



STATUTORY INSTRUMENTS.

S.I. No. 105 of 2014



BUILDING CONTROL (AMENDMENT) (NO. 2) REGULATIONS 2014

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3, 6, 17 and 18 of the Building Control Act 1990 (No. 3 of 1990), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Building Control (Amendment) (No. 2) Regulations 2014.

(2) The Principal Regulations and these Regulations may be cited together as the Building Control Regulations 1997 to 2014 and shall be construed together as one.

Commencement

2. These Regulations come into operation on 1 March 2014.

Interpretation generally

3. In these Regulations:

“Principal Regulations” means the Building Control Regulations 1997 (S.I. No. 496 of 1997) as amended by the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000), the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004), the Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009) and the Building Control (Amendment) Regulations 2014 (S.I. No. 9 of 2014).

Amendment of Article 3 of the Principal Regulations

4. The Principal Regulations are amended by inserting after Article 3(5) the following:

“(6) (a) Notwithstanding the requirements arising at Articles 9, 20A, 20F and 21 in respect of the assignment of an Assigned Certifier and the lodgement of an Inspection Plan, in the case of the classes of buildings referred to at paragraph (b), for the period of the transitional arrangements set out at paragraph (c), these requirements may be fulfilled by the lodgement of such Inspection Plan, inspection records and certificates as may be deemed appropriate and necessary by the Oversight Group in order to demonstrate that compliance with the requirements of the Second Schedule to the Building Regulations has been achieved for the building or works concerned.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th March, 2014.

- (b) The provisions at paragraph (a) may apply to the following categories of buildings—
 - (i) buildings intended for use as places of first level, second level or third level education;
 - (ii) buildings intended for use as hospitals and primary care centres.
- (c) The provisions at paragraph (a) shall only apply to buildings referred to at paragraph (b) where each of the following circumstances has been fulfilled—
 - (i) planning permission, where applicable, has been obtained before 1 March 2014;
 - (ii) contract documents have been signed before 1 November 2014; and
 - (iii) a valid commencement notice has been lodged with the building control authority no later than 1 March 2015.”

Amendment of Article 5(4) of the Principal Regulations

5. The Principal Regulations are amended in Article 5(4) by inserting after the definition of “office” the following definition—

““oversight group” means a group appointed by the Minister of not less than 6 and not more than 8 persons who are eligible for inclusion on a register of construction professionals established pursuant to the Building Control Act 2007 or the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969;”.

Amendment of Article 9 of the Principal Regulations

6. The Principal Regulations are amended by:

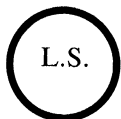
(a) substituting for Article 9(1)(b)(ii)(V) the following—

“(V) a Certificate of Compliance (Undertaking by Builder).”,

(b) deleting Article 9(1)(b)(iii), and

(c) inserting after Article 9(1)(b) the following—

“(c) such fee as is required under Part V.”



GIVEN under my Official Seal,
28 February 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for alternative but equivalent means of complying with the requirements under the Building Control Regulations 1997 to 2014 to assign a person to inspect and certify the works (the Assigned Certifier) in line with a plan lodged at commencement and implemented during construction.

The alternative means of compliance applies to a limited range of public and privately owned buildings classified as first, second or third level places of education; hospitals or primary care centres.

The alternative means of compliance applies only to projects subject to each of the following circumstances:—

- (i) planning permission, where applicable, has been obtained before 1 March 2014;
- (ii) contract documents have been signed before 1 November 2014; and
- (iii) a valid commencement notice has been lodged with the building control authority no later than 1 March 2015.

These Regulations also clarify that such fee as is required under Part V of the Regulations in respect of Article 9 applies to all commencement notices.

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