

Engineers Ireland – Cork Region  
Building Control System



# Building Control (Amendment) Regulations 2013

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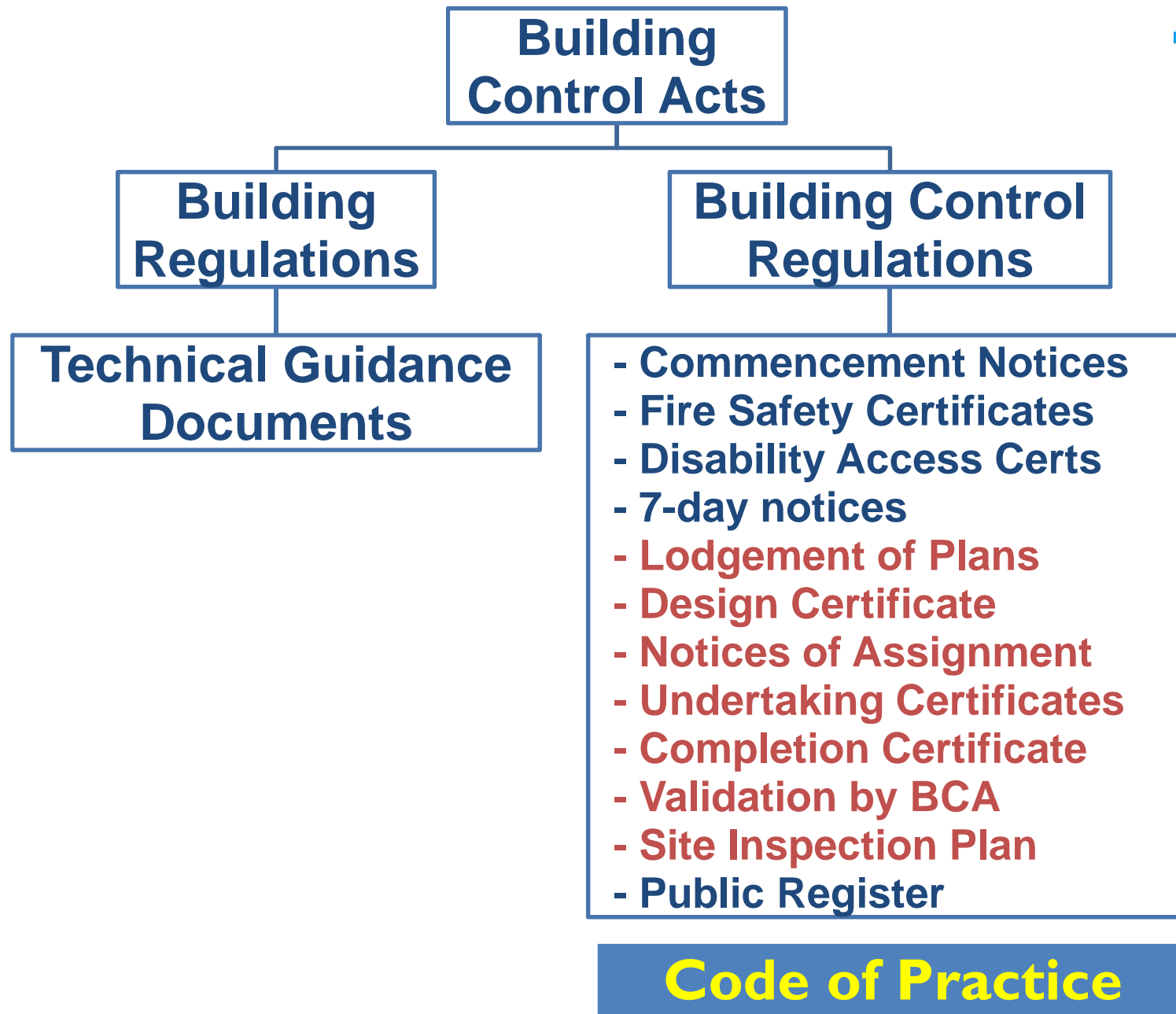
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# Legislation & Regulations

- Building Control Acts 1990 and 2007
- Building Regulations (1997-2012)
- Building Control Regulations (1997-2013)
  - **Building Control (Amendment) Regulations 2013**

# Building Control Acts 1990 and 2007



- Enabling legislation for regulations:
  - Building Regulations
  - Building Control Regulations
- Sets out responsibilities for design and construction
- Sets out powers of inspection and enforcement of Building Control Authorities
- Other matters incl. Registration of Architects and Building Surveyors

# Building Control Act 1990

## Responsibilities set out in Section 3 (5)

*“ . . . every building to which building regulations apply shall be designed and constructed in accordance with the provisions of such regulations.”*

# Building Regulations

- Sets out legal and technical requirements
- About safety of people in or about buildings and also;
  - Energy conservation
  - Accessibility

# Building Regulations - Requirements



- Part A Structure
- Part B Fire Safety
- Part C Site preparation & resistance to moisture
- Part D Materials and workmanship
- Part E Sound
- Part F Ventilation
- Part G Hygiene
- Part H Drainage and waste water disposal
- Part J Heat producing appliances
- Part K Stairways, ladders, ramps and guards
- Part L Conservation of fuel & energy
- Part M Access and Use



# Technical Guidance Documents



# Building Control Regulations



Section 6 of the Act:

*Provides for matters of procedure, administration and control, in order to secure the implementation of and compliance with the requirements of the building regulations.*

# Building Control Regulations - Key Elements



- a) Commencement Notices
- b) Fire Safety Certificates
- c) Disability Access Certificates
- d) Design Certificates
- e) Notices of Assignment by owner of Assigned Certifier and Builder
- f) Certificates of Undertaking by Assigned Certifier and Builder
- g) Completion Certificates
- h) Inspection Plans
- i) Public Register of Notices and Certificates

# Building Control Acts & Certification



- Allows Minister to prescribe forms of certification.
- Section 6 (2)(a)(i)  
*“the submission to building control authorities of certificates (in this Act referred to as “certificates of compliance”) being certificates relating to compliance with the building regulations...”*

# Regulatory Reforms – Key Features of Regulations



- a) Responsibility will continue to rest with the owners, designers and builders
- b) Certification required in relation to design and construction
- c) Inspection by registered professionals
- d) Stronger emphasis on competence
- e) Chain of responsibility following commencement notice
- f) Increased status of public register

# Building Control Amendment Regulations



**1. Mandatory Certification**

**3. Mandatory Inspection**

**2. Lodgement of Plans**

**4. Validation by Building Control Authorities**

NB: Validation does not mean approval

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# Owner Responsibilities

- 1) Sign the commencement notice
- 2) Must appoint a competent builder to undertake the works
- 3) Must appoint a competent registered professional to inspect and certify
- 4) Must notify the building control authority of any changes to those persons

# Certification





# 1. Mandatory Certification



## Mandatory Certificates of Compliance:

- a) **Design Certificate** at Commencement
- b) Certificate of **Undertaking to inspect and certify the work** – assigned certifier
- c) Certificate of **Undertaking by builder**
- d) **Completion Certificate**



# Design Certificate



4. *“I confirm that the plans ... and ancillary certificates ... have been **prepared with reasonable skill, care and diligence** by me, and other members of the owner’s design team ... to demonstrate compliance with requirements of the Second Schedule to the Building Regulations ...”*
5. *“**I certify that** ... 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.”*

# Undertaking by Assigned Certifier



## Undertaking to Inspect and Certify

*“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 to ... the Building Regulations insofar as they apply to the works or building ...**”*

# Undertaking by Builder



## Undertaking by Builder

3. *“ I undertake to construct the building works in accordance with the plans, specifications and particulars as certified under ... Certificate of Compliance (Design)..*
4. *Having regard to the Code of Practice ... I further undertake to cooperate with the inspections set out in the inspection plan .. and to take all reasonable steps to ensure that I shall certify that the works or building is in compliance ...”*

# Completion Certificate

## Part A



### Part A – Certificate signed by Builder

3. *“I certify that the works or building as completed has been constructed in accordance with the plans, specifications, calculations ... together with such further plans ... as have been subsequently certified and submitted ...”*
4. *“Reliant on the foregoing, I certify that the works are in compliance with the requirements to the Second Schedule of the Building Regulations insofar as they apply to the building works concerned.”*

# Completion Certificate

## Part B



### Part B – Certificate signed by Assigned Certifier

*“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 works or building is in compliance** with the requirements to the Second Schedule of the Building Regulations ...”*

# Who can sign Design Certificate and as Assigned Certifier



- (1) **Architects** on register pursuant to Part 3 of the Building Control Act 2007 or
- (2) **Building Surveyors** on register pursuant to Part 3 of the Building Control Act 2007 or
- (3) **Chartered Engineers** on register pursuant to Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. and

**Competent:** The regulations specifically require the Assigned Certifier to be competent to inspect and certify the works

# Lodgement of Plans





## 2. Lodgement of Plans



### Commencement:

*“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 building or works concerned”*

## 2. Lodgement of Plans



### Completion:

*“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” at commencement and*
- ii. complies with the requirements of the Second Schedule to the Building Regulations”.*

# Inspection



## 3. Mandatory Inspection



1. The Assigned Certifier inspects and coordinates the inspections by others.
2. Inspection Approach
  - Site Inspection Plan
    - Inspection Notification Framework
  - Records of site inspection

# Stages:

1. Commencement
2. During Construction
3. Completion

# Commencement Stage

- **Submit Commencement Notice with:**
  - a) **Plans**, calculations, specifications etc
  - b) **Certificate of Compliance (Design)**
  - c) **Notice of Assignment of person to inspect and certify works** - signed by building owner
  - d) **Certificate of Undertaking** from the “assigned certifier” to inspect and certify works
  - e) **Notice of Assignment of builder**
  - f) **Certificate of Undertaking from the builder**
  - g) **Fee**

# What buildings or works require certification etc.



- 1) Buildings and works that require a fire safety certificate
- 2) **New Dwellings** – houses and apartments
- 3) Extensions with a floor area greater than 40 square metres

# During Construction

## Assigned Certifier;

- a) Prepares and implements **Site Inspection Plan**
  - includes **Inspection Notification Framework**
- b) Inspects and co-ordinates the inspection by others
- c) Follows up on non-compliance issues
- d) Keeps and maintains site inspection records
- e) Duty to respond to building control authority in relation to information requests



# During Construction

## Builder

- a) Constructs in accordance with the plans and specifications
- b) Reliant on the plans and specifications constructs in accordance with the building regulations
- c) Co-operates with the Assigned Certifier for the implementation of the site inspection plan
- d) Ensures that any design carried by them or their sub-contractors is certified and submitted

# Completion



# Completion Stage – to be submitted



- 1) Certificate of Compliance on Completion**
- 2) Plans**, calculations, specifications and particulars for any amendments from those submitted at commencement
- 3) Inspection Plan** that was implemented

# Completion Stage – Validation by Building Control Authority



- 1) Checking that the Certificate is properly completed and signed by the appropriate persons i.e. the Assigned Certifier & the Builder.
- 2) Checking that there are no unresolved, requests for information, enforcement notices or other statutory notices.

## **Note:**

It is not appropriate for the building control authority to commence a technical assessment at this stage.

# Completion Stage – Validation by Building Control Authority (cont.)



- a) Accepts the completion certificate as valid and places on public register, and/or
- b) Requests additional information/documentation, or
- c) Rejects and returns the certificate and documentation if invalid

Period for information requests/rejecting is 21 days

## **Occupation of Building**

The certificate must be submitted, validated and placed on register before a building may be opened, used or occupied.

# Building Control Authority – under no duty – Section 6(4) of Act



*“Where a certificate of compliance, or a notice ... is submitted ... the building control authority **shall not be under a duty** to any person to—*

*(a) ensure that the building or works to which the certificate or notice relates will ... comply with the requirements of building regulations or be free from any defect,*

*(b) ensure that the certificate complies with the requirements of this Act or of regulations .., or*

*(c) verify that the facts stated in the certificate are true and accurate.”*

# Building Control Authorities

## Administrative Reforms:

- 1) More efficient pooling of building control authorities' staff and resources for more effective oversight of building activity;
- 2) Standardised approaches and protocols for consistency of administration nationwide;
- 3) Better support / development of building control function.

# Code of Practice for Inspection and Certification





# Code of Practice – for Inspection and Certification



- A code of practice will be published to accompany the new regulations
- It will cover matters such as guidance on approach to inspection and supervision, levels of information to be submitted with plans etc.
- The building control authorities will have regard to the code in relation to the administration of building control

# Code of Practice – for Inspection and Certification



## Contents:

### 1) Roles and Duties

- Owner, Builder, Designer, Assigned Certifier and Building Control Authority

### 2) Certification

### 3) Lodgement of Plans

- Form of plans and specifications
- Lodgement of plans during construction

# Code of Practice – for Inspection and Certification (cont.)



## 4) Commencement Stage

- Submission to Building Control Authority

## 5) Construction Stage Inspection

- Site Inspection Plan
- Inspection Notification Framework
- Records of site inspection

# Code of Practice – for Inspection and Certification (cont.)



## 6) Completion Stage

- Submission at completion
- Validation and Registration of Certificates

## 7) Archiving of Records

## 8) E- lodgements

## 9) Professional Ethics

## 10) Insurance

# Summary

- a) Lodgement of **plans**
- b) **Inspection** during construction
- c) **Certification** at design stage and on completion
- d) Enhanced role for building control authorities
- e) Code of Practice for Inspection and Certification



# Thank You

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