



What are the Building Control Regulations?

Building Control Regulations apply generally to new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use. The Building Control Regulations require owners, builders, and registered construction professionals to demonstrate through the Statutory Register of Building Control Activity that the works or building concerned have been designed and constructed in compliance with Building Regulations.

The Building Control Regulations provide for:

- Commencement Notices & 7 Day Notices
- Fire Safety Certificates (FSC) , Revised Fire Safety Certificates and Regularisation Certificates
- Disability Access Certificates and Revised Disability Access Certificates
- Maintenance of Registers
- Fees
- Statutory registration of building control

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 primarily provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities.

Who is responsible for compliance with the 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.

What is a Commencement Notice ?

A Commencement Notice is a notification to a Building Control Authority that a person intends to carry out works or a material change of use to a building 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. To lodge a Commencement Notice Log into www.localgov.ie/en/BCMS

Do all developments require a Commencement Notice?

Commencement Notices are required for the following:

- the erection of a building;
- a material alteration of a building or an extension to a building, and
- a material change of use of a building; to which the Building Regulations apply.

A Commencement Notice is not required for:

- works or a building as regards which a material change of use takes place which requires neither planning permission, nor a Fire Safety Certificate except when the works are in connection with the material alteration (excluding minor works) of a shop, office or industrial building .

What happens if I don't submit my Commencement Notice?

Failure to submit a Commencement Notice is an offence and may have serious consequences which cannot be regularised at a later date. For works subject to S.I. 9 of 2014, you will be unable to submit a Certificate of Completion on Completion, and your building will not be recorded on the public register. This may affect your ability to lease or sell the building if you cannot prove that the statutory requirements relevant to the property have been met.

Can I submit my Commencement Notice Online?

Yes, to lodge a Commencement Notice log in to the Building Control Management System (BCMS) available at www.localgov.ie/en/BCMS.

Plans, specifications, particulars, and the preliminary inspection plan can be uploaded to the BCMS. In addition, the online assessment of the proposed approach to compliance with the Building Regulations is also completed through the BCMS. The BCMS allows building owners to nominate an Assigned Certifier, and a Builder for the development works. The BCMS will also allow the Owner, Assigned Certifier, and the Builder to fill out the required Notices and Certificates online. Each party must be registered with the BCMS to fill in or sign their respective parts.

What happens if I do not start work within the statutory notice period of the Commencement Notice?

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.

What is the Fee for a Commencement

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

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 FSC, when the works need to start before the FSC is granted.

It must be accompanied by a valid FSC application and a Statutory Declaration. The fee for a 7-Day Notice is €250 or €5.80 per square metre of applicable floor area (whichever is the greater). To lodge a 7 Day Notice log into www.localgov.ie/en/BCMS

What is a Fire Safety Certificate (FSC)?

A FSC is a certificate granted by a Building Control Authority, which certifies that the building or works, if constructed in accordance with the plans, documents and information submitted to the Authority, would comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997 as amended.

Do I need a Fire Safety Certificate (FSC) ?

With the exception of houses and certain agricultural buildings, a FSC is required for all new buildings (including apartments and flats), as well as material changes of use and certain alterations and extensions to buildings. A FSC must be obtained before work starts.

Where do I get a Fire Safety Certificate (FSC)?

Before you begin any work or make a material change of use, you should apply to the local Building Control Authority for a FSC . The application form for a FSC should be submitted together with -

- ◆ plans, calculations and specifications for the works or building;
- ◆ details of the nature and extent of the proposed use and, where appropriate, of the existing use of the building;
- ◆ the appropriate fee, based on floor area being €2.90 per square metre of gross floor space. The minimum fee is €125 while the maximum fee is €12,500 .

Any application not including the above can be rejected by the Authority as invalid.



www.housing.gov.ie

How long should it take to get a Fire Safety Certificate (FSC) ?

Normally two months, but this may be extended by written agreement between the applicant and the Building Control Authority, e.g. when the Authority seeks further information on your application. A FSC may be granted with or without conditions, or refused.

Can I Appeal if I am refused a Fire Safety Certificate (FSC)?

Yes. An applicant for a FSC can appeal to An Bord Pleanála against a refusal, within one month of the decision (details of the appeal fee are available from your Local Authority or An Bord Pleanála).

What is a Revised Fire Safety Certificate ?

A revised Fire Safety Certificate is required where:

- ◆ an application for a FSC is made before grant of planning permission, if required by the subsequent permission, or
- ◆ where significant revision is made to the design or works of a building for which a FSC has already been granted

What is a Regularisation Certificate?

A Regularisation Certificate is required where a building has been commenced or completed without a FSC, where such a certificate is required.

What is a Disability Access Certificate (DAC)?

A Disability Access Certificate (DAC) is a certificate granted by a Building Control Authority which certifies compliance of the design of certain works (e.g. new buildings (except dwelling houses), some extensions to, and some material alterations to buildings (except dwelling houses) with the requirements of Part M of the Building Control Regulations. A DAC is required for non domestic works which require a FSC.

When is a Disability Access Certificate (DAC) required?

A DAC is required in respect of works to buildings other than dwellings (but including apartment buildings), in so far as the Requirements of Part M apply. Where a FSC is required for any works, a DAC is also required.

Is a Disability Access Certificate (DAC) required prior to submitting a commencement notice?

No. However, It is strongly advised that you obtain a DAC prior to work commencing on site. This will avoid any expensive remedial works which may delay the occupation and/or opening of the building.

Note: A building shall not be opened, operated or occupied unless a DAC has been granted on the building.

When should I apply for my Disability Access Certificate (DAC)?

It is best practice to apply for your DAC at the same time you are applying for your FSC prior to commencement of works.

How long will a Disability Access Certificate

It can take up to 8 weeks for a decision to be made on a DAC, or may take longer if it's agreed with the applicant and the Building Control Authority.

What are the requirements for Statutory Certification ?

The Building Control (Amendment) Regulations 2014 (S.I. 9 of 2014), came into effect on 1st March, 2014, and they require greater accountability in relation to compliance with Building Regulations in the form of statutory certification of design and construction

The additional requirements include:

- ◆ the nomination of a competent 'Assigned Certifier' to inspect and certify the works,
- ◆ A Design Certificate
- ◆ the assignment of a competent builder to carry out the works,
- ◆ the submission of certificates of compliance on completion.

What additional documents must I submit with my Commencement Notice?

A Commencement Notice submitted for works subject to S.I 9 of 2014 must include an online assessment of the proposed approach to compliance with the Building Regulations and be accompanied by the following:

- ◆ Certificate of Compliance (Design),
- ◆ Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
- ◆ Undertaking by Assigned Certifier,
- ◆ Notice of Assignment of Builder,
- ◆ Undertaking by builder
- ◆ General arrangement drawings for building control purposes – plans, sections and elevations;
- ◆ A schedule of design documents currently prepared or to be prepared at a later date,
- ◆ The preliminary inspection plan,
- ◆ Any other documents deemed appropriate by the Assigned Certifier.

Do the additional requirements apply to all Commencement Notices?

No. The additional requirements only apply to the following works:

- ◆ Construction of a dwelling
- ◆ Extension of a dwelling by more than 40 square metres.
- ◆ Works which require a Fire Safety Certificate.

Who can act as an Assigned Certifier?

An Assigned Certifier must be:

A registered construction professional (i.e. an Architect or a Building Surveyor or a chartered Engineer who is included on a statutory register maintained respectively by

- ◆ the Royal Institute of Architects of Ireland,
- ◆ the Society of Chartered Surveyors of Ireland,
- ◆ Engineers Ireland).

Can I build my own house myself or by direct labour?

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

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 lodged with the Building Control Authority and placed on the public 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 plans submitted and in compliance with the Building Regulations

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.

Can I opt out of the requirements for Statutory Certification?

Yes, Since 1 September, 2015, owners of new single dwellings, on a single unit development, or domestic extensions may opt out of the requirements for statutory certification. Compliance with Building Regulations must still be achieved and Building Control procedures will still apply. A homeowner who wishes to avail of this facility must sign a form of "Declaration of Intention to Opt Out of Statutory Certification".