

### **16. Can I submit my Commencement Notice Online?**

Yes, a new Building Control Management System (BCMS) is being developed. The BCMS will allow building owners to nominate an Assigned Certifier and Builder for the development works. Each party must be registered with the BCMS system to fill in or sign their respective parts.

### **17. What is the Fee for a Commencement Notice?**

The fee for a Commencement Notice is €30.00 per building, or if a Commencement Notice relates to multiple buildings requiring a Fire Safety Certificate, €30.00.

### **18. Is there any other type of Commencement Notice?**

Yes. A 7 Day Notice is a notification to a Building Control Authority that a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate.

A 7-Day Notice must be accompanied by a valid Fire Safety Certificate application, all additional documentation referred to in Question 9, and a Statutory Declaration.

The fee for a 7-Day Notice is €5.80 per square meter of applicable floor area.

### **19. Can I still submit my Commencement Notice at my local County Council offices?**

Yes, Commencement Notices can still be submitted at the offices of your local Building Control Authority. The Notice must be accompanied by all relevant documents, as per Questions 8, 9 & 10 and the appropriate fee.

### **20. What happens if I forget to submit my Commencement Notice?**

If you do not submit a Commencement Notice, and commence works or a change a use in the absence of a Notice, there is no provision to submit another type of Commencement Notice.

In this instance, you will have committed an offence. In addition, the commencement of the development will not be recorded on any register.

Finally, you will not be entitled to have your Certificate of Compliance on Completion placed on the official Register, and you cannot occupy, or lease your building and you may not be able to sell it.

### **21. What is a Certificate of Compliance on Completion?**

A Certificate of Compliance on Completion is a statutory document submitted to a Building Control Authority following the completion of works referred to in Question 8. The Commencement Notice to which the works relate must have been lodged after the 1st March 2014.

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

The Certificate of Compliance on Completion must be submitted to the local Building Control Authority, and entered onto the Register before a building, or works, or part thereof can be opened, operated or occupied.

### **22. If I failed to or forgot to submit a Commencement Notice, or a 7-Day Notice, can I still submit a Certificate of Completion for entry onto the Register.**

No, if the Commencement Notice relevant to the works or Material Change of use is not on the Register, then a Certificate of Compliance on Completion cannot be validated by a Building Control Authority.

### **23. What happens if I change my Builder or Assigned Certifier during the construction works?**

If you change your Builder or Assigned Certifier during construction, you must notify the Building Control Authority within 14 days.

You can notify the Building Control Authority of such a change by submitting the appropriate Notice of Assignment and the appropriate undertaking, as per Question 9.

### **24. What happens if ownership of the building, development or works changes during construction?**

If ownership of the building, development or works changes during construction, you must notify the Building Control Authority in writing within 14 days.

### **25. Where can I get more information**

You can get more information, or download copies of the Building Regulations by visiting the Department of the Environment website ([www.environ.ie](http://www.environ.ie)), or by contacting your local Building Control Authority.

# **Guide to the Building Control (Amendment) Regulations 2014**



**Comhshaol, Pobal agus Rialtas Áitiúil**  
Environment, Community and Local Government

## **1. What are the Building Control Regulations?**

The Building Control Regulations provide administrative and procedural methods and requirements for construction or development in Ireland.

The Building Control Regulations have existed since 1991 and regulate the following:

- Commencement Notices
- 7 Day Notices
- Fire Safety Certificates, Revised Fire Safety Certificates and Regularisation Fire Safety Certificates
- Disability Access Certificates and Revised Disability Access Certificates
- Maintenance of Registers
- Fees

The Building Control Regulations provide administrative processes to regulate the Building Regulations



## **2. 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.

## **3. What happens on March 1st 2014?**

On the 1st March 2014, new laws relating to the commencement and certification of construction works come into effect. The new laws include the nomination of a Builder to carry out works in accordance with the Building Regulations, and the nomination of a competent person, an 'Assigned Certifier' to inspect works to ensure compliance with the Building Regulations; the submission of additional documentation with the Commencement Notice at commencement stage; and the introduction of a Certificate of Compliance following completion of works.

## **4. 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

## **5. Do all developments require a Commencement Notice?**

Commencement Notices are required for the following:

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

A Commencement Notice is not required:

- 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;
- or where a 7 Day Notice has been submitted.

## **6. When do I have to submit a Commencement Notice**

The notice must be lodged with the relevant Building Control Authority, in which the works are located, between 14 and 28 days prior to the commencement of works or a material change of use taking place.

## **7. What happens if I miss my commencement date?**

If you miss your commencement date you must submit a new Commencement Notice to the relevant Building Control Authority, prior to the commencement of any works taking place.

## **8. Which type of development requires the additional documents?**

The additional documents are required for the following works

- Construction of a dwelling house
- Extension of a dwelling house of more than 40 square meters (400 sq. feet)
- Works which require a Fire Safety Certificate.

Works which are referred to in Question 5, but are not listed above require a Commencement Notice, but do not require the additional documents listed in Question 9.

## **9. What additional Documents must I submit with my Commencement Notice?**

In addition to the Commencement Notice, a building or site owner must submit the following documents for works referred to in Question 8

- Certificate of Compliance (Design), signed by the Assigned Certifier
- Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier), signed by the building owner.
- Undertaking by Assigned Certifier, signed by the Assigned Certifier
- Notice of Assignment of Builder, Signed by the Building Owner
- Undertaking by Builder
- Plans, Specifications and particulars which demonstrate how the building or works will comply with all Building Regulations.

## **10. What is an Assigned Certifier?**

An Assigned Certifier must be one of the following

- a person registered with the Royal Institute of Architects of Ireland (RIAI)
- a person registered with the Society of Chartered Surveyors of Ireland (SCSI)
- a Chartered Engineer of Engineers Ireland (EI)

## **11. I am building by direct labour, who do I nominate as the builder**

The Undertaking by a Builder can only be signed by the builder who, preferably is registered with the Construction Industry Federation and can provide a 'Construction Industry Register Ireland' (CIRI) number. Further details can be found on [www.cif.ie](http://www.cif.ie)

## **12. I am a building owner. I have designed my own building and intend to build by direct labour. Do I still need an assigned Certifier.**

If your development is one of the types listed in Question 8 then, Yes, you must still nominate an Assigned Certifier. Additionally, you must, yourself, sign the 'Undertaking by Builder' document. In doing so you will undertake the responsibility for compliance with the Building Regulations.

## **13. Who is responsible for compliance with the Building Control Regulations**

The owner of the building, and the builder who carries out the works is responsible, under law, for compliance with Building Regulations and Building Control Regulations.

## **14. What happens if I have applied for, and received my planning permission before March 1st 2014**

If the works take place after the 1st March 2014, and if your development is one of the types listed in Question 8, you must submit the new type of Commencement Notice, and the required additional documentation prior to the commencement of works, regardless of the date of Final Grant of Planning Permission.

## **15. Is there any type of development which does not require a Commencement Notice at all?**

Yes. If the works are, or the Material Change of Use is exempted development specified under the Local Government (Planning and Development) Acts 1963 -1993 and a Fire Safety Certificate is not required, then you do not need to submit a Commencement Notice.

For a full list of exempted developments you will need to contact your local Planning Authority.