



STATUTORY INSTRUMENTS.

S.I. No. 80 of 2013



BUILDING CONTROL (AMENDMENT) REGULATIONS 2013

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S.I. No. 80 of 2013

BUILDING CONTROL (AMENDMENT) REGULATIONS 2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3, 6, 17 and 18 of the Building Control Act 1990 (No. 3 of 1990) hereby make the following Regulations—

Citation

1. (1) These Regulations may be cited as the Building Control (Amendment) Regulations 2013.

(2) These Regulations, the Building Control Regulations 1997 (S.I. No. 496 of 1997), the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000), the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004) and the Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009) may be construed as one and cited together as the Building Control Regulations 1997 to 2013.

Commencement

2. These Regulations shall come into effect on 1 March 2014.

Interpretation

3. (1) In these Regulations, any reference to a schedule, part or article, which is not otherwise identified, is a reference to a schedule, part or article of these Regulations.

(2) In these Regulations, save where the context otherwise states:

“the Principal Regulations” means the Building Control Regulations, 1997 (S.I. No. 496 of 1997) as amended by the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000), the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004) and the Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009);

“the Act of 1990” means the Building Control Act 1990 (No. 3 of 1990) as amended by the Building Control Act 2007 (No. 21 of 2007);

“the Minister” means the Minister for the Environment, Community and Local Government.

(3) Article 5(4) of the Principal Regulations is amended by including the following definition to appear immediately after the definition of “Commencement Notice”:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 15th March, 2013.

“Certificates of Compliance” means a certificate of compliance provided for under section 6(2)(a)(i) of the Act of 1990 and includes Certificates of Compliance (Design), Certificates of Compliance (Undertaking by Assigned Certifier), Certificates of Compliance (Undertaking by Builder) and the Certificate of Compliance on Completion.

Insertion of Article 6A to the Principal Regulations

4. The following article shall be inserted immediately after article 6 of the Principal Regulations:-

“Offences

6A. Failure to comply with any requirement under Parts II, III, IIIA, IIIB or IIIC shall be an offence to which section 17(2) of the Act of 1990 applies.”

Amendment of Title of Part II of the Principal Regulations

5. The title of Part II of the Principal Regulations shall be substituted by the title “Part II — Commencement Notices and Certificates of Compliance before construction”.

Amendment of Article 9 of the Principal Regulations

6. The Principal Regulations are amended by substituting the following for article 9:

“Form of Commencement Notice

9. (1) A commencement notice shall be—

- (a) in the form set out for that purpose in the Second Schedule, and
- (b) subject to sub-paragraph (2), accompanied by—
 - (i) such plans, calculations, specifications and particulars as are necessary to demonstrate how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned,
 - (ii) a Certificate of Compliance (Design) in the form set out for that purpose in the Second Schedule,
 - (iii) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier) in the form set out for that purpose in the Second Schedule,
 - (iv) a Certificate of Compliance (Undertaking by Assigned Certifier) in the form set out for that purpose in the Second Schedule,
 - (v) a Notice of Assignment of Builder in the form set out for that purpose in the Second Schedule, and

(vi) a Certificate of Compliance (Undertaking by Builder) in the form set out for that purpose in the Second Schedule, and

(c) accompanied by such fee as is required under Part V.

(2) The requirements of sub-paragraph (1)(b) shall apply to the following works and buildings:—

(a) the design and construction of a new dwelling,

(b) an extension to a dwelling involving a total floor area no greater than 40 square metres,

(c) works to which Part III applies.

(3) If, for whatever reason, having submitted the commencement notice in respect of works or a building subject to sub-paragraph (1) (b), a building owner changes either the person assigned to inspect and certify the works or the builder, then the building owner shall within 14 days notify the building control authority in writing of the change by submitting the appropriate notices of assignment and forms of undertaking referred to under (1)(b) reflecting the up-to-date arrangements in this regard.

(4) If, for whatever reason, a change of ownership of works or a building subject to sub-paragraph (1)(b) occurs prior to completion, the new owner shall within 14 days notify the building control authority in writing that they are now the owner of the building or works.”

Amendment of Title of Part IIIA of the Principal Regulations

7. The title of Part IIIA shall be substituted by the title “Part IIIA — 7 Day Notice, Certificates of Compliance, Revised Fire Safety Certificate, Regularisation Certificate, Statutory Declaration, and 7 Day Notice Statutory Declaration”.

Amendment of Sub-Article 20A(2) of the Principal Regulations

8. The Principal Regulations are amended by substituting the following for sub-article 20A(2):

“(2) (a) A 7 day notice shall be—

(i) in the form set out for that purpose in the Third Schedule,

(ii) subject to sub-paragraph (b), accompanied by—

(I) a valid application for a fire safety certificate from the applicant in the form specified for that purpose in the Third Schedule and accompanied by such plans and particulars as required under paragraphs (a) and (b) of article 13(2),

(II) a 7 day notice statutory declaration in the form specified for that purpose in the Third Schedule,

- (III) such plans, calculations, specifications and particulars as are necessary to demonstrate how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned,
 - (IV) a Certificate of Compliance (Design) in the form set out for that purpose in the Third Schedule,
 - (V) a Notice of Assignment of Person to Inspect and Certify Works in the form set out for that purpose in the Third Schedule,
 - (VI) a Certificate of Compliance (Undertaking by Assigned Certifier) in the form set out for that purpose in the Third Schedule,
 - (VII) a Notice of Assignment of Builder in the form set out for that purpose in the Third Schedule, and
 - (VIII) a Certificate of Compliance (Undertaking by Builder) in the form set out for that purpose in the Third Schedule, and
- (iii) accompanied by such fee as is required under Part V.
- (b) The requirements of clauses (2)(a) (ii) (III) to (VIII) inclusive shall apply to the following works and buildings—
- (a) the design and construction of a new dwelling,
 - (b) an extension to a dwelling involving a total floor area no greater than 40 square metres,
 - (c) works to which Part III applies.
- (c) If, for whatever reason, having submitted the 7 day notice in respect of works or a building subject to clauses 2(a)(ii)(III) to (VIII) inclusive, a building owner changes either the person assigned to inspect and certify the works or the builder, then the building owner shall within 14 days notify the building control authority in writing of the change by submitting the appropriate notices of assignment and forms of undertaking as referred to under sub-paragraph (2)(a) reflecting the up-to-date arrangements in this regard.
- (d) If, for whatever reason, a change of ownership of works or a building subject to the requirements of clauses (2)(a)(ii)(III) to (VIII) inclusive occurs prior to completion, the new owner shall within 14 days notify the building control authority that they are now the owner of the works or building.”

Insertion of Part IIIC to the Principal Regulations

9. The Principal Regulations are amended by inserting the following after article 20E:

“Part IIIC — Certificate of Compliance on Completion

20F. (1) Subject to sub-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 works and buildings—

- (a) the design and construction of a new dwelling,
- (b) an extension to a dwelling involving a total floor area no greater than 40 square metres,
- (c) works to which Part III applies.

(3) A Certificate of Compliance on Completion shall be—

- (a) in the form specified for that purpose in the Fifth 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 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

(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.

(4) On receipt of a Certificate of Compliance on Completion, a building control authority shall—

- (a) stamp the certificate with the date of receipt, and
- (b) consider whether the Certificate of Compliance on Completion is valid having regard to:
 - (i) the requirements of (3) above, and

- (ii) the building control authority's own satisfaction that all enforcement notices, information requests and statutory processes, including any applications for Certificates under Part III, Part III A or Part III B, relevant to the building concerned having been satisfactorily concluded.

(5) Where the building control authority considers the Certificate of Completion to be valid having regard to sub-paragraph (4), the building control authority shall enter particulars relating to the relevant certificate on the register maintained under Part IV and shall notify the person who submitted the certificate that particulars have been included on the register.

(6) Where the building control authority considers that a Certificate of Completion may not be valid having regard to article 20F(3), the building control authority may within 21 days of receipt of the certificate, write to the person who submitted the certificate and:

- (i) inform them giving reasons that the certificate does not comply with article 20F(3) and cannot be accepted by the authority, or
- (ii) require the person submitting the certificate to submit such revised certificate notice, or such additional documentation as may be deemed necessary by the building control authority to accompany the certificate for the purposes of article 20F(3).

(7) A building control authority serving a notice in accordance with sub-article 20F(6)(i) shall return to the person giving the certificate, the certificate and any documentation that accompanied the certificate.

(8) Where the plans, specifications, calculations and particulars comprehended under 20F(3)(b) and the Inspection Plan comprehended under 20F(3)(c) have been submitted to a building control authority on a date falling not more than 5 weeks and not less than 3 weeks prior to a nominated date on which a Certificate of Compliance on Completion is to be signed and submitted, the building control authority shall proceed to consider the validity of the Certificate in accordance with 20F(4)(b) with a view to facilitating the inclusion of the details of the Certificate of Compliance on Completion on the statutory register within one working day of the actual Certificate of Compliance on Completion being submitted to the building control authority subject to all requirements under article 20F being fulfilled on or before the nominated date.

(9) A Certificate of Compliance on Completion may refer to works, buildings, including areas within a building, or developments, including phases thereof, and relevant details shall be clearly identified on the Certificate of Compliance on Completion itself and, subject to validation in line with the requirements at (4)(b), on the entry on the Statutory register.

20G. (1) The Minister may publish a document with the title of the Code of Practice for Inspecting and Certifying Building Works for the purposes of providing guidance with respect to inspecting and certifying works or a building for

compliance with the requirements of the Second Schedule to the Building Regulations.

(2) Where works or a building to which these regulations apply is inspected and certified in accordance with the guidance contained in the Code of Practice for Inspecting and Certifying Building Works, this shall, prima facie, indicate compliance with the relevant requirements of these regulations.

(3) The provisions of any guidance contained in the Code of Practice for Inspecting and Certifying Building Works concerning the use of a particular inspection framework or approach shall not be construed as prohibiting the use of other suitable frameworks or approaches.”

Amendment of Article 21 of the Principal Regulations

10. The following shall be substituted for article 21:

“The Register

21. (1) A building control authority shall keep a register and shall enter in the register particulars of—

- (a) any valid application for a dispensation or relaxation, including the name and address of the applicant, the date of receipt of the application, and brief details of the works or building forming the subject of the application,
- (b) any valid commencement notice or 7 day notice or certificate of compliance given to them under Part II, Part IIIA or Part IIIC, as appropriate, including the name and address of the owner of the building, the date of receipt of the notice, the person or persons carrying out the works, the person who certified the design, the person assigned to inspect and certify the works (the assigned certifier), the builder assigned to undertake the works, any changes to previously recorded detail notified in accordance with sub-article 9(3), 9(4), 20A(2)(c), or 20A(2)(d) and brief particulars of the works or building forming the subject of the notice,
- (c) any valid application for a fire safety certificate, a revised fire safety certificate, a regularisation certificate, a disability access certificate, or a revised disability access certificate made to them under Part III, Part IIIA or Part IIIB, as appropriate, including the name and address of the applicant, the date of receipt of the application, and brief particulars of the works or building forming the subject of the application,
- (d) their decision in respect of any application referred to in (a) and (c) and the date of the decision,
- (e) any determination or direction by the Board in respect of an appeal relating to a decision referred to in (a) or (c) and the date of the determination or direction,

- (f) any enforcement notices served by them, including the name and address of the person on whom the notice was served, the date of the notice and brief particulars of the contents of the notice,
- (g) the date and effect of any decision by the District Court in respect of a notice referred to in (f), including the date and effect of the decision,
- (h) any valid Certificate of Compliance on Completion accepted by the building control authority.

(2) The register shall be kept at the offices of the building control authority and shall be available for inspection during office hours.

(3) In the interest of clarity, records relating to particulars included on the register may be accessed in accordance with the Freedom of Information Acts 1997 and 2003.

(4) For the avoidance of doubt, the register may be maintained electronically subject to the Data Protection Acts 1998 and 2003.”

Amendment of Second Schedule to the Principal Regulations

11. The following is substituted for the Second Schedule to the Principal Regulations:

“SECOND SCHEDULE

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT AND
FORMS OF CERTIFICATES OF COMPLIANCE REQUIRED BEFORE
CONSTRUCTION COMMENCES

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT

(Notice to a Building Control Authority pursuant to Part II of the Building Control Regulations 1997 to 2013)

<p>Building Control Authority</p> <p>_____</p>	<p style="text-align: center;">OFFICIAL USE</p> <p>Data Received _____</p> <p>Register Ref. _____</p> <p>Entered on _____</p> <p>Entered by _____</p>
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1. I, hereby give notice in accordance with Part II of the Building Control Regulations 1997 to 2013 that it is intended to carry out the development as described below commencing on the date of

.....

Name of Building Owner(s):

Address:

.....

Tel: Fax: Email:.....

2. I enclose the fee payable for making this Notice of €:.....

3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)

Description of proposed development:

.....

Planning Permission No.: Date Granted:

Date of expiry:

Fire Safety Certificate No. (if applicable):

Disability Access Certificate No. (if applicable):

Location of development:

3b. Residential Development Information:

Total number of dwelling units (all phases*):

Total number of phases* of which..... are multiple unit dwellings.

Phase for this commencement notice:

No. of units for this phase/commencement notice**:

Commencement date for this phase:

(Proposed) End-date for this phase:

* Where applicable, i.e. phasing not relevant for single houses.

** Include single house figure here also

4. Builder:

Name:

Address:

Tel: Fax: Email:

5. Building Designer Details:

Name:

Address:

Tel: Fax: Email:

Where required under Part III of the Building Control Regulations 1997 to 2013, the mandatory Certificate of Compliance (Design) signed by the above Building Designer accompanies this Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this Commencement Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars)

Documents	Reference	Description / Remarks

7. Signature by Building Owner:

Signature: **Date:**
(Building Owner)

Design Certificate

FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

.....
.....

2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Building Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.

3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the works described above and to certify such design. I further confirm that I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969 and that I am competent to carry out my design and to coordinate the design of others for the works concerned.

4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the Commencement Notice to which this certificate is relevant and which have been prepared exercising reasonable skill, care and diligence by me, and prepared by other members of the owner’s design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

5. I certify that, having regard to the plans, calculations, specifications, ancillary certificates and particulars referred to at 4 above, the proposed design for the works or building is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Signature: **Date:**

Person’s Name: Registration No.:

On behalf of: (company name where relevant)

Address:

.....

Tel: Fax: Email:.....

**NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND
CERTIFY WORKS (ASSIGNED CERTIFIER)**

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:

.....
.....

2. As the building owner, I have assigned the following person as Assigned Certifier, being a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Building Works that the person so assigned is competent to inspect the works and to coordinate the inspection work undertaken by others, and to certify the works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Name:

Qualification(s): Registration No.:

Address:

.....

Tel: Fax: Email:

3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the works or building, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.

4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the works as notified herein.

Building Owner's Signature: **Date:**

UNDERTAKING BY ASSIGNED CERTIFIER
FORM OF CERTIFICATE OF COMPLIANCE
(UNDERTAKING BY ASSIGNED CERTIFIER)

Building Control Authority

OFFICIAL USE

Data Received _____
Register Ref. _____
Entered on _____
Entered by _____

1. This certificate relates to the following building works:

.....
.....

2. In accordance with the Code of Practice for Inspecting and Certifying Building Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the works and to coordinate the inspection work of others and to certify, following the implementation of the inspection plan by myself and others, for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the works or building to which the accompanying Commencement Notice and plans, specifications, calculations, ancillary certificates and particulars listed in the schedule thereto refer.

Signature: **Date:**

Person's Name: Registration No.:

On behalf of:..... (company name where relevant)

Address:

.....

Tel: Fax: Email:

NOTICE OF ASSIGNMENT OF BUILDER

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:

.....
.....

2. As the building owner, I have assigned the following person as Builder of the works and I am satisfied that they are competent to undertake the works so assigned on my behalf.

Builder's Name:

Address:

.....

Tel.: Fax: Email:

3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as builder of the works as notified herein.

Building Owner's Signature: **Date:**

UNDERTAKING BY BUILDER

**FORM OF CERTIFICATE OF COMPLIANCE
(UNDERTAKING BY BUILDER)**

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

.....
.....

2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.

3. I undertake to construct the building works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the Commencement Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design) or as subsequently certified and submitted to the Building Control Authority and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Building Works.

4. Having regard to the Code of Practice for Inspecting and Certifying Building Works or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps to ensure that I shall certify that the works or building is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Signature:..... **Date:**
(to be signed by a Principal or Director of a building company only)

Name:.....

Address:.....

.....

Tel: Fax: Email:

Amendment of Third Schedule to the Principal Regulations

12. The following is inserted in the Third Schedule to the Principal Regulations in substitution of the Form of 7 Day Notice set out therein:

(Article 20A)

FORM OF 7 DAY NOTICE	
Building Control Acts 1990 and 2007	
<p>Building Control Authority</p> <p>_____</p>	<p style="text-align: center;">OFFICIAL USE</p> <p>Data Received _____</p> <p>Register Ref. _____</p> <p>Entered on _____</p> <p>Entered by _____</p>
<p>1. I hereby give 7 day's notice in accordance with Part IIIA of the Building Control Regulations 1997 to 2013 that it is intended to carry out the development as described below.</p> <p>Name of Building Owner(s):</p> <p>Address:</p> <p>.....</p> <p>Tel: Fax: Email:</p> <p>Proposed Commencement Date:</p> <p>2. I enclose the fee payable for making this Notice of €.....</p> <p>3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)</p> <p>Description of proposed development:</p> <p>.....</p> <p>Planning Permission No.: Date Granted:</p> <p>Date of expiry:</p> <p>Valid Fire Safety Certificate Applied for (date):</p> <p>Fire Safety Certificate No.:</p> <p>Location of development:</p> <p>3b. Residential Development Information:</p> <p>Total number of dwelling units (all phases*):</p> <p>Total number of phases*..... of which are multiple unit dwellings.</p> <p>Phase being commenced under this 7 Day Notice:</p>	

No. of units covered by this phase/ 7 Day Notice**:

Commencement date for this phase:

(Proposed) End-date for this phase:

(* Where applicable, i.e. phasing not relevant for single houses)

(** Include single house figure here also)

4. Builder:

Name:

Address:

.....

5. Building Designer Details:

Name:

Address:

.....

Tel: Fax: Email:

Where required under Part IIIA of the Building Control Regulations 1997 to 2013, the mandatory certificate of design compliance signed by the above Designer accompanies this 7 Day Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this 7 Day Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars)

Documents	Reference	Description / Remarks

7. Signature by Building Owner:

Signature: **Date:**
 (Building Owner)

Design Certificate**FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)****Building Control Authority**

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

.....

2. This certificate has been prepared in accordance with the Code of Practice for the Inspection and Certification of Building Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.

3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the works described above and to certify such design. I further confirm that I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969 and that I am competent to carry out my design and to coordinate the design of others for the works concerned.

4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the 7 Day Notice to which this certificate is relevant and which have been prepared exercising reasonable skill, care and diligence by me, and prepared by other members of the owner's design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

5. I certify that, having regard to the plans, calculations, specifications, ancillary certificates and particulars referred to at 4 above, the proposed design for the works or building is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Signature **Date:**

Person's Name: Registration No.:

On behalf of: (company name where relevant)

Address:

.....

Tel: Fax: Email:

NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER)

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:

.....
.....

2. As the building owner, I have assigned the following person as Assigned Certifier, being a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Building Works that the person so assigned is competent to inspect the works and to coordinate the inspection work undertaken by others, and to certify the works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Name:

Qualification(s): Registration No.:

Address:

.....

Tel: Fax: Email:

3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the building or works, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.

4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the works as notified herein.

Building Owner's Signature: **Date:**

UNDERTAKING BY ASSIGNED CERTIFIER

FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER)

Building Control Authority

OFFICIAL USE

Data Received _____
 Register Ref. _____
 Entered on _____
 Entered by _____

1. This certificate relates to the following building works:

.....

2. In accordance with the Code of Practice for Inspecting and Certifying Building Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the works and to coordinate the work of others and to certify, following the implementation of the inspection plan by myself and others, for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the works or building to which the accompanying Commencement Notice together with the plans, specifications, calculations, ancillary certificates and particulars listed in the schedule thereto refer.

Signature Date:

Person's Name: Registration No.:

On behalf of: (company name where relevant)

Address:

.....

Tel: Fax: Email:

NOTICE OF ASSIGNMENT OF BUILDER

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This notice of assignment relates to the following building works:

.....
.....

2. As the building owner, I have assigned the following person as Builder of the works and I am satisfied that they are competent to undertake the works so assigned on my behalf.

Builder's Name:

Address:

.....

Tel: Fax: Email:.....

3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as builder of the works as notified herein.

Building Owner's Signature: **Date:**

UNDERTAKING BY BUILDER

FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)

Building Control Authority

OFFICIAL USE

Data Received _____

Register Ref. _____

Entered on _____

Entered by _____

1. This certificate relates to the following building works:

.....

2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.

3. I undertake to construct the building works in accordance with the plans, specifications, calculations, ancillary certificates and particulars as listed in the schedule to the 7 Day Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design) or as subsequently certified and submitted to the Building Control Authority and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Building Works.

4. Having regard to the Code of Practice for Inspecting and Certifying Building Works or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that the works or building is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Signature: **Date:**

(where the signatory is an employee) On behalf of

Name:

Address:

.....

Tel: Fax: Email:

”

Insertion of Fifth Schedule to the Principal Regulations

13. The following is inserted as a new schedule to follow immediately after the Fourth Schedule:-

“FIFTH SCHEDULE

CERTIFICATE OF COMPLIANCE ON COMPLETION

**CERTIFICATE OF COMPLIANCE ON COMPLETION
(COMPLETION CERTIFICATE)**

Building Control Authority

OFFICIAL USE

Data Received	_____
Register Ref.	_____
Entered on	_____
Entered by	_____

1. This certificate relates to Commencement Notice/7 Day Notice reference No. in respect of the following works:

.....

Part A — Certificate signed by Builder

2. I confirm that I am the Builder assigned by the owner to construct, supervise and certify the works.

3. I certify that the works or building as completed has been constructed in accordance with the plans, specifications, calculations, ancillary certificates and particulars as certified under the Form of Certificate of Compliance (Design) and listed in the schedule to the Commencement / 7 Day Notice relevant to the above works, together with such further plans, specifications, calculations, ancillary certificates and particulars, if any, as have been subsequently certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Certifying and Inspecting Building Works.

4. Reliant on the foregoing, I certify that the works are in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building works concerned.

Signature: **Date:**
(to be signed by a Principal or Director of a Building Company only)

Name:

Address:

Tel: Fax: Email:

Part B — Certificate signed by Assigned Certifier

5. I confirm that I am the Assigned Certifier assigned by the owner to inspect and certify the works concerned.

6. I now certify that the inspection plan drawn up in accordance with the Code of Practice for Inspecting and Certifying Building Works, or equivalent, has been fulfilled by the undersigned and other individuals nominated therein having exercised reasonable skill, care and diligence and that the building or works is in compliance with the requirements of the Second Schedule of the Building Regulations insofar as they apply to the building works concerned.

7. Drawings, specifications, calculations, ancillary certificates and particulars as required for the purposes of Part IIC of the Building Control Regulations are included in the Annex (see attached).

Signature: **Date:** **Registration No.:**
(where the signatory is an employee) On behalf of

Name & Address:

Tel: Fax: Email:

ANNEX

Table of Drawings, 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 drawings, etc. may be listed below and attached hereto)



GIVEN under my Official Seal,
8 March 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations strengthen the current arrangements in place for the control of building activity. Regulation 6 amends article 5 of the Principal Regulations to provide for a revised form of Commencement Notice which must be submitted to a building control authority prior to the commencement of construction works. The Commencement Notice must henceforth be signed by the owner of the works. Where the works involve the creation of a building (including a single dwelling unit), an extension greater than 40 square metres or require an application for a Fire Safety Certificate in accordance with Part III of the Building Control Regulations 1997 to 2013, the Commencement Notice and the appropriate fee must in addition be accompanied by the following:

- (a) Plans and documentation as necessary to demonstrate how the proposed works or building will comply with the requirements of the Building Regulations 1997 to 2013;
- (b) A Certificate of Compliance (Design),
- (c) Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
- (d) Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

Regulations 6 further amends article 5 of the Principal Regulations to oblige a building owner to notify the Building Control Authority of any changes of ownership of the works or of the persons assigned as Builder or as Assigned Certifier and to provide the appropriate notices of assignment and forms of undertaking in respect of the new assignees. Failure to attend to any of these obligations, as well as being an offence in itself, would delay or inhibit inclusion of details of the final certificate on the statutory register.

Regulation 8 amends article 20A(2) of the Principal Regulations to provide for a revised form of 7 Day Notice and otherwise changes the administrative arrangements that pertain to the 7 Day Notice process in line with those changes described above in relation to the Commencement Notice process.

Regulation 9 inserts a new Part IIIC to the Principal Regulations providing for Certificates of Compliance on Completion. A completion certificate must be sent to the Building Control Authority and included on the Statutory Register maintained under Part IV of the Principal Regulations before works or a building to which these regulations apply can be opened, occupied or used. The completion certificate must be signed by the Builder and the Assigned Certifier and must be accompanied by plans and documentation showing how the completed building complies with the requirements of the Building Regulations

(pointing out in particular any differences to design documentation previously submitted to the Building Control Authority prior to construction) and by the Inspection Plan as implemented by the Assigned Certifier.

A Code of Practice for Inspecting and Certifying Building Works will be published by the Minister for the purposes of providing guidance with respect to inspecting and certifying work for compliance with the Building Regulations. Compliance with this Code of Practice shall, prima facie, indicate compliance with the relevant requirements of these regulations.

Drawings and particulars relevant to works or a building included on the statutory register will be accessible to any person who subsequently acquires an interest in the building concerned.

Failure to comply with the requirements of the Building Control Regulations 1997 to 2013 shall be an offence to which section 17(2) of the Building Control Act 1990 refers.

The Regulations come into effect on and from 1 March 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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