

REINFORCE BUILDING REGULATION AND STANDARDS

March 2018

The design and construction of buildings is regulated under the Building Control Acts 1990 to 2014 which provide for the making of Building Regulations and Building Control Regulations. The Building Regulations 1997-2017, set out in 12 parts (classified as Parts A to M), provide for health, safety, welfare and accessibility of people in and around sustainable buildings. Technical Guidance Documents show how the requirements of the Building Regulations can be achieved in practice.

The Building Control Regulations 1997-2015 require owners, builders, and registered construction professionals (Chartered Engineers etc.) to demonstrate through the statutory Building Control Management System (BCMS) that the works or building have been designed and constructed in compliance with Building Regulations. The Building Control (Amendment) Regulations 2014 (S.I. 9 of 2014), set out the roles of Design Certifier and Assigned Certifier which can only be carried out by competent qualified professionals, such as Chartered Engineers.

All new buildings and existing buildings which undergo an extension, a material alteration or a material change of use must be designed and constructed in compliance with the Building Regulations. The Regulations require the submission to the Building Control Authority (BCA), via the online BCMS, of statutory notices of

commencement and completion accompanied by certification of design and construction, lodgement of compliance documentation, proposed inspections regimes and evidence of inspections during the construction phase and validation and registration of certificates. In 2017, commencement notices were uploaded for 17,572 residential units (Fig.1).

The Assigned Certifier is appointed by the Building Owner to develop an inspection plan, coordinate inspections in tandem with other members of the professional design team and certify the compliance of the building or works with the building regulations by way of collating certification, inspection records and the submission of appropriate documentation to show compliance upon completion.

The final 'Certificate of Compliance on Completion' is signed by both the Assigned Certifier and the Builder. Their role is set out in the supporting Code of Practice. Professionals acting as Assigned Certifiers are bound by a Code of Ethics and professional best practice.

Assigned Certifiers and Building Inspectors should not be seen as being in competition with one another; each has their own place in the system and each is expected to interact and liaise with the other as necessary.

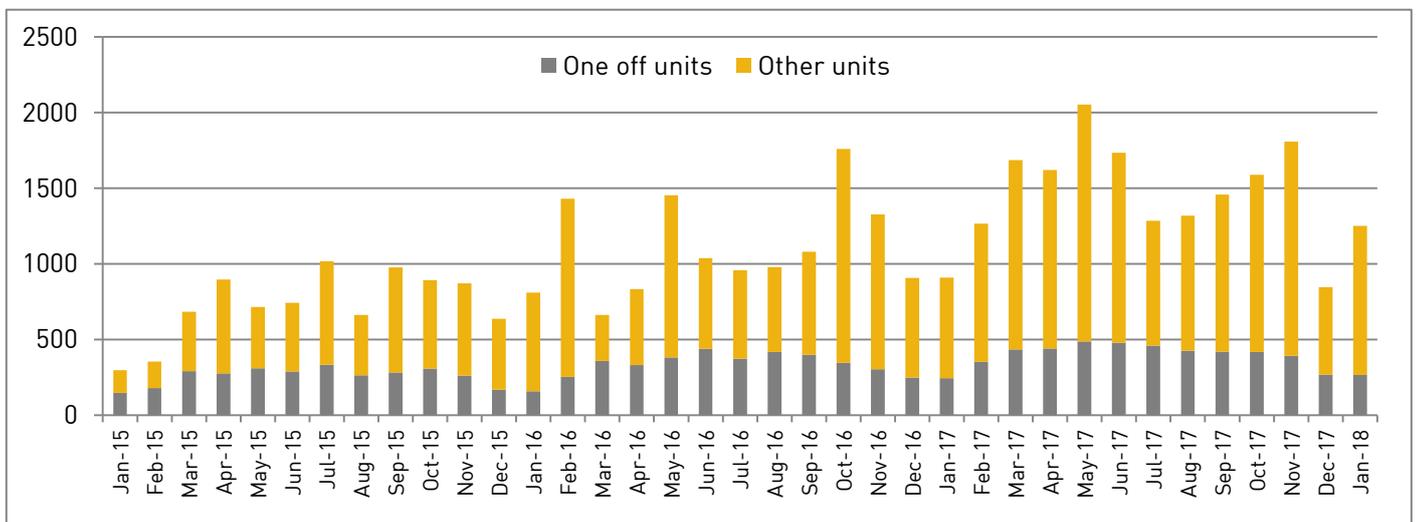


Figure 1. Number of residential units commenced with valid commencement notices uploaded to the BCMS since 2015 [DHPCLG]

Engineers Ireland Policy

Click [here](#) for more policy briefs on Regulation.

Further reading

DHPLG (2017) Building

Regulations

DHPLG (2017) Building Control

Regulations

DHPLG (2016) Code of Practice

for Inspecting and Certifying
Buildings and Works

CCMA (2016) Framework for

Building Control Authorities

Engineers Ireland (2014) Building

Control (Amendment)

Regulations 2014 and the New

Regime

Irish Statute Book (2014) Building

Control (Amendment)

Regulations 2014

Local Authorities Ireland (online)

Building Control Management

System

Contact

Dr Richard Manton

Policy Officer

Engineers Ireland

22 Clyde Road,

Ballsbridge, Dublin 4.

+353 1 6651300

rmanton@engineersireland.ie

Engineers Ireland

With over 25,000 members, Engineers Ireland is the voice of the engineering profession in Ireland. Engineers Ireland was established in 1835 making us one of the oldest and largest professional bodies in the country.

Members come from every discipline of engineering, and range from engineering students to fellows of the profession. For more information, see www.engineersireland.ie.

Too soon for full assessment of S.I. 9 of 2014

It is currently too soon to fully assess the effectiveness of S.I. 9 of 2014. A relatively low number of buildings have been completed and occupied since 2014 and this activity does not constitute a representative sample for analysis. Moreover, a disproportionate number of one-off dwellings has been completed in recent years – for many of which an opt-out was in place.

Remove opt-out for one-off dwellings (S.I. 365 of 2015)

S.I. 365 of 2015 provides for an owner constructing a new single dwelling or extension, on a single unit development, the facility to sign a declaration of intention to opt out of statutory certification. The owner is effectively dispensing with the registered construction professional and declaring that they understand their statutory requirements to prove compliance and will ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Building Regulations.

It is Engineers Ireland's position that this affects the very people (one-off builders and self-builders) who would benefit most from the engagement of a construction professional. The lack of a requirement to have the works certified by design professionals may be viewed negatively by financial institutions and have implications for insurance on these properties and when the property is sold at a future date. This opt-out should be removed.

Increase resources for inspection and enforcement

It is acknowledged that Local Authorities (BCAs) do not have the resources to provide a fully-functioning independent inspectorate for all building projects and consequently they have been set a modest target of 12 –15% of all projects for inspection. Indeed, it is argued that one of the failures of the pre-S.I. 9 of 2014 system was the lack of resourcing for inspection and enforcement when building dramatically increased. If a repeat situation is to be avoided, the resources of local authorities should be increased to ensure that they have the necessary inspection and enforcement capacity and competency. In the absence of such an initiative, the emphasis on certification by design and construction professionals is all the more pertinent.

More construction professionals required

There is a shortage of skills in both the public and private sectors to achieve the targeted build of 25,000+ housing units per annum. If local authorities were to receive additional resources and undertake a major recruitment drive, this has the potential to simply populate one sector to the detriment of another. More construction professionals are required to fill the roles of designers, inspectors and certifiers, and other positions across the industry.

Construction Industry Register Ireland (CIRI)

The Government's intention to place CIRI, the register of builders, contractors and specialist sub-contractors, on a statutory footing is welcome. CIRI is independent of the CIF but to date has been administered by the CIF on a voluntary basis since 2014. The move towards a statutory register will help to promote a greater commitment to compliance with the building regulations thereby promoting greater safety and quality for the consumer and the wider public. It is the intention that a statutory CIRI Register will have the same CPD, financial, legal, best practice and Code of Ethics implications as the current voluntary register and this must be to the ultimate benefit of the consumer.