

Property & Construction

Building Control (Amendment) Regulations, 2014

Significant Changes to the Law on Building Control

The Building Control (Amendment) Regulations, 2014 came into effect on 1 March 2014, revoking the previous 2013 Regulations in full. The Regulations strengthen the arrangements currently in place for the control of building activity by requiring greater compliance with Building Regulations. New requirements include the statutory certification of design and construction, lodgement of compliance documentation, mandatory inspections during construction and validation and registration of certificates. The keys points of note are:

- The Regulations apply to any development for which a Commencement Notice issues after 1 March 2014.
- The Regulations apply to all building types, except extensions to domestic dwellings smaller than 40 square metres.
- A Building Control Management System has been introduced. This is an on-line system to facilitate the electronic administration of building control matters by building control authorities. This is the preferred means of building control administration and should be embraced by construction professionals as administrative charges may apply if hard-copy documents are submitted.
- The manner in which a Commencement Notice is lodged has been overhauled. Particular attention should be paid to the new forms which must accompany the Commencement Notice.
- Building owners are obliged to appoint a Design Certifier, an Assigned Certifier who will inspect and certify the works, and a competent Builder. The building owner must notify the Building Control Authority if these appointments (or ownership of the building itself) change in the course of the works.
- An Assigned Certifier may be a registered architect, a registered building surveyor or a chartered engineer. In its guidance to members, the RIAI recommends that the appointment of Assigned Certifier is always an appointment separate from that as Architect.
- Before a building can be opened, occupied or used, a 'Certificate of Compliance on Completion' must be lodged with the Building Control Authority and included on the public register. This Certificate must be signed by both the Builder and the Assigned Certifier.
- Failure to comply with the Regulations is an offence and can result in a a fine and/or imprisonment.
- A Code of Practice for Inspecting and Certifying Buildings and Works has been published by the Department of Environment, Community and Local Government.

While the building industry may initially be apprehensive as to how the Regulations will work in practice and about the additional cost that might arise from their introduction, the Regulations will undoubtedly be welcomed by many as an attempt to prevent future catastrophic failings in building control compliance and ensure an overall improved standard of construction.

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