surface Water, Community Heating, Utilities - Electricity, Gas, Broadband etc.
- Service Roads, Places of Refuge, Fire, Emergency Vehicles, Access etc.
- Phased development must stand alone for full compliance
- Waste permits etc...

Part A— Structure (2010)
Part B—Fire Safety (2017)
Part D—Materials and Workmanship (2013)
Part E—Sound (2014)
Part F—Ventilation (2009)
Part G—Hygiene (2011)
Part J—Heat Producing Appliances (2014)
Part K—Stairways, Ladders, Ramps and Guards (2014)
Part M—Access and Use (2010)

Buildings in Context-Interdisciplinary field- Planning, Building Control, Fire, Environment,
No Profession or Academic Discipline has a Monopoly-
Planning & Strategic Development
Environment, Structures, Design, Aesthetics, Economics,
Contract Management & Use...
Other Regulatory Compliances include Health & Safety, Taking In Charge, Roads, Services, Derelict/Dangerous Structures Acts, Multi Unit Developments Act, Housing Provision...
### FAQ 3. What are the Regulatory Considerations in Building Construction?

<table>
<thead>
<tr>
<th>Planning Acts</th>
<th>SHWW Acts</th>
<th>Multi Units Development Acts</th>
<th>Construction Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Pre-planning</td>
<td>• PSDP</td>
<td>• Certification from</td>
<td>Housing Acts 1966-2015</td>
</tr>
<tr>
<td>• Development plans</td>
<td>• PSCS</td>
<td>Competent Person</td>
<td>Arbitration Acts 1954-1980</td>
</tr>
<tr>
<td>• Taking in Charge</td>
<td>• Safety File</td>
<td>Building Control Acts</td>
<td>Roads &amp; Traffic Legislation</td>
</tr>
<tr>
<td><strong>Health Acts</strong></td>
<td></td>
<td></td>
<td>TIC - Traffic Management</td>
</tr>
<tr>
<td>• Designated Centres</td>
<td>Fire Services Act</td>
<td>Building Regulations</td>
<td>Pyrite Resolution Act 2013</td>
</tr>
<tr>
<td>• HIQA Registration</td>
<td>• Occupation Phase</td>
<td>Building Control Regulations</td>
<td>EU - Regulations &amp; Directives</td>
</tr>
<tr>
<td>• Certification from</td>
<td>• Section 18(2) – Duty of Care</td>
<td>•Commencement /7Day Notices</td>
<td>EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)</td>
</tr>
<tr>
<td>Derelict Sites Act 1990</td>
<td></td>
<td>• Certificates of Compliance on Completion</td>
<td>Urban Regeneration and Housing Act 2015</td>
</tr>
<tr>
<td>Dangerous Structures Act 1964</td>
<td></td>
<td>Technical Guidance Documents Part A-M</td>
<td></td>
</tr>
<tr>
<td><strong>Contract Law Legislation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Technical Guidance Documents</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Part A-M</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

05/03/2018- Review Mairéad Phelan
FAQ 4. What are the Key Legislative Changes which underpin S.I. 9 of 2014?

Consumer Protection, Health and Safety in or About Buildings & Competitiveness, Sustainability

Local Government Reform Act 2014 & Programme – EFFICIENCY, CUSTOMER SERVICE & VALUE FOR MONEY

• Building Control Amendment Regulations 2014 – MANDATORY INSPECTIONS AND CERTIFICATION SYSTEM
  • Certificates of compliance
  • Undertakings by Owners, Builders, Assigned Certifiers, Designers
  • Nomination of competent Builders, Assigned Certifiers, Designers

• Construction Products Regulations - BREAK DOWN TECHNICAL BARRIERS & MARKET SURVEILLANCE
  • July 2013-construction products covered by harmonised European Standards-placed on the market, CE Marking mandatory.

• Construction 2020- STRENGTHENING PUBLIC CONFIDENCE THROUGH ROBUST REGULATION
  • 53 ensure effective implementation of Building Control (Amendment) Regulations –to ensure stronger consumer protection.
  • 54 Agreed Operational Framework for BCAs to standardise work practices, systems, procedures and decision-making in relation to oversight of building control activity across 31 BCAs -move towards a risk-based approach to inspections
  • 55 Construction Industry Register, Ireland’s register of contractors, builders and tradespersons

• Action Plan for Jobs- IMPROVE EASE OF DOING BUSINESS
  235 Streamline the application procedures for Fire Safety Certificates and Disability Access Certificates, in the interests of efficient administration and furthering Government policy to make Ireland a better place to do business.
  236 Further develop the Building Control Management System (BCMS)-Prepare comprehensive user manual for industry users
  Develop BCMS to incorporate/accommodate FSC, applications for waivers and dispensations, etc.
FAQ 5. What are the Key Components of the Building Control Acts 1990 and 2007?

**Number 3 of 1990.
BUILDING CONTROL ACT, 1990**

AN ACT TO PROVIDE FOR
- THE ESTABLISHMENT OF BUILDING CONTROL AUTHORITIES AND
- THE MAKING OF BUILDING REGULATIONS AND
- BUILDING CONTROL REGULATIONS AND
- TO PROVIDE FOR MATTERS RELATING TO THE
- CONSTRUCTION OF BUILDINGS AND
- TO PROVIDE FOR OTHER MATTERS CONNECTED THERewith.

[21st March, 1990]

**Number 21 of 2007
BUILDING CONTROL ACT 2007**

- AN ACT TO AMEND AND EXTEND THE BUILDING CONTROL ACT 1990;
- TO REGULATE THE USE OF THE TITLES
- “ARCHITECT”,
- “QUANTITY SURVEYOR” AND “BUILDING SURVEYOR”;
- AND TO PROVIDE FOR RELATED MATTERS.

[21st April, 2007]
FAQ 6. What are the Key Definitions contained in Building Control Legislation?

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESIGN</td>
<td>&quot;design&quot; includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the construction, extension, alteration, repair or renewal concerned is to be executed and &quot;designed&quot; shall be construed accordingly;</td>
</tr>
<tr>
<td>CONSTRUCTION</td>
<td>&quot;construction&quot; includes the execution of works in connection with buildings and any act or operation necessary for or related to the construction, extension, alteration, repair or renewal of a building and &quot;constructed&quot; shall be construed accordingly;</td>
</tr>
<tr>
<td>BUILDING</td>
<td>&quot;building&quot; includes part of a building and any class or classes of structure which are prescribed by the Minister to be a building for the purposes of this Act;</td>
</tr>
<tr>
<td>WORKS</td>
<td>“works” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building;</td>
</tr>
<tr>
<td>MINOR WORKS</td>
<td>“minor works” means works consisting of the installation, alteration or removal of a fixture or fitting, or works of a decorative nature;</td>
</tr>
<tr>
<td>SUBSTANTIAL WORK</td>
<td>“substantial work has been completed” means that the structure of the external walls of the building has been erected.</td>
</tr>
<tr>
<td>HAS BEEN COMPLETED</td>
<td></td>
</tr>
<tr>
<td>REPAIR OR RENEWAL</td>
<td>“repair or renewal” means works of maintenance or restoration of a routine nature relating to—(a) the keeping of a building in good condition or working order</td>
</tr>
<tr>
<td>MATERIAL ALTERATION</td>
<td>“material alteration” means an alteration (other than a repair or renewal), where the work, or any part of the work, carried out by itself would be subject to a requirement of Part A or B of the Second Schedule to the Building Regulations;</td>
</tr>
<tr>
<td>MATERIAL CHANGE OF</td>
<td>&quot;Material Change of Use&quot; Section 3(3) of the Act a building, being a building which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been appropriated to other purposes, becomes used as a dwelling,</td>
</tr>
<tr>
<td>USE</td>
<td></td>
</tr>
</tbody>
</table>
FAQ 7. What is the Building Control Legislation Framework?

- Establishment of Building Control Authorities
- Empowers Building Control Authorities
- Enables the making of Regulations
- Appointment of BRAB
- Certificates, Notices, Applications
- Enforcement Notices
- Professional Registration
- Dispensations / Relaxations

EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)


Building Regulations
- 12 Parts A-M
- Applications – Dispensation from / Relaxation of

Technical Guidance Documents

Building Control Regulations
- Notices - Commencement / 7 Day Notices
- Applications - Fire Safety Certificates
- Applications - Disability Access Certificates
- Certificates - Certificates of Compliance on Completion

Framework for Building Control Authorities 2016

Code of Practice for Inspecting and Certifying Works 2016

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FAQ 8. What are the key components of the Building Control Regulations / Building Regulations

**BCMS Building Control Act 1990-2007**

**Building Regulations**

- Technical Guidance Documents - Applications - S4 Dispensation from and S4 Relaxation of a requirement of the Building Regulation

- Part B - Fire Safety (2017)
- Part C - Site Preparation and Moisture Resistance (2004)
- Part D – Materials & Workmanship (2013)
- Part E – Sound (2014)
- Part F - Ventilation (2009)
- Part G – Hygiene (2011)
- Part K - Stairways, Ladders, Ramps & Guards (2014)

**Building Control Regulations**

- Notices - Section 6(k) Building Control Acts 1990-2014
  - Commencement Notice With Additional Compliance Documentation
  - Commencement Notice with Opt Out Declaration
  - Commencement Notice Without Additional Documentation
  - 7 Day Notice which includes for (a) FSC (b) Declaration
- Lodgement of Plans –
  - Design Certificate; Notices of Assignment; Undertaking Certificates
  - Schedule of documents; Preliminary Inspection Plan
- Certificates - Certificate of Compliance on Completion-CCC
- Annex Table of Documents
- Inspection Plan as Implement

**Applications**

- S6(2)(a)(ii) FSC – fire Safety Certificate
- S6(2)(a)(vi) Revised FSC
- S6(2)(a)(vi) Regularisation FSC
- S6(2)(a)(ix) DAC - Disability Access Certificate
- S6(2)(a)(x) Revised DAC

**Statutory Public Register**

- Validation by BCA

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**Framework for BCAs – June 2016**

**Code of Practice for Inspecting and Certifying Works - September 2016**
FAQ. 9 (a) What are the Building Regulations?

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings. Building Regulations provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities.
FAQ 9 (b) . What are the Building Control Regulations?

The Building Control Regulations apply to new buildings, extensions, material alterations and changes of use of buildings. They promote observance of the Building Regulations by supplementing powers of inspection and enforcement given to Building Control Authorities. The Building Control Regulations regulate:

1. Commencement Notices and 7 Day Notices
2. Fire Safety Certificates, Revised Fire Safety Certificates and Regularisation Certificates
3. Disability Access Certificates and Revised Disability Access Certificates
4. Maintenance of Registers
5. Fees
6. Statutory registration of building control activity

Failure to submit a Commencement Notice is an offence and will have serious consequences which cannot be regularised at a later date. You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.
FAQ. 9 (c) Who is responsible for compliance with the Building Regulations and Building Control Regulations?

The owner of the building, the designer who designs the works, and the builder who carries out the works are responsible, under law, for compliance with Building Regulations and Building Control Regulations.
FAQ 10. How does Building Control interact with other Legislation

- Part A - Structure
- Part B – Fire Safety
- Part C - Site Preparation & Resistance to Moisture
- Part D - Materials & Workmanship
- Part E - Sound
- Part F – Ventilation
- Part G – Hygiene
- Part H – Drainage & Waste Water Disposal
- Part J – Heat Producing Appliances
- Part K – Stairways, Ladders, Ramps & Guards
- Part L – Conservation of Fuel & Energy-Dwellings
- Part L – Conservation of Fuel & Energy-Buildings Other Than Dwellings
- Part M – Access & Use
FAQ 11. Where can I find the Key Roles, Duties, and Standard Procedures in relation to Building Control?

1. **Code of Practice for Inspecting & Certifying Buildings & Works - September 2016**
   1. **Owners, Builders, Designers Responsible for Compliance**
   2. **Assigned Certifiers - Liaise with the BCA, Inspection Plans & Document Collation for Certificate of Compliance on Completion**

2. **Framework for Building Control Authorities – June 2016**
   a. **Building Control Authority Administer the Process and May Take Enforcement**

Read Roles & Duties
FAQ 12. What are the contents of the Code of Practice for Inspecting and Certifying Works, September 2016?

Table of Contents
1. Introduction
2. Definitions
3. Roles and Duties
4. Certification
5. Lodgement of Plans and Documentation
6. Commencement Stage
7. Construction Stage Inspection – by Certifiers
8. Completion Stage
9. Archiving of Records
10. E-lodgements
11. Professional Ethics
12. Insurance
Appendix: List of Requirements under Building Regulations
### FAQ 13. What are the contents of the Framework for Building Control Authorities, June 2016?

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction -Purpose of Framework</td>
<td></td>
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<tr>
<td>2. Role of Building Control Authority</td>
<td></td>
</tr>
<tr>
<td>3. Consistency and Standardisation</td>
<td></td>
</tr>
<tr>
<td>4. Risk Assessment</td>
<td></td>
</tr>
<tr>
<td>5. Technical Assessment</td>
<td></td>
</tr>
<tr>
<td>6. Statutory Building Control Register</td>
<td></td>
</tr>
<tr>
<td>7. Appeals to An Bord Pleanála</td>
<td></td>
</tr>
<tr>
<td>8. Phased Completion</td>
<td></td>
</tr>
<tr>
<td>9. Archiving of Records</td>
<td></td>
</tr>
<tr>
<td>10. Administrative Validation and Assessment</td>
<td></td>
</tr>
<tr>
<td>Appendix I-EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)</td>
<td></td>
</tr>
<tr>
<td>Appendix III-General Role and Guidelines</td>
<td></td>
</tr>
<tr>
<td>Appendix IV-Milestones throughout the Building Project;</td>
<td></td>
</tr>
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<td>Appendix V-Building Regulation Elements for Compliance</td>
<td></td>
</tr>
<tr>
<td>Appendix VI-Sample Inspection Form Developed for BCMS mobile phase</td>
<td></td>
</tr>
<tr>
<td>Appendix VII-Legislation Relevant to Built Environment;</td>
<td></td>
</tr>
<tr>
<td>Appendix VIII-Authorised Officers for the Built Environment</td>
<td></td>
</tr>
<tr>
<td>Appendix IX-Sample Letters and Notices</td>
<td></td>
</tr>
</tbody>
</table>
BCMS
Building Control Management System

FAQ 14. What are the definitions for Stakeholders in the Building Control Process?

**Building Owner**
“Building Owner” means the person who has commissioned or paid for the works and who has legal entitlement to have such works carried out on their behalf;

**Design Certifier**
“Design Certifier” means the person who signs the Certificate of Compliance (Design);

**Assigned Certifier**
"Assigned Certifier" means the competent, registered professional person so assigned, in accordance with the Building Control Regulations;

**Builder**
“Builder” means a competent builder appointed, for purposes of the Building Control Regulations, by the building owner, to build and supervise the works;

**Competent**
“Competent Person”: a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

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FAQ. 14 (a) As an Owner, how can I appoint a Competent Builder/Designer/Assigned Certifier?

- "Competent Person": a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;
- Competence can be verified, for instance, by reference to involvement on previous similar projects.
- One way of choosing a competent builder is to select a builder included on the Construction Industry Register Ireland (CIRI). Further details may be found on www.ciri.ie
- Professional Designers and Assigned Certifiers may be selected from the Royal Institute of Architects of Ireland (RIAI), Society of Chartered Surveyors of Ireland (SCSI) and Engineers Ireland (EI) registers.
FAQ 15. Who can act as an Assigned Certifier?

(1) Architects on register pursuant to Part 3 of the Building Control Act 2007 or

(2) Building Surveyors on register pursuant to Part 5 of the Building Control Act 2007 or

(3) Chartered Engineers on register pursuant to Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. and

Competent: The regulations specifically require the Assigned Certifier to be competent to inspect and certify the works
FAQ 16. Who can sign a Statutory Declaration?

Statutory Declarations Act, 1938

1.—(1) It shall be lawful for any of the following persons, that is to say:—
(a) a notary public,
(b) a commissioner for oaths,
(c) a peace commissioner,
(d) a person authorised by law to take and receive statutory declarations,
to take and receive the declaration in writing of any person making the same before him in the form set out in the Schedule to this Act.

6.—Every person who makes a statutory declaration, which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
FAQ 17. Who signs the Statutory Building Control Documents, which are provided via the BCMS?

<table>
<thead>
<tr>
<th>Document Description</th>
<th>Signatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice</td>
<td>Owner</td>
</tr>
<tr>
<td>FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT</td>
<td></td>
</tr>
<tr>
<td>FORM OF 7 DAY NOTICE</td>
<td>Owner</td>
</tr>
<tr>
<td>Design Certificate</td>
<td>Designer</td>
</tr>
<tr>
<td>Form of Certificate of Compliance (Design)</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER</td>
<td>Owner</td>
</tr>
<tr>
<td>(Notice of Assignment of Person to Inspect and Certify Works)</td>
<td></td>
</tr>
<tr>
<td>UNDERTAKING BY ASSIGNED CERTIFIER</td>
<td>Assigned Certifier</td>
</tr>
<tr>
<td>Form of Certificate of Compliance</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF ASSIGNMENT OF BUILDER</td>
<td>Owner</td>
</tr>
<tr>
<td>UNDERTAKING BY BUILDER</td>
<td>Builder</td>
</tr>
<tr>
<td>FORM OF CERTIFICATE OF COMPLIANCE</td>
<td></td>
</tr>
<tr>
<td>CERTIFICATE OF COMPLIANCE ON COMPLETION</td>
<td>Assigned Certifier &amp; Builder</td>
</tr>
<tr>
<td>FORM OF 7 DAY NOTICE STATUTORY DECLARATION</td>
<td>Owner &amp; Commissioner of Oaths</td>
</tr>
</tbody>
</table>
FAQ 18. What are the Statutory Documents referenced under the Building Control Act / Regulations

EMPOWENMENT NOTICE

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

7 DAY NOTICE

The application (under the Building Control Act 1990 – 2014) giving notice of any building or any alteration or addition to a building, or the carrying out of any works, or the carrying out of any works, or the carrying out of任何 works, of which such notice is required by this section, and to which the applicant is a person who believes to be entitled to the carrying out of any work in respect of which an application for a building permit has not been made and any building permit has not been granted.

ASSIGNMENT OF BUILDING
Section 6(2)(c) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

NOTIFICATION OF CHANGE OF ASSIGNED CERTIFIER OR BUILDER
Section 6(2)(d) of the Building Control Regulations 1997 – 2016

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

DEPENSION OR RELAXATION
Section 6(2)(b) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

FIRE SAFETY CERTIFICATE
Section 6(2)(d) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS
Section 6(2)(b) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

REGULARIZATION CERTIFICATE
Section 6(2)(b) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

DISABLED ACCESS CERTIFICATE
Section 6(2)(b) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

REVISED FIRE SAFETY CERTIFICATE
Section 6(2)(b) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

APPLICATIONS

CERTIFICATES

CERTIFICATE OF COMPLIANCE (DESIGN)
Section 6(2)(a) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER/ASSIGNED BUILDER)
Section 6(2)(a) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)
Section 6(2)(a) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.

CERTIFICATE OF COMPLIANCE (ON COMPLETION)
Section 6(2)(a) of the Building Control Act 1990 – 2014

(a) the construction of any building of the carrying out of any works which building regulations apply to in respect of which an application for a building permit has not been made and any building permit has not been granted and the building regulations apply to in respect of which a building permit has not been made and any building permit has not been granted.
### FAQ 19. What are the Building Consequence Classes?

<table>
<thead>
<tr>
<th>Consequence Class</th>
<th>Building type and occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single occupancy houses not exceeding 4 storeys; Agricultural buildings; Buildings into which people rarely go, provided no part of the building is closer to another building, or area where people do go, than a distance of 1.5 times the building height.</td>
</tr>
<tr>
<td>2a Lower Risk Group</td>
<td>5 storey single occupancy houses; Hotels not exceeding 4 storeys; Flats, apartments and other residential buildings not exceeding 4 storeys; Offices not exceeding 4 storeys; Industrial buildings not exceeding 3 storeys; Retailing premises not exceeding 3 storeys of less than 1000 m2 floor area in each storey; Single storey educational buildings; All buildings not exceeding two storeys to which the public are admitted and which contain floor areas not exceeding 2000 m2 at each storey.</td>
</tr>
<tr>
<td>2b Upper Risk Group</td>
<td>Hotels, flats, apartments and other residential buildings greater than 4 storeys but not exceeding 15 storeys; Educational buildings greater than single storey but not exceeding 15 storeys; Retail premises greater than 3 storeys but not exceeding 15 storeys; Hospitals not exceeding 3 storeys; Offices greater than 4 storeys but not exceeding 15 storeys; All buildings to which the public are admitted and which contain floor areas exceeding 2000 m2 but not exceeding 5000</td>
</tr>
<tr>
<td>3</td>
<td>All buildings defined above as Class 2 Lower and Upper Consequences Class that exceed the limits on area and number of storeys; All buildings to which members of the public are admitted in significant numbers; Stadia accommodating more than 5000 spectators; Buildings containing hazardous substances and /or processes</td>
</tr>
</tbody>
</table>

**Notes**

(i) For buildings intended for more than one type of use the ‘consequences class’ should be that relating to the most onerous type

(ii) In determining the number of storeys, basement storeys may be excluded provided such basement storeys fulfil the requirements of ‘Consequences Class 2b Upper Risk Group’
FAQ. 20 What is a Commencement Notice?

• 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. Once validated by the building control authority, works must commence on site within the 28 day period.

• If the works do not start within 28 days of the date of lodgement of the Commencement Notice, you must submit a new Commencement Notice prior to the commencement of any works taking place.
FAQ 20 (a). What are the 4 Commencement Notice Types?

Section 6( k ) of the Building Control Acts 1990-2014 require the giving of notice to building control authorities of the erection of such buildings, or classes of buildings, or the carrying out of such works, or classes of works, as may be specified in the regulations. The Regulations provide for four Commencement Notice (CN) types:

i. Commencement Notice With Additional Compliance Documentation

ii. Commencement Notice with Opt Out Declaration

iii. Commencement Notice Without Additional Documentation

iv. 7 Day Notice which includes for
   (a) FSC
   (b) Declaration

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ. 20 (b) What is a 7 Day Notice?

A 7 day notice is similar to a Commencement Notice and may be used for works, which require a Fire Safety Certificate, when the works need to start before the Certificate is granted. It must be accompanied by a valid Fire Safety Certificate application and a Statutory Declaration. After the 1st March 2014, the additional requirements which apply to Commencement Notices will also apply to 7 Day Notices. The fee for a 7-Day Notice is €250 or €5.80 per square metre of applicable floor area (whichever is the greater).
FAQ. 20 (c) Do all developments require a Commencement Notice?

Commencement Notices are required for the following:

1. the erection of a building;
2. a material alteration or extension of a building, or material change of use of a building;
3. works in connection with the material alteration (excluding minor works) of a shop, office or industrial building.

A Commencement Notice is not required:

1. for works or a change of use which are exempted development under the Planning Acts, and for which a Fire Safety Certificate is not required;
2. or where a 7 Day Notice has been submitted.
FAQ. 20(d) What is the Fee for a Commencement Notice?

The fee for a Commencement Notice is €30, or where the Commencement Notice relates to multiple buildings, €30 in respect of each building.

Additional charges will be imposed by the Building Control Authority for commencement notices which are not submitted online via the Building Control Management System.
FAQ 20 (e) Can a Commencement/7Day Notice be submitted Online?

- Yes, as an Owner you can submit a Commencement Notice via the online Building Control Management System (BCMS) hosted on localgov.ie
- The Building Owner must first register on the BCMS system.
- The BCMS will allow building Owners to nominate an Assigned Certifier, Designer and Builder for the development works.
- Each party must be registered with the BCMS system to accept their respective roles in or sign their respective statutory forms.
FAQ. 20 (f) Can a Commencement/7 Day Notice be submitted at the Local Building Control Office?

Yes, Commencement/7Day Notice can be submitted at the offices of your local Building Control Authority. But, the online assessment must still be carried out via the Building Control Management System. There may also be an extra administrative charge for these over the counter submissions.
FAQ. 20 (g) Can an Owner build their own house by direct labour?

Yes.

The owner may appoint themselves as the builder if they believe they are competent to carry out that role and sign the Certificate of compliance (Undertaking by Builder). As the builder, they are responsible for compliance with the Building Regulations. The must sign the Certificate of Compliance on Completion and must also appoint an Assigned Certifier to inspect the works during construction.

If an owner decides to opt-out of statutory Certificate of Compliance on Completion, they must declare that they understand their statutory requirements and will ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Building Regulations.
FAQ 21. When should the relevant Commencement Notice type be used?

| Commencement Notice With Additional Compliance Documentation | A Building or works which relate to:  
|• The construction of a domestic dwelling, or domestic dwellings in a multi-unit development  
|• The extension of a domestic dwelling of more than 40 sq.m  
<table>
<thead>
<tr>
<th>• Works which require a Fire Safety Certificate</th>
</tr>
</thead>
</table>
| Commencement Notice with Opt Out Declaration                  | A Building or works which relate to:  
|• The construction of a single domestic dwelling on a single development site, or  
|• The extension of a domestic dwelling of more than 40 sq.m, Where the owner is choosing to Opt Out of the requirement for Statutory Certification |
| 7 Day Notice                                                  | • Works which require a Fire Safety Certificate, where the owner intends to commence the construction of such works before the grant of the relevant Fire Safety Certificate |
| Commencement Notice Without Additional Documentation          | • Any other works not listed above, where the Building Control Regulations require such a Notice |
### FAQ 22. What documents / forms are required to accompany a Commencement Notice / CCC

<table>
<thead>
<tr>
<th>Commencement Notice with Additional Documentation</th>
<th>Commencement Notice without Additional Documentation</th>
<th>Commencement Notice with Opt Out of Statutory Declaration</th>
<th>7 Day Notice</th>
<th>Certificate of Compliance on Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice</td>
<td>Commencement Notice</td>
<td>Declaration of Intention to Opt Out of Statutory Certification</td>
<td>7 Day Notice</td>
<td>Certificate of Compliance on Completion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Statutory Declaration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design Certificate</td>
<td></td>
<td>Design Certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nomination of Builder</td>
<td>Nomination of Builder</td>
<td>Nomination of Builder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undertaking by Builder</td>
<td></td>
<td>Undertaking by Builder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nomination of Assigned Certifier</td>
<td></td>
<td>Nominations of Assigned Certifier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undertaking by Assigned Certifier</td>
<td></td>
<td>Undertaking by Assigned Certifier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Arrangement Drawings</td>
<td>General Arrangement Drawings</td>
<td>General Arrangement Drawings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Inspection Plan</td>
<td></td>
<td>Preliminary Inspection Plan</td>
<td></td>
<td>Inspection Plan as Implemented</td>
</tr>
<tr>
<td>Schedule of Documents - 6 CN</td>
<td>Schedule of Documents - 6 CN</td>
<td>Schedule of Documents - 6 CN</td>
<td>Schedule of Documents - 6 CN</td>
<td>ANNEX-Table of Documents</td>
</tr>
<tr>
<td>Completion of an Online Assessment via the BCMS</td>
<td>Completion of an Online Assessment via the BCMS</td>
<td>Completion of an Online Assessment via the BCMS</td>
<td>Completion of an Online Assessment via the BCMS</td>
<td>Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction.</td>
</tr>
</tbody>
</table>

05/03/2018 - Review Mairéad Phelan
FAQ 23. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a Commencement Notice with Additional Documentation

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

<table>
<thead>
<tr>
<th>Document</th>
<th>Description</th>
<th>Remarks</th>
<th>Reference No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice-Statutory Form</td>
<td>Complete Fully &amp; Sign</td>
<td>Statutory Form</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td>(I) General Arrangements</td>
<td>Plan</td>
<td>Plan</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Sections</td>
<td>Plan</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Elevations</td>
<td>Plan</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>Compliance Statement Report</td>
<td></td>
<td></td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,(potential list A-M compliances below)</td>
<td>List/Schedule- include those designed i.e. available and to be designed during the project development</td>
<td>See Q6 Statutory Form i.e. • Document- • Reference No- • Description-</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,</td>
<td>Complete this online</td>
<td>BCMS Online-registered user</td>
<td></td>
<td>Complete BCMS Online</td>
</tr>
<tr>
<td>(IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and</td>
<td>List milestone inspections and relevant Building Regulation Compliance issues</td>
<td></td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(I) a Certificate of Compliance (Design),</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(III) a Certificate of Compliance (Undertaking by Assigned Certifier),</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(IV) a Notice of Assignment of Builder,</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(V) Certificate of Compliance (Undertaking by Builder)</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
</tbody>
</table>
### FAQ 24. How do I complete the Commencement Notice Submission Process to the Building Control Authority for a Commencement Notice with Opt Out Declaration

Schedule of Documents(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)-Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

<table>
<thead>
<tr>
<th>Document</th>
<th>Description</th>
<th>Remarks</th>
<th>Reference No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice-Statutory Form</td>
<td>Complete Fully &amp; Sign</td>
<td>Statutory Form</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td>(I) General Arrangements</td>
<td>Plan</td>
<td>Plan</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td></td>
<td>Sections</td>
<td>Plan</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Elevations</td>
<td>Plan</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Compliance Statement Report</td>
<td>Report</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date, (potential list A-M compliances below)</td>
<td>List/Schedule- include those designed i.e. available and to be designed during the project development</td>
<td>See Q6 Statutory Form i.e.</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,</td>
<td>Complete this online</td>
<td>BCMS Online-registered user</td>
<td></td>
<td>Complete BCMS Online</td>
</tr>
<tr>
<td>(V) Statutory Declaration of Intention to Opt Out of Statutory Certification</td>
<td>Complete fully and sign</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(IV) a Notice of Assignment of Builder,</td>
<td></td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
</tbody>
</table>
FAQ 25. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a Commencement Notice without Additional Documentation

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars) - Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

<table>
<thead>
<tr>
<th>Document</th>
<th>Description</th>
<th>Remarks</th>
<th>Reference No</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice - Statutory Form</td>
<td>Complete Fully &amp; Sign</td>
<td>Statutory Form</td>
<td></td>
<td><strong>Upload</strong></td>
</tr>
<tr>
<td>(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,</td>
<td>Complete this online</td>
<td>BCMS Online-registered user</td>
<td></td>
<td><strong>Complete BCMS Online</strong></td>
</tr>
</tbody>
</table>
**FAQ 26. How do I complete the Commencement Notice Submission Process to the Building Control Authority via the BCMS for a 7 Day Notice**

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars) - Schedule that may be relied on during process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

<table>
<thead>
<tr>
<th>Document</th>
<th>Description</th>
<th>Remarks</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement Notice-Statutory Form</td>
<td>Complete Fully &amp; Sign</td>
<td>Statutory Form</td>
<td>Upload</td>
</tr>
<tr>
<td>Statutory Declaration</td>
<td>Complete fully and sign</td>
<td>Statutory form</td>
<td>Upload</td>
</tr>
<tr>
<td>(I) General Arrangements</td>
<td>Plan</td>
<td>Plan</td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Sections</td>
<td>Plan</td>
<td>upload</td>
</tr>
<tr>
<td></td>
<td>Elevations</td>
<td>Plan</td>
<td>upload</td>
</tr>
<tr>
<td>(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date, (potential list A-M compliances below)</td>
<td>List/Schedule- include those designed i.e. available and to be designed during the project development</td>
<td>See Q6 Statutory Form i.e. • Document- • Reference No- • Description-</td>
<td>upload</td>
</tr>
<tr>
<td>(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,</td>
<td>Complete this online</td>
<td>BCMS Online-registered user</td>
<td>Complete BCMS Online</td>
</tr>
<tr>
<td>(IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and</td>
<td>List milestone inspections and relevant Building Regulation Compliance issues</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(I) a Certificate of Compliance (Design),</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(III) a Certificate of Compliance (Undertaking by Assigned Certifier),</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(IV) a Notice of Assignment of Builder,</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
<tr>
<td>(V) Certificate of Compliance (Undertaking by Builder)</td>
<td>Statutory Form</td>
<td></td>
<td>upload</td>
</tr>
</tbody>
</table>
FAQ 27. What happens if a development, which required a Commencement Notice, commences without such a Notice?

1. A Commencement Notice is required under Article 9 of the Principal Regulations (Building Control 1997) for specified buildings or works; the requirement for this has changed very little from the 1990 Building Control Act other than the requirement for accompanying documentation and registered professionals for certain specified buildings or works.

2. Failure to comply with any requirement shall be an offence to which section 17(2) of the Act of 1990 applies. And again nothing has changed here.

3. For many buildings or works where a FSC and/or DAC is required the building cannot be occupied without a valid certification from the BCA — again very little has changed here.

4. A failure to lodge a commencement notice and/or occupy the premises without valid certification under the BCA is an offence as set out in 2 above.

5. It is not possible now since the bringing into law of SI9 of 2014 or before the advent of SI9 of 2014 to regularise the breach of this legislation for non-submission of documentation including commencement notices.

6. The course of action open to the BCA is to enforce the requirements of the Building Regulations - i.e. serve enforcement for the commencement of buildings or works without notice to the LA in the form of a Commencement Notice i.e. enforcement for “failure to submit a Commencement Notice” and then prosecute this in the courts.

7. Prosecution proceedings against defaulters - Section 17 of the Act which must 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.

8. The BCA may decide to just serve the enforcement notice, put the particulars on the statutory register and before the expiry of the 12 months decide not to prosecute for stated reasons which may include; financial consideration, the proportionality of the offence in relation to the consequences, the common good and the fact that the building or works may be certified as fully compliant with the Building Regulations but not compliant with the administrative requirements of the Building Control Regulations etc. Each LA must look at the individual situations and ultimately it is up to them how to proceed.

9. If a building has commenced without a commencement notice and this is brought to the attention of the BCA and/or owner; it is open to the owner to apply for a commencement notice for the remainder of the building or works; part of the certification and the accompanying documentation would have to include certification to the effect that due diligence was carried out on the already commenced buildings or works (similar to building an extra storey on top of an existing building) etc. The completion certificate pertaining to this would only cover the works in the commencement notice and the works already carried out could never be the subject of a completion certificate for the purpose of the legislation but that doesn’t mean that they are not compliant with the Building Regulations. This may cause legal impediments for the owner but this is not a concern of the BCA.

10. The other option is that the owner demolishes and starts again or

11. The BCA, enforces, prosecutes and requests removal; it may be that the judge would look at proportionality (Wicklow Fortune High Court Case)

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 27 (a) . Requests from the Building Control Authority for a revised notice, or additional information, or fee.

• No, works shall not commence without a Valid Commencement Notice in compliance with Article 9 of S.I. No. 496 of 1997.

• In the case of a request for a revised notice, or additional information, or fee, under Article 8 of S.I. No. 9 of 2014, or Article 20A (3)(c)(ii) of S.I. No 351 of 2009 where the Building Control Authority has not received such a response, an applicant cannot commence works before such revised notice, or additional information, or fee, has been received by the Local Authority?
FAQ. 28 What is a Certificate of Compliance on Completion?

• For work coming within the scope of S.I. 9 of 2014, a Certificate of Compliance on Completion must be submitted to the Building Control Authority and relevant particulars thereof shall be included on the statutory register before the building may be opened, occupied or used.

• The Certificate must be signed by the Assigned Certifier and the Builder. It certifies that the building or works have been carried out in accordance with the Building Regulations.

• It is a matter for the Building Control Authority to validate/invalidate the Certificate of Compliance on Completion in accordance with Article 20F of the Building Control Regulations as amended.
FAQ 28 (a). What is a Certificate of Compliance on Completion? S.I. 9 of 2014 (Article 20F) p29

ANNEX
Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction. (Details of relevant plans, etc. may be listed below and attached hereto)
<table>
<thead>
<tr>
<th>Annex Table of Documents</th>
<th>Type</th>
<th>Remarks</th>
<th>Available on BCA request (AOR) Upload</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCC Signed by Builder &amp; Assigned Certifier</td>
<td>Statutory Document</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td>Inspection Plan as Implemented</td>
<td>Competed Inspection Plan</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td>Annex of Documents</td>
<td>Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction (Details of relevant plans, etc. may be listed below and attached hereto)</td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td>Differences from commencement Submission</td>
<td>Document, Plans</td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Plans</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Calculations</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Specifications</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Ancillary Certificates</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Particulars</td>
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<td></td>
<td>AOR</td>
</tr>
<tr>
<td>If relevant</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>DACs-DAC-Revised</td>
<td></td>
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<tr>
<td>FSCs-FSC-Revised-Regularisation</td>
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<td>AOR</td>
</tr>
<tr>
<td>Relaxation of Building Regulations</td>
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<tr>
<td>Dispensation from Building Regulations</td>
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<td>AOR</td>
</tr>
<tr>
<td>Other Relevant Compliances which may be Listed in the Annex Table</td>
<td></td>
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<td>AOR</td>
</tr>
<tr>
<td>DEAP Calculations</td>
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<td>AOR</td>
</tr>
<tr>
<td>NEAP Calculations</td>
<td></td>
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<td>AOR</td>
</tr>
<tr>
<td>Check</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Phased Developments stand alone Compliance Check Building Regulations</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Compliance Documentation/Report re temporary Compliances the subject of future Development Works Compliances i.e. development fully completed?</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Previous CCC Ref No Documentation/Report which form part of this CCC</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
<tr>
<td>Other Commencement Notices relevant to this Completion certificate</td>
<td></td>
<td></td>
<td>AOR</td>
</tr>
</tbody>
</table>
FAQ 29 (a). What documents / forms are required to accompany a CCC –See Code O Practice Inspecting & Certifying Works 2016

<table>
<thead>
<tr>
<th>Table C.2</th>
<th>Typical documentation supporting compliance with Parts A to M for a Detached Non-Complex Dwelling House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Typical documentation (where applicable)</td>
<td>Builder to obtain and make available</td>
</tr>
<tr>
<td>1. Confirmation of the use of proper materials.</td>
<td>See Table C.3</td>
</tr>
<tr>
<td>2. Mechanical ventilation &amp; heat recovery installation &amp; commissioning report.</td>
<td></td>
</tr>
<tr>
<td>4. Space &amp; water heating system installation &amp; commissioning report.</td>
<td></td>
</tr>
<tr>
<td>5. Air tightness test report.</td>
<td></td>
</tr>
<tr>
<td>6. DEAP calculation for dwelling house (as built).</td>
<td></td>
</tr>
<tr>
<td>7. Evidence of Fire detection/ alarm commissioning</td>
<td></td>
</tr>
<tr>
<td>8. Other</td>
<td></td>
</tr>
</tbody>
</table>
FAQ 30. What is the role of the Building Control Authority at Completion Stage?

• Validate the submission of the Certificate of Compliance on Completion- process includes,
  • Check that certificate was properly completed and signed by the appropriate persons.
  • Check that Annex to CCC properly completed
  • Check that the Inspection Plan as Implemented properly completed
  • Check that there are no unresolved matters in relation to requests under Section 11 of the Act or
  • Enforcement Notices or
  • Conditions attached to Fire Safety Certificates, Disability Access Certificates, etc.
• Include details of same in the Statutory Building Control Register of Building Control Activity.
FAQ 31. What considerations should be given to phased completions?

Overview:
As a general rule the purpose of the Certificate of Compliance on Completion is to ensure for compliance with the:

1. Administrative requirements as set out in the Building Control Regulations which is basically 3(a), (b)(i), and the
2. Design requirements 3(b)(ii) i.e. the requirements of the Second Schedule to the Building Regulations before works or buildings can be opened, occupied or used

- Therefore it is recommended that any phasing of developments for the purpose of Certificate of Compliance on Completion Certificates should be carefully considered in the context of interdependency of the Parts A-M with each other and the other phases in the development.
- For the purpose of best practice housing development and construction compliance each phase should be designed to stand alone and as such compliance with Part A-M should be addressed both individually and collectively.
- In essence each phase of the development must be compliant and not have outstanding compliances in other phases even if this requires completing all the development works in advance i.e. Part B access for fire appliances, Part H treatment systems, Part M access and use, Part L, J there may be district heating etc. in general each phase must stand alone and should be assessed on its merits; best method is to audit the phase against the particular requirements of the Building Regulations, a consolidated summary is set out below for ease of reference
- Reference is made to the requirements of the Building Control Regulations the relevant section which is set out below;

“Building Control Regulations 1997-2014-Part IIIC – Certificate of Compliance on Completion
20F (1) Subject to paragraph (2), 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 IV before works or a building to which Part II or Part IIIA applies may be opened, occupied or used.
(2) The requirement for a Certificate of Compliance on Completion shall apply to the following Commencement Notice Types -
(a) Commencement Notice with Additional Documentation
(b) 7 Day Notice
(3) A Certificate of Compliance on Completion shall be –
(a) in the form specified for that purpose in the Sixth Schedule, and
(b) accompanied by such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed –
(i) differs from the plans, calculations, specifications and particulars submitted for the purposes of Article 9(1)(b)(i) or Article 20A(2)(a)(ii) as appropriate (to be listed and included at the Annex to the Certificate of Compliance on Completion), and
(ii) complies with the requirements of the Second Schedule to the Building Regulations, and the relevant Technical Guidance Documents
(c) accompanied by the Inspection Plan as implemented by the Assigned Certifier in accordance with the Code of Practice referred to under article 20G(1) or a suitable equivalent.
FAQ 32. What considerations should be given to multi-unit developments

• Commencement Notices for each individual property in multi-unit developments are not appropriate, having regard to the multiple Building Regulatory compliance factors that lie outside the site boundaries of individual properties;
• Single Commencement Notices are appropriate for multi-unit developments where the entire development is to be completed continuously from Commencement in one phase;
• Where multi-unit developments are intended to be completed in phases, separate Commencement Notices should be submitted for each such phase;
• Each individual property within each phase, where phasing is applied, must comply with Building Regulations at the time of disposal, including compliance with matters that lie outside the legal boundaries of each such individual unit but that impact on that compliance;
• Part of the submission at Commencement Notice stage, where phased disposal of individual properties is planned, must describe how such compliance will be achieved, including description of such temporary measures as may be necessary to be provided during the works to complete the entire scheme to achieve such compliance at all times for all phases of completion.
• Regard should be had to BCR 1997-must Commence on a specified date between 14-28 days of submission of Commencement Notice.
FAQ 33. What construction stages should be inspected, as a minimum, for a one off house?

Sample Inspection Plan - one off house

1. Design
2. Formation
3. Foundation
4. Ground Floor
5. Wall Plate level
6. Roof Level
7. Completion

The Inspection Plan is dependent on many factors including -

a) type of building and type of construction;
b) method of construction;
c) how serious the consequences of a particular contravention might be;
d) the impracticability or impossibility of subsequent inspection of closed up work; and
e) speed of construction.
f) Stakeholder Experience & Competency

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 33 (a). What construction stages should be inspected, as a minimum, for a one off house? Code of Practice Inspecting & Certifying Works 2016

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 34. What types of works can a Completion Certificate cover? (not comprehensive)

1. STAND ALONE FULL COMPLETION - Detached Dwelling, Semi Detached Dwelling, Industrial Building.
2. MULTI-UNIT FULL COMPLETION - Apartment Block, Small Shopping Centre (Full Fit Out)
3. MULTI-UNIT PARTIAL COMPLETION - Shopping Centre (Shell & Core), Unit Fit Out
4. EXTENSION TO AN EXISTING BUILDING - Extension To Shop, Extension To Nursing Home
5. MATERIAL ALTERATION - Internal Works To Place Of Public Assembly, Provision Of Additional Internal Floor Area In An Existing Industrial Building
6. MATERIAL CHANGE OF USE - A Domestic Dwelling Becomes So Used, Change From Office To Place Of Public Assembly

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 35. What considerations should be given when determining the approach to Risk Based Inspections?

**Hazard**
- Hazard - Scenario
- Likelihood
- Consequence/
  - Severity
  - PRIME
  - Cost of remedial works

**Risk**
- How widespread
- Is it transmittable
- Commercial
- Residential
- Life

**Consequence/Severity Level**
- Catastrophic
- Major
- Moderate
- Minor
- Insignificant

---

The Basic Requirements - Building Regulations: Risk of Non Conformance with Parts A-M
- Catastrophic - Very Serious - Stoppage
- Major - Close Monitoring - Tight Control
- Moderate - Normal Requiring Standard Control
- Minor - Random control
- Insignificant - Least Control

---

The Consequence/Severity Level:
- Catastrophic
- Major
- Moderate
- Minor
- Insignificant

---

The Likelihood:
- Rare
- Unlikely
- Possible
- Likely
- Almost Certain

---

Risk is a Function of Scenario, Likelihood and Consequence

---

FAQ 35. What considerations should be given when determining the approach to Risk Based Inspections?
FAQ 36. What are the most common building defects observed by Building Control Authorities?

1. Underfloor fill- panel fixings, pyrite.. (Part A, C, D)
2. Moisture ingress-radon, dpc. (Part C)
3. Fire resistance-eaves, party walls, ducting (Part B)
4. Sound transmission,-flooring detail, insulation (Part E, L)
5. Condensation & mould growth (Part F)
6. Frozen pipes, attic tank, stopcocks (Part G)
7. Septic tanks overload, flooding (Part H)
8. Flues, location, size, burners (Part J)
9. Balcony, Stair rails-wrong height, glass (Part K)
10. Steps to entrances (Part M)
11. BER calculations don’t exist, stud fixings, cavities clear of mortar (Part L)
12. Timber frame-fixings, vapour control, cavity barriers, fire stopping,
13. Blocks with no certification (Part A,D)
FAQ 37. What should the Assigned Certifier undertake to do?

ROLE -

▪ Inspect;
▪ To Co-ordinate The Inspection Activities Of Others During Construction;
▪ To Certify The Building Or Works On Completion.

Role does not include responsibility for the supervision of any builder.

They may or may not be a member of the design team.

(a) Provide And Sign The Relevant Statutory Certificates -
   I. Form Of Undertaking At Commencement And The
   II. Certificate Of Compliance On Completion;
(b) co-ordinate the ancillary certification by design team & other relevant bodies for the CCC;
(c) identify all design professionals and specialists, in conjunction with the Builder, from whom certificates are required;
(d) identify all certificates required and obtain them;
(e) co-ordinate and collate all compliance certification in conjunction with the Builder;
(f) in consultation with design team, plan and oversee the implementation of the Inspection Plan during Construction;
(g) prepare Preliminary Inspection Plan- oversee adherence to this plan -on completion provide Inspection Plan as implemented;
(h) on termination /relinquishment of their appointment make available to the Building Owner all certification prepared and inspection reports carried out;
(i) act as single point of contact with the BCA during construction;
(j) seek advice from the BCA, in respect of compliance matters relating to the building or works where disputes or differences of opinion arise between the parties to the project; and
(k) maintain records of inspection
FAQ 38. What elements should be inspected by Building Control Inspectors, at the various stages of construction?

<table>
<thead>
<tr>
<th>Stage No</th>
<th>Building Elements</th>
<th>Relevant Part of Building Regulations</th>
<th>Elements to be Inspected / Checked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Design Stage</td>
<td>Paper Assessment- S11 Requests</td>
<td>A-M</td>
<td>A-M</td>
</tr>
<tr>
<td>2. Formation Level</td>
<td>Substructure &amp; Drains</td>
<td>A,C,D,H</td>
<td>Ground bearing, Drainage</td>
</tr>
<tr>
<td>4. Ground Floor Level</td>
<td>Superstructure walls and floor Joists laid</td>
<td>A,C,D,H,,B,K,L,M</td>
<td>Access, ventilation, walls</td>
</tr>
<tr>
<td>5. Wall Plate Level</td>
<td>Services, ventilation etc</td>
<td>A,B,D,E,F,M</td>
<td>Fire, insulation, floors-sound</td>
</tr>
<tr>
<td>6. Roof</td>
<td>Roof Construction &amp; bracing complete</td>
<td>A,B,J,K</td>
<td>Fire, bracing, water storage</td>
</tr>
<tr>
<td>7. Certification</td>
<td>First Fix Services Complete &amp; Ready for Occupation</td>
<td>A-M</td>
<td>Installation manuals</td>
</tr>
</tbody>
</table>

Refer slide35 and “Code of Practice for Inspecting and Certifying Buildings or Works September 2016”
FAQ 39. Can the owner of a development retrospectively Opt Out of statutory certification?

Retrospective Opting Out of Certification for Older Commencement Notices-Opinion;

As a general principle, people are obliged to comply with the law as it applies at a particular moment in time and changes to law are not retrospective. Retrospectively changing the rules once a project is underway is disruptive.

SI 365 of 2015 permits an opt out of statutory certification requirements in respect of works or buildings for which a commencement notice is lodged on or after 1 September 2015.

The Building Control Regulations do not permit an opt out of statutory certification in respects of works/buildings for which a commencement notice was lodged prior to 1 September 2015.

The Department has already been advising people as above.

If an owner who submitted a commencement notice prior to 1 September 2015 fails to comply with the requirements of the Building Control Regulations they may be guilty of an offence. They will also be responsible for the consequences of their decision to operate outside of the law (e.g. breach of contract with assigned certifier, changing circumstances relevant to insurance cover if applicable). It is important therefore that professional advise is sought regarding obligations and not risk being held liable for the consequences of such decisions.
FAQ 40. Is there any process, or statutory obligations surrounding a development which re-commences after a long delay?

A Valid Commencement does not have an Expiry Date once commenced within the 14-28 Day period and substantial works have been carried out. A new Commencement Notice is not required after a prolonged delay. However to comply with the Requirements of the Building Regulations it is recommended that the builder carry out due-diligence and the Building Control Authority issue a S11 request to show compliance with the Building Regulations.

S11 Notice;
Notice....
XXXX County Council as the Building Control Authority for your area have noted that you have recommenced development after a considerable time lapse.
In order that the Building Control is satisfied that you have preformed due diligence in the building re-commencement process your are required to submit to the building control authority the following;
Evidence of surveys to the existing structure to show compliance with Parts A, Part C and Part D of the building regulations in particular your attention is drawn to compliance of radon barriers, dpcs, underfloor fill, concrete and block specification.”
FAQ 41. Is there an obligation to commence all dwellings on a multiple unit development within the commencement window?

A Commencement Notice must be submitted not less than 14 and not more than 28 days before works are due to commence. The local authority has 7 days to validate. Once validated works must commence within the 28 day period which would typically be within 7 to 10 days after validation. A multi unit project, even one of a modest size, would not find it possible to have a start made on each and every unit within that period.

Once the builder can point to some work that has been undertaken in furtherance of meeting any of the requirements of the Building Regulations within the statutory period, the development has properly commenced.

There is no statutory period within which a development (or any element, phase or unit of a development) must be completed.

Article 8 of the Building Control Regulations 1997 to 2015 specifically refers to ‘works’. I do not see how it can therefore be argued that the commencement notice can only refer to a building and not a site.

If the commencement notice referred to 65 houses and was validly commenced with 19 houses having been completed to date and ancillary works for all 65 unit having been undertaken, there is no reason why a further commencement notice would be required for the remaining houses at this stage.
FAQ 42. Are equestrian buildings – indoor arena’s, training facilities, facilities for show jumping or racing ‘agricultural’?

Opinion

Agricultural buildings may fall into a number of distinct categories. The requirements of these buildings could be defined as follows:

Detached Single Storey Agricultural buildings of less than 300 sq. m. – Exempted development (Article 8, Third Schedule, Building Regulations 1997 – 2014): No CN required

**Rationale:** Article 7 of the BCR’s 1997 – 2014 state that the Part (Part II) applies to (a), (b), (c) to which the building regulations apply. As Agricultural buildings of less than 300 sq. m. are exempted from the Building Regulations, Article 7 does not apply.

Single-Storey Agricultural buildings of more than 300 sq. m. – Not exempted development (Article 8, Third Schedule, Building Regs 1997 – 2014): CN without additional information required

**Rationale:** As Agricultural buildings of more than 300 sq. m. (whether by extension or initial construction) are not exempted from the Building Regulations, Article 7 of the Building Control Regulations applies, therefore a CN without additional information is required. The additional documentation and Assigned Certifier, etc. is not required as a single storey agricultural building does not require a FSC, (A. 11(2) BCR’s 1997 – 2014), therefore the provisions of A. 9(2) BCR’s 1997 – 2014 do not apply.

Multi – Storey Agricultural buildings: CN with additional information / 7 Day Notice, Assigned Certifier, FSC, etc. required

**Rationale:** Multi storey Agricultural buildings are subject to the provisions of Part III of the BCR’s 1997 – 2014 (A. 11(1) (a) & A. 11(2)(a) BCR’s 1997 – 2014, therefore the provisions of A. 9(2) BCR’s 1997 – 2014 apply.

Part III

(2) For the purposes of this Part, the following buildings are exempted —

(a) a single storey building which —

(i) is used exclusively for the storage of materials or products, for the accommodation of plant or machinery or in connection with the housing, care or management of livestock,

(ii) is used solely for the purpose of agriculture, and

(iii) is a building in which the only persons habitually employed are engaged solely in the care, supervision, regulation, maintenance, storage or removal of the materials, products, plant, machinery or livestock in the building, and which is either attached to another such building or detached from any other building,

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 43. What considerations should a Building Control Authority have in proper public administration and governance?

Public Administration for the Citizens in the interest of legislative compliance for the common good. Citizens must have Confidence in an independent and impartial public administration system. Some Citizens will be Customers of Individual Service Areas

• Procedural Fairness (Natural Justice): Two rules of natural justice:
  I. Nemo iudex in causa sua – “let nobody be a judge in their own case”- the requirement that decision makers be independent and unbiased i.e. Public confidence is clearly established as the conceptual foundation for the rule against bias.-164 Toy-Cronin, supra note 20 at 873
  I. Subjective Approach: Would require proof of a danger that the decision-maker was actually biased, without requiring firm evidence as to whether he was or not.
  II. Objective Approach: Asking if a reasonable person impugned by the decision or a disinterested but reasonable observer might suspect that justice was not served.
  III. The reasonable apprehension test is the third option – and in many cases is virtually identical to the “real danger” test. This test better reflects the guiding principle in such cases however, that justice should not only be done, but also be seen to be done. It therefore aids in and solidifies the importance of public perception in the identification of bias.

II. Audi alteram partem – “hear the other side”. The requirement that the decision maker provide adequate opportunities for those affected to present their case and respond to the evidence and arguments being advanced by other participants or in the knowledge or possession of the decision maker.
  I. Note: Art. 6.1 of the ERHC Right to a “fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

• Judicial Review: Only decisions of public bodies can be challenged by judicial review.
  • Remedies
    I. Certiorari – Quash the challenged decision.
    II. Mandamus – “We command/order” – rarely sought. Order a public body to fulfill a duty which it is required by law to fulfill but has not or refuses to fulfill. Example: “Hussey & Anor -v- Dublin City Council, [2007] IEHC 425 (2007) ”(shall be the duty) or You applied to the Minister – he is obliged to make a decision.
    III. Prohibition – effect of this is to prevent a public body which exercises judicial functions from doing something it proposes to do, because the proposed act would be illegal or in breach of the requirements of natural justice

• Grounds for Judicial Review-There are 6 general grounds for judicial review – these are not exhaustive:
  I. Ultra Vires
  II. Illegality
  III. Breach of Natural Justice
  IV. Abuse of Discretion
  V. Legitimate Expectation
  VI. Error of Law
## FAQ 44. What are some common queries in relation to the use of the BCMS?

<table>
<thead>
<tr>
<th>Query</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do I update my qualifications?</td>
<td>In order to update your qualifications you must login to your account and click on the ‘My Details’ tab. You can then enter the details of your qualifications at the bottom. Then click ‘Save Details’ to save the changes.</td>
</tr>
<tr>
<td>I don’t have my planning permission no yet how do I get past this on the system?</td>
<td>If the Planning Permission No field is left blank then the system will not ask for a Date of Expiry.</td>
</tr>
<tr>
<td>The ‘supporting documents’ section does not show a green tick</td>
<td>Please ensure all supporting documents have been uploaded. The additional support documents are as follows: General Arrangement Drawings, Schedule of Plans, Inspection Plan, Plans, Calculations, Inspection Notification Framework, Elevations.</td>
</tr>
<tr>
<td>The stakeholder has not received the nominated role email. Can this be resent?</td>
<td>Please ask him to check his junk email inbox. If the email is not in here then the creator of the project can remove him from the role and then add him in the role again. This will resend the email.</td>
</tr>
</tbody>
</table>
2. Enter your email address and click ‘Email New Password’.  
3. You will now have an email with the subject 'replacement login information'.  
4. Click on the link within the email to reset your password. |
| I cannot see the full description of my property on the commencement form that I downloaded? | Due to space limitations, only 90 characters will appear on file for download and print. However, full description will be stored on the system for future reference. |
2. Click on ‘New Application’.  
3. In the ‘NEW COMMENCEMENT NOTICE APPLICATION’ section select ‘Create New Application’.  
4. In the ‘select notice type’ dropdown select ‘commencement notice without documentation’ from the drop down menu. |
| How do I update my qualifications as I do not have a builder qualification? | If you do not have a builder qualification you can select ‘other’ from the ‘registration type’ dropdown menu and click on ‘save details’. |
| How do I change the name of a stakeholder?                           | The stakeholder can change this when they log in to the BCMS site by clicking on ‘My Details’ tab, making the required changes and clicking ‘Save Details’. |
| I am an architect in NI, but not RIAI registered. How do I accept my role? | The designer must be a member of one of the three professions—see section 3 of the design certificate below i.e. an architect must be a Registered Member of the Royal Institute of Architects of Ireland, the applicant should contact them and explain his circumstances as I believe that they have put a mechanism in place for such applicants. |
| Individuals assigned to a project cannot see project when they log in | Check the building project nominate roles tab for the email address that was used for the role. You can then advise the customer that the email address is different to the one they are logging in with and they will need to contact the creator of the project to change this email address. |
FAQ 45. Does a Garage conversion require a commencement notice?

A garage conversion is exempt development under Class 1 of Schedule 2 of the Planning & Development Regulations 2001 as amended.

The floor area of a converted garage is not taken into account when calculating the total floor area of extension’s to a dwelling

If it requires Planning Permission, it will require a Commencement Notice without accompanying documentation.

If it is a two storey domestic garage, it requires a Fire Safety Certificate, and therefore, either a Commencement Notice with Additional Documentation, or a 7 Day Notice

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 46. Is there any building control guidance on loft conversions?

Yes, appropriate guidance for homeowners in relation to loft conversions can be found at: http://www.housing.gov.ie/housing/building-standards/loft-conversion/loft-conversion-leaflet

NOTE: IF IN DOUBT, CONTACT YOUR LOCAL BUILDING CONTROL AUTHORITY
FAQ 47. Do loft / attic conversions come within the scope of the requirement for statutory certification?

- The position regarding loft/attic conversions has not changed. Loft/attic conversions do not generally come within the requirement for statutory certificates. Where upgrade works may combine a loft/attic conversion with an extension, it is the size of the extension only (i.e. not counting the pre-existing attic space) that would determine whether the requirements for statutory certificates apply. The Department of the Environment, Community and Local Government has produced a guidance note on Loft/Attic Conversions which can be accessed at


- Homeowners, builders and designers are reminded that the relevant requirements of the building regulations generally apply to works irrespective of whether the works are subject to any building control procedures.

- **Note** works should not be of a nature as to create a New or greater contravention in relation to the requirements of the Building Regulations.
FAQ 48. Does a derelict dwelling require a BER?

243 of 2012 - “dwelling” means a building, or any part of a building, which is used or suitable for use by persons as a place to live.

If a dwelling is not suitable to live in it may be considered to be outside the scope of the regulations. If it was bought with a view to being made habitable it would require a BER cert before it is occupied or used or sold or let.

2. Building Regulations should not be confused with Derelict Sites Legislation as a dwelling on the Derelict Site Register may or may not be a habitable dwelling
3. SI 243 of 2012 (the recast of SI 666) defines a dwelling as …….(paraphrasing)

Note: works to a derelict dwelling may require planning permission and therefore a Commencement Notice

Note: If in doubt, contact your local planning & building control authority
FAQ 49. Can a Commencement Notice be withdrawn?

Validation of a Commencement Notice and placement on the Statutory Building Control Register is a statutory process. There is no provision to withdraw a Commencement Notice, nor can the details included on the public register be changed by anyone once validated.

The drawings and documents which form part of the validated Commencement Notice are not for general public view.

If an omission inaccuracy is brought to the attention after validation by the Building Control Authority, they can note this in the BCMS notes.
FAQ 50. When is a Declaration of Performance required under the Construction Products Regulations?

CPR Chapter II Declaration of Performance and CE marking
Article 4.
1. When a construction product is covered by a harmonised standard or conforms to a European Technical Assessment which has been issued for it, the manufacturer shall draw up a declaration of performance when such a product is placed on the market.

This European standard specifies the properties obtained by processing natural or manufactured or recycled materials for hydraulically bound or unbound materials for civil engineering work and road construction.
FAQ 51. What are the requirements of the Construction Products Regulations and Harmonised Standards

Construction Products Regulation and the CE Marking

The construction products regulation (CPR) which came into effect on 1st July 2013 supersedes the construction products directive in its entirety. The CPR has, for the first time, introduced mandatory CE marking in Ireland for all construction products covered by a harmonised standard.

The harmonised standard (hEN) I.S. EN 13242:2002+A1:2007 “Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction”, applies to ALL such materials that are to be placed on the market for use in building and civil engineering works. This has the effect of ensuring that all aggregates legally placed on the market MUST bear the CE mark and carry a declaration of performance (DOP).

Traditionally in Ireland it had been the practice in specifying aggregates to use the UK’s “Specification for Highway Works”. This document specifies a large number of aggregates for specific purposes and these are commonly known as “Series 600” or “Series 800” aggregates. The Specification for Highway Works also defines material characteristics required for specific uses and these characteristics may differ, or be at variance with, the Essential Characteristics identified in I.S. EN 13242:2002+A1:2007. Should manufacturers find that their customers have used the Specification for Highway Works (or any other technical specification) this does not relieve them of the responsibility to place the CE mark on their product. In such cases, manufacturers must bear in mind that only values relating to the Essential Characteristics identified in Annex ZA of I.S. EN 13242:2002+A1:2007 can appear on the DOP. In addition, the DOP is the only place any information may be provided that relates to these Essential Characteristics. It is therefore not possible to declare No Performance Determined (NPD) on the DOP yet provide additional technical data that states performance relating to the essential characteristics elsewhere. Information of any additional property, or conformation that the material complies with another technical specification (cl.804 etc.), can be provided as additional technical information in the form of test reports etc. This additional information lies outside the scope of the hEN and the CPR.

Seán Balfe  Director Sustainability and Built Environment
FAQ 52. How to save a search in BCMS

1. In the Building Projects Module click on ‘Advanced search’
2. Hit the CLEAR button
3. In the LOCAL AUTHORITY filter box select the relevant LA
4. On the bottom Left Hand side of the search panel there are 2 boxes called “Display Columns” and “Hide Columns”.
   Click on each of the items in the Display Column box and move it to the Hide Columns if you don’t want this
   information visible when you run the search and visa versa from the Hide column if you do want to display this
   information (Important information to display is Date submitted, Project Name, Submission No, Status and
   Validation Status)
5. Set the “Order by column” option (Dated submitted is useful)
6. Set the “Direction” option (Ascending is useful)
7. Set the “Save Search As” option to name the Search as something meaningful
8. Hit the SAVE button
9. To run the saved search select the name saved in Step 7 above from the “Saved Searches” dropdown

Note: When running the search simply select the Name from the Saved Searches dropdown. There is no need to also hit the
search button. If you do hit the search button the system will run the standard default search.
FAQ 53. What process / methodology should you consider to ensure compliance with Building Regulations for Multi-Unit developments?

<table>
<thead>
<tr>
<th>TABLE 1-METHODOLOGY FOR COMPLIANCE WITH BUILDING REGULATIONS</th>
<th>APPLICABLE Y/N</th>
<th>ESSENTIAL REQUIREMENTS FOR FULL COMPLIANCE IN THE CONTEXT OF THE DEVELOPMENT BEING CONSIDERED</th>
<th>Multi-Units-Phases i.e. Units 1......n; note temporary for finished compliance-individual parts of CN</th>
</tr>
</thead>
<tbody>
<tr>
<td>A- STRUCTURE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B- FIRE SAFETY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C- SITE PREPARATION &amp; RESISTANCE TO MOISTURE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D- MATERIALS AND WORKMANSHIP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E- SOUND</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F- VENTILATION</td>
<td></td>
<td></td>
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<td>G- HYGIENE</td>
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<td>H- DRAINAGE AND WASTE DISPOSAL</td>
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<td>J- HEAT PRODUCING APPLIANCES</td>
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<td>K- STAIRWAYS, LADDERS, RAMPS AND GUARDS</td>
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<td>L- CONSERVATION OF FUEL AND ENERGY</td>
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<td>M- ACCESS AND USE</td>
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</table>

ISSUES FOR CONSIDERATION-How do you propose to Comply?
- Preference for single CCC for each single legally distinct property
- Complete in one un-interrupted phase or many
- Taking In Charge?
- Single Commencement Notice – require multiple CCC?
- Length of time that might elapse between commencement of first units on a large development & last units & full completion/ Taking In Charge
- Disposing of parts of Large Developments to different Builders?
- Building Control Regulations 1997-2015-must Commence on a specified date between 14-28 days of submission of Commencement Notice
- If Phases proposed – consider separate Commencement Notices
- If different Builders proposed- consider separate Commencement Notices
FAQ 54. What factors should govern a Building Control Authority’s Inspection?

No guidance on what constitutes a proper full inspection

• Should cover as many parts of the Building Regulations as practical
  • BCA inspectors-inspect housing developments @ various stages of construction;
  • full inspection may not take place on the same development.

1. Inspection @ foundation stage prior to pouring of footings may include compliance with Part A, C and possibly H

2. Inspection @ dpc, radon barrier-may include compliance with Part C

3. Inspection during construction may include compliance with Part B, C, E, J & L i.e. fire barriers, moisture penetration, sound & thermal insulation, cavities, ties, flashing etc.

4. Inspection close to completion stage may cover compliance with Part E, F, L, K & M i.e. fire separation, vents, flues,

• Preliminary Inspection Plan should have regard to above

Refer to FAQ 33 & 33(a) And Code of Practice for Inspecting and Certifying Buildings & Works September 2016
FAQ 55. What languages can a Building Control Authority be expected to communicate in?

“9 (3) Where a public body communicates in writing or by electronic mail to the general public or a class of the general public to give information to the public or the class, the body will ensure that the communication will be in Irish, or in English and Irish.”
FAQ 56. What information should be contained on an Authorised Persons card for Building Control Officers.

Good Example Authorised Persons Card for information of Building Control Officers

1. Authorised Persons for Purposes of Building Control
2. Construction Products Regulations
3. Planning Enforcement-

Note 1) 1 & 2 a must for Building Control Officers
Note 2) as many BCOs have other duties i.e. TIC etc. 3 very useful to have & don’t need to be in Planning Enforcement, just pass report and comments to them for further action.

The holder of this card has been appointed by Dublin City Council, an Authorised Person for the purposes of the Building Control Acts, 1990-2007, Section 235 of the Planning and Development Act 2000, as amended, and an Authorised Officer under Regulations 29 and 30 of the European Union (Energy Performance of Buildings) Regulations 2012, and Regulations 11 and 12 of the European Union (Construction Products) Regulations 2013

Authorised by:

Jim Keogan – Executive Manager
(to whom appropriate powers are delegated by Order of the Dublin City Manager)
FAQ 57. Can a Certificate of Compliance on Completion be rescinded, once validated? – Only by CE Order

There is no provision to rescind a Statutory Certificate;

However if on submission of a Statutory Certificate it is found that the signature unwittingly omitted or found that there was something in the Certificate that was incorrect; proper public administration would facilitate an amendment.

An amendment to a Statutory Notice/Application/Certificate can only be made by CE order - i.e. delegated person (Delegated Building Control Officer) for the purpose of the Building Control Acts 1990-2014.

A request in writing should be submitted to the Building Control Authority with reasons for withdrawing or amending.

This should be recorded, assessed and a report prepared.

This report should go for recommendation with reasons to the Delegated Building Control Officer.

Any amendment should be made by CE Order with amendment and reasons attached to the Notice/Application/Certificate.
FAQ 58. Can a Chairman of a Board of Management sign as the ‘Owner’ of the Statutory documents?

The role of chairman of a board of any company (community, voluntary, charity, commercial) comes with roles and responsibilities and if the board are the owners of the building, then a delegated board member must sign this statutory document. This is usually defined in the memorandum or articles of association.

The person that signs the document as the owner must be competent to do so and be in a position to accept any enforcement notices etc. on behalf of the board. There is no difference for the owner of a private house or company.

A check with the legal advisor and the board articles and memorandum of association is recommended.
FAQ 59. What happens if false or misleading information is included on a Statutory Form, or Supporting Document

Validation is solely based on the assumption that the facts stated in and the attachments forming part of the Notice /Application /Certificate are true and accurate.

If at any time after validation it is found that there are inaccuracies, it may cause the Notice /Application /Certificate to be subsequently invalidated and may be subject to enforcement proceedings.

Enforcement carries a cost."
FAQ 60. What happens if the Director of a company changes during construction

Where a director or secretary of a company, be they Owner, Builder, Designer or Assigned Certifier change during construction i.e. after signing the initial statutory assignments/undertakings or design certificates this is not considered a change in owner, designer or Builder (same company but different directors). However for the purpose of completing the Certificate of Compliance on Completion this must be signed by an existing company secretary or director and the change of role protocol should be initiated to ensure that a current member of the company is undertaking the process.

On the other hand if the company is dissolved and the same directors and chairman intend completing the building project this is considered a different entity and a change of Owner, Builder may be required.
FAQ 61. What happens if a Director of a company, who signs the initial statutory assignments/ undertakings on behalf of the company, for whatever reason becomes no longer associated with that company prior to a Certificate of Compliance of Completion (CCC) being submitted to the local authority?

- In cases where the initial signatory is on behalf of a building owner or builder, this is not considered a change of owner and the CCC may be signed by an existing Director of the same company.

- In cases where the Assigned Certifier changes during the course of the project for whatever reason, a change of role protocol should be initiated. Refer to Section 4.7 of the Code of Practice for Certifying and Inspecting Buildings and Works for guidance.

- If the company is dissolved and the same directors intend completing the building project through a new company, then this would constitute a new legal entity and a change of Owner, Builder notification would be required.
FAQ 62. From which date should a Building Control Authority calculate the ‘Decision Due Date’ for a Fire Safety Certificate - the Date of receipt of an application, or the date of validation of an application?

• In accordance with the principle of fairness and efficient public administration, the start of the 2 month period should be taken from date of receipt of an application not the date of validation.
FAQ 63. Can an applicant appeal a condition attached to a Fire Safety Certificate which was the subject of a 7 Day Notice?

• Yes, the right of appeal is dealt with under Part III- Fire Safety Certificates, *Article 20*, Building Control Regulations 1997 to 2015.
FAQ 64. Is there a time frame, specified in statute, within which a Building Control Authority must notify an applicant of the receipt of a valid Commencement/7 Day Notice?

• In accordance with proper public administration a Building Control Authority should issue an Article 9 non-compliance notice within 7 days and specify a two week timeframe for reply whereupon the Building Control Authority on receipt or non-receipt will make a decision.

• In accordance with proper public administration a Building Control Authority should issue their decision within 7 days of receipt of application.
FAQ 65. Can a DAC / FSC application be withdrawn by the applicant, and if so, at what stage, e.g., pre validation / post validation, pre-recommendation / post recommendation, pre-grant?

- It is not possible to withdraw a FSC/ DAC application. However a revised FSC/ DAC may be applied for in accordance with Article 20B and 20E respectively.
FAQ. 66 What happens if I change my builder or Assigned Certifier during the construction works?

The owner of the building must notify the Building Control Authority within 14 days of such changes and must submit new Notices of Assignment and undertakings. Failure to do so is an offence.
FAQ. 67 What happens if ownership of the building, development or works changes during construction?

Under the new Regulations, the new owner of the building must notify the Building Control Authority within 14 days, in writing. Failure to do so is an offence.
Building Control Regulations 1997-2015
Matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the requirements of building regulations and building control regulations

Electronic Enabler - 30 statutory form types

- FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT - (Notice to a Building Control Authority pursuant to Part II of the Building Control Regulations 1997 to 2013)
- Design Certificate - FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)
- NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER)
- UNDERTAKING BY ASSIGNED CERTIFIER - FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER)
- FORM OF INTENTION TO OPT OUT OF STATUTORY CERTIFICATION
- NOTICE OF ASSIGNMENT OF BUILDER
- UNDERTAKING BY BUILDER - FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)
- FORM OF 7 DAY NOTICE
- Design Certificate - FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)
- NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER)
- UNDERTAKING BY ASSIGNED CERTIFIER - FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER)
- NOTICE OF ASSIGNMENT OF BUILDER
- UNDERTAKING BY BUILDER - FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)
- CERTIFICATE OF COMPLETION ON COMPLETION CERTIFICATE
- ANNEX Table of Drawings, Calculations, Specifications, Ancillary Certificates FORM OF APPLICATION FOR A REVISED FIRE SAFETY CERTIFICATE
- FORM OF 7 DAY NOTICE STATUTORY DECLARATION
- FORM OF APPLICATION FOR A REGULARISATION CERTIFICATE
- FORM OF STATUTORY DECLARATION FOR A REGULARISATION CERTIFICATE
- FORM OF APPLICATION FOR A DISABILITY ACCESS CERTIFICATE
- FORM OF APPLICATION FOR A REVISED DISABILITY ACCESS CERTIFICATE
- FORM OF REVISED FIRE SAFETY CERTIFICATE
- FORM OF REVISED REGULARISATION CERTIFICATE
- FORM OF DISABILITY ACCESS CERTIFICATE
- FORM OF REVISED DISABILITY ACCESS CERTIFICATE
- Application for a Fire Certificate

Centre of Excellence - risk assessment & inspection regime

Part A - Structure
Part B - Fire Safety
Part C - Site Preparation & Resistance to Moisture
Part D - Materials & Workmanship
Part E - Sound
Part F - Ventilation
Part G - Hygiene
Part H - Drainage & Waste Water Disposal
Part J - Heat Producing Appliances
Part K - Stairways Ladders Ramps Guards
Part L - Conservation of Fuel & Energy
Part M - Access & Use
## FAQ 69 Part A-Building Regulations

### Structure-S.I. No. 138 of 2012

<table>
<thead>
<tr>
<th>A1</th>
<th>Loading;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that the combined actions that are liable to act on it are sustained and transmitted to the ground -</td>
</tr>
<tr>
<td></td>
<td>(a) safely, and</td>
</tr>
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<td></td>
<td>(b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.</td>
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<td>(2) In assessing whether a building complies with sub-paragraph (1), regard shall be had to the variable actions to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>A2</th>
<th>Ground movement;</th>
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<tbody>
<tr>
<td></td>
<td>A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that movements of the subsoil caused by subsidence, swelling, shrinkage or freezing will not impair the stability of any part of the building.</td>
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<thead>
<tr>
<th>A3</th>
<th>Disproportionate Collapse;</th>
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<tr>
<td></td>
<td>(1) A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that in the event of an accident the structure will not be damaged to an extent disproportionate to the cause of the damage.</td>
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<tr>
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<td>(2) For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the substructure.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>A4</th>
<th>Definitions for this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“actions” means a set of forces (loads) applied to the structure (direct actions) or a set of imposed deformations or accelerations (indirect actions).</td>
</tr>
<tr>
<td></td>
<td>“variable actions” means actions for which the variation in magnitude with time is neither negligible nor monotonic such as imposed loads on building floors, wind actions or snow loads.</td>
</tr>
</tbody>
</table>
## FAQ 69 Part B - Building Regulations

### B1 Means of Escape in Case of Fire;

A building shall be so designed and constructed that there are adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used.

### B2 Internal Fire Spread (linings);

For the purpose of inhibiting the spread of fire within a building, the internal linings –

(a) shall have, either a rate of heat release or a rate of fire growth and a resistance to ignition which is reasonable in the circumstances

(b) shall offer adequate resistance to the spread of flame over their surfaces

### B3 Internal Fire Spread (Structure);

1. A building shall be so designed and constructed that, in the event of fire, its stability will be maintained for a reasonable period.

   (a) A wall common to two or more buildings shall be so designed and constructed that it offers adequate resistance to the spread of fire between those buildings.

   (b) A building shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the building.

   (3) A building shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.

   (4) For the purposes of sub-paragraph 2(a), a house in a terrace and a semi-detached house are each to be treated as being a separate building.

### B4 External Fire Spread;

The external walls and roof of a building shall be so designed and constructed that they afford adequate resistance to the spread of fire to and from neighbouring buildings.

### B5 Access and Facilities for the Fire Service;

A building shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life and property.
Means of Warning and Escape in Case of Fire;

A dwelling house shall be so designed and constructed that there are appropriate provisions for the early warning of fire and there are adequate means of escape in case of fire from the dwelling house to a place of safety outside the building, capable of being safely and effectively used.

Internal Fire Spread (linings);

For the purpose of inhibiting the spread of fire within a dwelling house, the internal linings:

(a) shall have, either a rate of heat release or a rate of fire growth and a resistance to ignition which is reasonable in the circumstances; and
(b) shall offer adequate resistance to the spread of flame over their surfaces

Internal Fire Spread (Structure);

(1) A dwelling house shall be so designed and constructed that, in the event of fire, its stability will be maintained for a reasonable period.

(2) (a) A wall common to a dwelling house and to one or more adjoining buildings shall be so designed and constructed that it offers adequate resistance to the spread of fire between those buildings.

(b) A dwelling house shall be sub-divided with fire resisting construction where this is necessary to inhibit the spread of fire within the dwelling house.

(3) A dwelling house shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.

(4) For the purposes of sub-paragraph 2(a), a dwelling house in a terrace and a semi-detached dwelling house are each to be treated as being a separate building.

External Fire Spread;

The external walls and roof of a dwelling house shall be so designed and constructed that they afford adequate resistance to the spread of fire to and from neighbouring buildings.

Access and Facilities for the Fire Service;

A dwelling house shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life and property.

Definitions for this Part

In this Part - “dwelling house” means a dwelling that is not a flat.
# FAQ 69 Part C-Building Regulations Site Preparation & Resistance to Moisture

<table>
<thead>
<tr>
<th>Part C - Site Preparation and Resistance to Moisture</th>
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<tbody>
<tr>
<td><strong>C1</strong> Preparation of Site;</td>
</tr>
<tr>
<td>The ground to be covered by a building shall be reasonably free from vegetable matter.</td>
</tr>
<tr>
<td><strong>C2</strong> Subsoil Drainage;</td>
</tr>
<tr>
<td>Subsoil drainage shall be provided if necessary so as to prevent the passage of ground moisture to the interior of the building or damage to the fabric of the building.</td>
</tr>
<tr>
<td><strong>C3</strong> Dangerous Substances;</td>
</tr>
<tr>
<td>Reasonable precautions shall be taken to avoid danger to health and safety caused by substances (including contaminants) found on or in the ground to be covered by a building.</td>
</tr>
<tr>
<td><strong>C4</strong> Resistance to weather and ground moisture</td>
</tr>
<tr>
<td>The floors, walls and roof of a building shall be so designed and constructed as to prevent the passage of moisture to the inside of the building or damage to the fabric of the building.</td>
</tr>
<tr>
<td><strong>C5</strong> Definitions for this Part</td>
</tr>
<tr>
<td>In this Part -</td>
</tr>
<tr>
<td>“contaminant” includes any substance which is or could become flammable, explosive, corrosive, toxic or radioactive and any deposits of faecal or animal matter;</td>
</tr>
<tr>
<td>“floor” includes any base or structure between the surface of the ground or the surface of any hardcore laid upon the ground and the upper surface of the floor and includes finishes which are laid as part of the permanent construction;</td>
</tr>
<tr>
<td>“moisture” includes water vapour and liquid water.</td>
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</tbody>
</table>
## FAQ 69 Part D - Building Regulations - Materials and Workmanship

### Part D - Materials and Workmanship - S.I. No. 224 of 2013

| D1 | Materials and Workmanship;  
|    | All works to which these Regulations apply shall be carried out with proper materials and in a workmanlike manner. |

| D2 | Letterplates  
|    | A letter plate aperture shall be so positioned at a reasonable height above ground level so as not to endanger the health and safety of persons using such apertures. |

| D3 | Definitions for this Part  
|    | In this part: “proper materials” means materials which are fit for the use for which they are intended and for the conditions in which they are to be used, and includes materials which:  
|    | (a) bear a CE Marking in accordance with the provisions of the Construction Products Regulation;  
|    | (b) comply with an appropriate harmonised standard or European Technical Assessment in accordance with the provisions of the Construction Products Regulation; or  
|    | (c) comply with an appropriate Irish Standard or Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability.  

“Agreement on the European Economic Area” means the Agreement on the European Economic Area between the European Union, its Member States and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway as published in the Official Journal of the European Communities (O.J. No. L1, 03.01.1994, page 3).  

### FAQ 69 Part E-Building Regulations - Sound


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</table>
| E1 | **Sound**  
   | Each wall and floor separating a dwelling from -  
   | (a) another dwelling or dwellings,  
   | (b) other parts of the same building,  
   | (c) adjoining buildings,  
   | shall be designed and constructed in such a way so as to provide reasonable resistance to sound. |
| E2 | **Reverberation.**  
   | The common internal part of a building which provides direct access to a dwelling shall be designed and constructed so as to limit reverberation in the common part to a reasonable level. |
| E3 | **Definitions for this Part**  
   | In this Part – “Reverberation” means the persistence of sound in a space after a sound source has been stopped. |
Part F - Ventilation-S.I. No. 556 of 2009

<table>
<thead>
<tr>
<th><strong>Means of Ventilation;</strong></th>
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<tbody>
<tr>
<td>Adequate means of ventilation shall be provided for people in buildings. This shall be achieved by</td>
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<tr>
<td><strong>F1</strong> a) limiting the moisture content of the air within the building so that it does not contribute to condensation and mould growth, and</td>
</tr>
<tr>
<td>b) limiting the concentration of harmful pollutants in the air within the building.</td>
</tr>
<tr>
<td><strong>Condensation in Roofs;</strong></td>
</tr>
<tr>
<td><strong>F2</strong> Adequate provision shall be made to prevent excessive condensation in a roof or in a roof void above an insulated ceiling.”</td>
</tr>
</tbody>
</table>
### FAQ 69 Part G-Building Regulations - Hygiene

#### Part G – Hygiene - S.I. No. 335 of 2008

<table>
<thead>
<tr>
<th>G1</th>
<th>Bathrooms and Kitchens;</th>
</tr>
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<tbody>
<tr>
<td>A dwelling shall be provided with –</td>
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<tr>
<td>(a) a bathroom containing either a fixed bath or a shower bath, and a washbasin, and</td>
<td></td>
</tr>
<tr>
<td>(b) a kitchen containing a sink of adequate size and a draining board, and</td>
<td></td>
</tr>
<tr>
<td>(c) a suitable installation for the provision of hot and cold water to the bath or shower bath, washbasin and sink.</td>
<td></td>
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</tbody>
</table>

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<thead>
<tr>
<th>G2</th>
<th>Sanitary Conveniences and Washing Facilities;</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Adequate sanitary conveniences shall be provided in a building in rooms provided for that purpose, or in bathrooms, and every room or bathroom which contains a sanitary convenience shall be adequately separated from any place where food is prepared or cooked.</td>
<td></td>
</tr>
<tr>
<td>(2) Adequate washbasins shall be provided in –</td>
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</tr>
<tr>
<td>(a) rooms containing sanitary conveniences; or</td>
<td></td>
</tr>
<tr>
<td>(b) rooms or spaces adjacent to rooms containing sanitary conveniences.</td>
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</tr>
<tr>
<td>(3) There shall be a suitable installation for the provision of hot and cold water to washbasins provided in accordance with subparagraph (2).</td>
<td></td>
</tr>
<tr>
<td>(4) Sanitary conveniences shall be of such design as to facilitate efficient use of water for flushing.</td>
<td></td>
</tr>
<tr>
<td>(5) Sanitary conveniences and washbasins shall be of such design and be so installed as to allow for effective cleaning.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>G3</th>
<th>Definition for this Part.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In this Part, “sanitary convenience&quot; means a water closet or a urinal.</td>
<td></td>
</tr>
</tbody>
</table>
Part H – Drainage and wastewater disposal - S.I. No. 561 of 2010

H1 Drainage System;
(1) A building shall be provided with such a drainage system as may be necessary for the hygienic and adequate disposal of foul wastewater from the building.
(2) A building shall be provided with such a drainage system as may be necessary for the adequate disposal of surface water from the building.
(3) No part of a drainage system conveying foul wastewater shall be connected to a sewer reserved for surface water and no part of a drainage system conveying surface water shall be connected to a sewer reserved for foul wastewater.

H2 Wastewater Treatment Systems
(1) A wastewater treatment system shall be so designed, sited and constructed that:
   (a) it is not prejudicial to the health of any person,
   (b) it does not cause a risk to public health or the environment,
   (c) it prevents unauthorised access but allows adequate means of access for emptying and maintenance,
   (d) it will function to a sufficient standard for the protection of health in the event of a system failure,
   (e) it has adequate capacity,
   (f) it is impermeable to liquids, and
   (g) it is adequately ventilated.
(2) Information on the wastewater treatment system and any continuing maintenance required to avoid risk to health and the environment shall be provided to the owner.

H3 In this Part –
"combined drain" means a single private drain used for the drainage of two or more separate premises as defined in section 10 of the Local Government (Sanitary Services) Act 1948 (No. 31 of 1948); "drain" in relation to a building means any pipe, forming part of the drainage system of the building, which is either
(a) wholly underground, or (b) a continuation, in the direction of flow, of part of a drainage system that has been underground, and includes a “combined drain”; "drainage system", in relation to a building, means the system of pipes and drains used for the drainage of the building, including all other fittings, appliances and equipment so used but excluding subsoil water drains; "domestic wastewater" means water discharged from kitchens, laundry rooms, lavatories, bathrooms, toilets and similar facilities (soil water and wastewater); "foul wastewater" means any wastewater comprising domestic wastewater and/or industrial wastewater; "industrial wastewater / trade effluent" means wastewater discharge resulting from any industrial or commercial activity; "sewer" has the same meaning as in the Local Government (Sanitary Services) Acts 1878 to 1964; "surface water" means water from precipitation which has not seeped into the ground and which is discharged to the drain or sewer system directly from the ground or from the exterior building surfaces;
"soil water" means water containing excreted matter, whether human or animal;
"wastewater" means used water not being soil water or trade effluent.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>J1</td>
<td>Air Supply; A heat producing appliance shall be so installed that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any</td>
</tr>
<tr>
<td>J2(a)</td>
<td>Discharge of products of Combustion; A heat producing appliance shall have adequate provision for the discharge of the products of combustion to the outside air.</td>
</tr>
<tr>
<td>J2(b)</td>
<td>Warning of release of Carbon Monoxide Reasonable provision shall be made to avoid danger to the health and safety of the occupants of a dwelling caused by the release of carbon monoxide from heat producing appliances.</td>
</tr>
<tr>
<td>J3</td>
<td>Protection of Building; A heat producing appliance and any flue pipe shall be so designed and installed, and any fireplace and any chimney shall be so designed and constructed, as to reduce to a reasonable level the risk of the building catching fire in consequence of its use.</td>
</tr>
<tr>
<td>J4(a)</td>
<td>Provision of information. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the type of heat producing appliance which can be safely served by the hearth, fireplace, flue or chimney shall be affixed in a suitable place in the building.</td>
</tr>
<tr>
<td>J4(b)</td>
<td>Information on the system installed and any continuing maintenance required, to ensure its safe and effective operation and avoid risk to health, shall be provided to the owner.</td>
</tr>
<tr>
<td>J5</td>
<td>Fuel storage system — J5 Protection against spread, and any associated fire to the system. A fixed fuel storage system, which serves a heat producing appliance, and any associated pipework carrying fuel to that appliance, shall be so located as to reduce to a reasonable level the risk of fuel ignition due to fire spreading from the building being served or an adjacent building or premises.</td>
</tr>
<tr>
<td>J6</td>
<td>Liquid fuel storage system — protection against pollution by the system. A fixed liquid fuel storage tank, which serves a heat producing appliance, and the pipes connecting it to that appliance shall be so located, constructed and protected as to reduce to a reasonable level the risk of the fuel escaping and causing pollution.</td>
</tr>
<tr>
<td>J7</td>
<td>Definitions for this Part In this Part, “heat producing appliance” means a fixed appliance (including a cooker and an open fire) which is designed to burn solid fuel, oil, bio-fuel or gas and includes an incinerator.”</td>
</tr>
</tbody>
</table>
## FAQ 69 Part K-Building Regulations – Stairs Ladders Ramps and Guards

### Part K - Stairways, Ladders, Ramps and Guards- S.I. No. 180 of 2014

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>K1</strong></td>
<td>Stairways, Ladders and Ramps;</td>
</tr>
<tr>
<td></td>
<td>Stairways, ladders and ramps shall be such as to afford safe passage for the users of a building.</td>
</tr>
<tr>
<td><strong>K2</strong></td>
<td>Protection from Falling;</td>
</tr>
<tr>
<td></td>
<td>In a building, the sides of every floor, balcony and every part of a roof to which people normally have access, and sunken areas connected to a building, shall be guarded to protect users from the risk of falling.</td>
</tr>
<tr>
<td><strong>K3</strong></td>
<td>Vehicle Ramps floors and roofs</td>
</tr>
<tr>
<td></td>
<td>In a building, the sides of every vehicle ramp and every floor and roof to which vehicles have access shall be guarded against the risk of vehicles falling therefrom</td>
</tr>
<tr>
<td><strong>K4</strong></td>
<td>Application of this part</td>
</tr>
<tr>
<td></td>
<td>The requirements of this Part apply to stairways, ladders and ramps which form part of the structure of a building.”</td>
</tr>
</tbody>
</table>
### FAQ 69 Part L-Building Regulations – Conservation of Fuel and Energy (Dwellings)

<table>
<thead>
<tr>
<th>Part L - Conservation of Fuel and Energy (Dwellings)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L3</strong> Conservation of Fuel and Energy;</td>
</tr>
<tr>
<td>A building shall be designed and constructed so as to ensure that the energy performance of the building is such as to limit the amount of energy required for the operation of the building and the amount of carbon dioxide (CO2) emissions associated with this energy use insofar as is reasonably practicable.</td>
</tr>
<tr>
<td><strong>L2</strong> Conservation of Fuel and Energy in Existing Dwellings;</td>
</tr>
<tr>
<td>For existing dwellings, the requirements of L1 shall be met by:</td>
</tr>
<tr>
<td>(a) limiting heat loss and, where appropriate, maximising heat gain through the fabric of the building;</td>
</tr>
<tr>
<td>(b) controlling, as appropriate, the output of the space heating and hot water systems;</td>
</tr>
<tr>
<td>(c) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;</td>
</tr>
<tr>
<td>(d) providing that all oil and gas fired boilers installed as replacements in existing dwellings shall meet a minimum seasonal efficiency of 90% where practicable.</td>
</tr>
<tr>
<td><strong>L1</strong> Conservation of Fuel and Energy in New Dwellings;</td>
</tr>
<tr>
<td>For new dwellings, the requirements of L1 shall be met by:</td>
</tr>
<tr>
<td>(a) providing that the energy performance of the dwelling is such as to limit the calculated primary energy consumption and related carbon dioxide (CO2) emissions insofar as is reasonably practicable, when both energy consumption and carbon dioxide (CO2) emissions are calculated using the Dwelling Energy Assessment Procedure (DEAP) published by Sustainable Energy Authority of Ireland;</td>
</tr>
<tr>
<td>(b) providing that, for new dwellings, a reasonable proportion of the energy consumption to meet the energy performance of a dwelling is provided by renewable energy sources;</td>
</tr>
<tr>
<td>(c) limiting heat loss and, where appropriate, availing of heat gain through the fabric of the building;</td>
</tr>
<tr>
<td>(d) providing and commissioning energy efficient space and water heating systems with efficient heat sources and effective controls;</td>
</tr>
<tr>
<td>(e) providing that all oil and gas fired boilers shall meet a minimum seasonal efficiency of 90%;</td>
</tr>
<tr>
<td>(f) providing to the dwelling owner sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and energy than is reasonable.</td>
</tr>
</tbody>
</table>
## FAQ 69 Part L-Building Regulations- Buildings Other than Dwellings

<table>
<thead>
<tr>
<th>L1</th>
<th>Conservation of Fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>A building shall be designed and constructed so as to ensure that the energy and Energy performance of the building is such as to limit the amount of energy required for the operation of the building and the amount of CO2 emissions associated with this energy use insofar as is reasonably practicable.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>L4</th>
<th>Buildings other than dwellings;</th>
</tr>
</thead>
<tbody>
<tr>
<td>For buildings other than dwellings, the requirements of L1 shall be met by:</td>
<td></td>
</tr>
<tr>
<td>(a) providing that the energy performance of the new building is such as to limit the calculated primary energy consumption and related CO2 emissions insofar as is reasonably practicable, when both energy consumption and CO2 emissions are calculated using the Non-domestic Energy Assessment Procedure (NEAP) published by Sustainable Energy Ireland;</td>
<td></td>
</tr>
<tr>
<td>(b) limiting the heat loss and, where appropriate, maximising the heat gains through the fabric of the building;</td>
<td></td>
</tr>
<tr>
<td>(c) providing energy efficient space and water heating services including adequate control of these services;</td>
<td></td>
</tr>
<tr>
<td>(d) ensuring that the building is appropriately designed to limit need for cooling and, where air-conditioning or mechanical ventilation is installed, that installed systems are energy efficient, appropriately sized and adequately controlled;</td>
<td></td>
</tr>
<tr>
<td>(e) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;</td>
<td></td>
</tr>
<tr>
<td>(f) limiting the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air conditioning systems;</td>
<td></td>
</tr>
<tr>
<td>(g) providing energy efficient artificial lighting systems (other than emergency lighting, display lighting or specialist process lighting) and adequate control of these systems.</td>
<td></td>
</tr>
</tbody>
</table>
# FAQ 69 Part M-Building Regulations – Access and Use

<table>
<thead>
<tr>
<th>Part M – Access and Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>M1</strong> Access and Use of Buildings; Adequate provision shall be made for people to access and use a building, its facilities and its environs.</td>
</tr>
<tr>
<td><strong>M2</strong> Adequate provision shall be made for people to approach and access an extension to a building.</td>
</tr>
<tr>
<td><strong>M3</strong> If sanitary facilities are provided in a building that is to be extended, adequate sanitary facilities shall be provided for people within the extension.</td>
</tr>
<tr>
<td><strong>M4</strong> Part M does not apply to works in connection with extensions to and material alterations of existing dwellings, provided that such works do not create a new dwelling.</td>
</tr>
</tbody>
</table>
1.3.9.7 Final Exits

“Any final exit door in a dwelling house or a door which gives direct access to a balcony as provided in 1.3.7 should be provided with simple fastenings (thumb latches or other readily openable mechanism) which can be operated from the escape side without the use of a key”

Clarification

• The "Any" refers to the door on the primary escape route usually the front door i.e. the door of the hallway serving the dwelling. In such scenarios the patio or back door may still be locked by key and do not have to be readily openable.

• The only scenario where more than one door may need to be readily openable is where the stairs delivers the occupant between two areas (either of which could be on fire) and in such cases the "Final exit" may be either of the doors see diagram 2(b) in which case both the "Final exits" should be readily openable.

• For the purposes of clarity the reference to door to Balcony is where the door is being used as an alternative escape instead of a window as per 3.7.1.
FAQ. 71 Part M - Minimum Level of Provision - Accessible Bedrooms & Ensuites for Student Accommodation

The Building Regulations came into force on the 1st June 1992. As and from that date, all works to which the Building Regulations relate, which are carried out must be carried out in accordance with the Building Regulations.

The Building Regulations 1997 - 2017 set out the legal requirements in Ireland for the construction of new buildings (including houses), extensions to existing buildings as well as for material alterations and certain material changes of use to existing buildings. The related Technical Guidance Documents (Parts A - M respectively) provide technical guidance on how to comply with the regulations in practical terms. Where works are carried out in accordance with the relevant technical guidance, such works are considered to be, prima facie, in compliance with the relevant regulation(s). Technical Guidance Documents are free to view / download on the website of the Department of Housing, Planning and Local Government at the hyperlink set out below: - https://www.housing.gov.ie/housing/building-standards/tgd-part-d-materials-and-workmanship/Technical-guidance-documents

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings. Interpretation of the legislation is, ultimately, a matter for the Courts and implementation of the Building Control system is a matter for the local Building Control Authority.

The DHPLG has no function in assessing whether any particular proposal complies with the Building Regulations. Enforcement of the Building Regulations is a matter for the local Building Control Authority.

Part M of the Second Schedule to the Building Regulations 1997 – 2017, and to Technical Guidance Document M, 2010. Section 0.5 of TGDM 2010 specifies that Section 1 ‘sets out the minimum level of provision for the following buildings to meet the requirements of M1: (a) buildings other than dwellings and their environs, and (b) the common areas of apartment blocks and their environs’. Section 2 relates to existing buildings other than dwellings and their environs, and the common areas of existing apartment blocks and their environs, while Section 3 relates to individual dwellings and individual apartments.

Opinion is that the type of building referenced as, ‘student accommodation’ falls under the description of ‘buildings other than dwellings and their environs’, and is therefore subject to the provisions of Section 1, or Section 2 of TGDM 2010. As such, accessible sleeping accommodation should be provided at a rate of ‘One guest bedroom out of every twenty, or a minimum of one guest bedroom if less than twenty guest bedrooms’. They should be ‘suitable in terms of size, layout and facilities for independent use by people with a wide range of abilities in accordance with 1.5.6.’.
Query:
Sub-Station e.g. Water treatment works etc, building not be occupied on a continuous or routine basis i.e. principally a facility for plant (small substation) with a store room and a shower facility. The building is compartmentalised and each section has a single access/egress point. For two of the compartments of the building there is also a double door – to get plant in and out. The building has no internal corridors and is of a size that a few paces would get an able bodied person from door to back of compartment.

Response:
The building does not seem to fall under any of the exempted classes of building listed under the Building Regulations. As such the Building Regulations would apply to the works.
The building as described does not fall under any of the exemptions for a FSC listed under Article 11(2), therefore, opinion is that a FSC is required for the whole building.

Those parts of the building subject to inspection, repair or maintenance of fixed plant or machinery may afford the exemption for a DAC under S.I 526 of 2018 (as Part M does not apply), however this does not cover the shower area, therefore a DAC is required.

The above is not conditional on the routine nature in which the building is to be used or occupied.