Building Control (Amendment) Regulations Update 2014

Unde venimus?
Where have we come from?

Ubi sumus?
Where are we now?

Quo imus?
Where are we going to?
Building Control (Amendment) Regulations Update 2014

Unde venimus?
Where have we come from?

- SI 80 of 2013 was published in the middle of last year by Minister Phil Hogan (T.D.) after a lengthy and positive interaction between the Dept and the five institutions of Engineers Ireland, ACEI, CIF, RIAI & SCSI, BUT.............

- Contained a “genuine error” in the text of the Regulations.............. (40m² threshold for the applicability of the Regulations).

- However, the text of the certification introduced as part of the new Regulations had also changed, effectively putting in place a guarantee by the Assigned Certifier of the compliance of the works in question.
Unde venimus?
Where have we come from?

The incorrect insertion of the 40m² threshold for the application of the Regulations and the changes to the text of the certificates triggered two related actions;

a) Opened the door to the prospect of a second round of consultations, and

b) Senior Counsel opinion on the workability of the Regulations in the context of the changed wording to the certificates was sought.
Building Control (Amendment) Regulations Update 2014

Ubi sumus?
Where are we now?

• 2\textsuperscript{nd} round of consultations ran from July to late-November with a closing meeting on 5\textsuperscript{th} December.

• Concluded with the submission of “recommended text changes” to both the Regulations and the associated CoP.

• Has given us sight of the proposed templates for the online system of management under the agency of the CCMA.
Building Control (Amendment) Regulations Update 2014

Ubi sumus?
Where are we now?

1. Text relating to the 40m² threshold has been corrected.
2. Certificates incorporated into the Regs have been reworded.
3. Development of the online system of control & management for the Building Control Authorities.
4. Confirmation of the concept of mandatory and discretionary documentation at Commencement Notice stage.
5. The timeframes and processes for the placing of a completed building on the Register of the BCA have been revised and enhanced.
6. The principle of “exercising reasonable skill, care and diligence” by the professionals and the builders (respectively) has been endorsed.

7. The principle of inter-reliance between the various parties has been promoted throughout the documents.

8. Reliance on Registration Numbers for professionals and for builders has been developed and expanded.

9. Agreement that the online nature of the Building Control and Management system should promote a greater commitment to compliance by overlapping with Planning & Revenue (tax) in particular.
Building Control (Amendment) Regulations Update 2014

Ubi sumus?
Where are we now?

• Have we got it right?
• Engineers Ireland didn’t go the Senior Counsel route, believing instead that we should work with the Dept’s officials.
• We didn’t always agree with our professional colleagues about major issues – even at the eleventh hour!
Building Control (Amendment) Regulations Update 2014

Ubi sumus?
Where are we now?

• In the calm before the storm?
• In the eye of the storm, OR
• With the storm behind us!
Quo imus?
Where are we going to?

- For Engineers: Specific roles detailed in the Regulations and Associated Code of Practice may now only be undertaken by Chartered Engineers.
- The new Regulations promote a system of self certification – that brings specific responsibilities and potential liabilities.
- Interaction between the Building Owner, the Builder and the Design Professionals is promoted.
- Latent Defects Insurance is being promoted as a model for future building projects.
- On-line management of building projects is being actively promoted.
Building Control (Amendment) Regulations Update 2014

Quo imus?
Where are we going to?

- Our “understanding” is that the implementation date for the BC(A)R 2014 still stands at 1\textsuperscript{st} March 2014. (6 weeks away).
- Today’s speakers will advise you on the implications of the new Regulations in the context of their respective disciplines/professions.
- Our insurance and legal colleagues will explain to us how we can avoid the very issues that the detractors of this initiative say will “scupper” the proposed regime of Building Control.
- Engineers Ireland will continue to provide as much expertise and guidance as we can and propose to extend our working brief with our professional colleagues to generate the pro-forma documentation that goes with these Regulations and Associated Code of Practice.
Quo imus?
Where are we going to?

We can adopt the philosophy of the characters portrayed in this picture “Un pour tous, tous pour un” or from earlier times “Unus pro omnibus, omnes pro uno”

Or we can adopt the alternative Latin advice of, “Divide et impera – Divide & Rule.

I believe the latter would be poor practice, considering the positive engagement process that has got us to where we are today!