

**Engineers Ireland  
Cork**



# **Building Control System**

- **Regulations**
- **Code of Practice**
- **Framework for BCAs**

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# Building Regulations

## Technical Guidance Documents



- Commencement Notices
- Fire Safety Certificates
- Disability Access Certs
- 7-day notices
- Lodgement of Plans
- Design Certificate
- Notices of Assignment
- Undertaking Certificates
- Completion Certificate
- Validation by BCA
- Inspection Plan
- Public Register

# Code of Practice

# Framework for BCAs

# Legislation, Regulations, Code and Guidance Documents



- Building Control Acts 1990 and 2007
- Building Regulations (1997-2012)
- Building Control Regulations (1997-2014)
  - **Building Control (Amendment) Regulations 2014**  
**S.I. 9 of 2014**
- Technical Guidance Documents A to M
- **Code of Practice for Inspecting and Certifying Buildings and Works**
- **Framework for Building Control Authorities**

# 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 and prosecution by Building Control Authorities
- Other matters incl. Registration of Architects, Quantity Surveyors and Building Surveyors

# Building Regulations

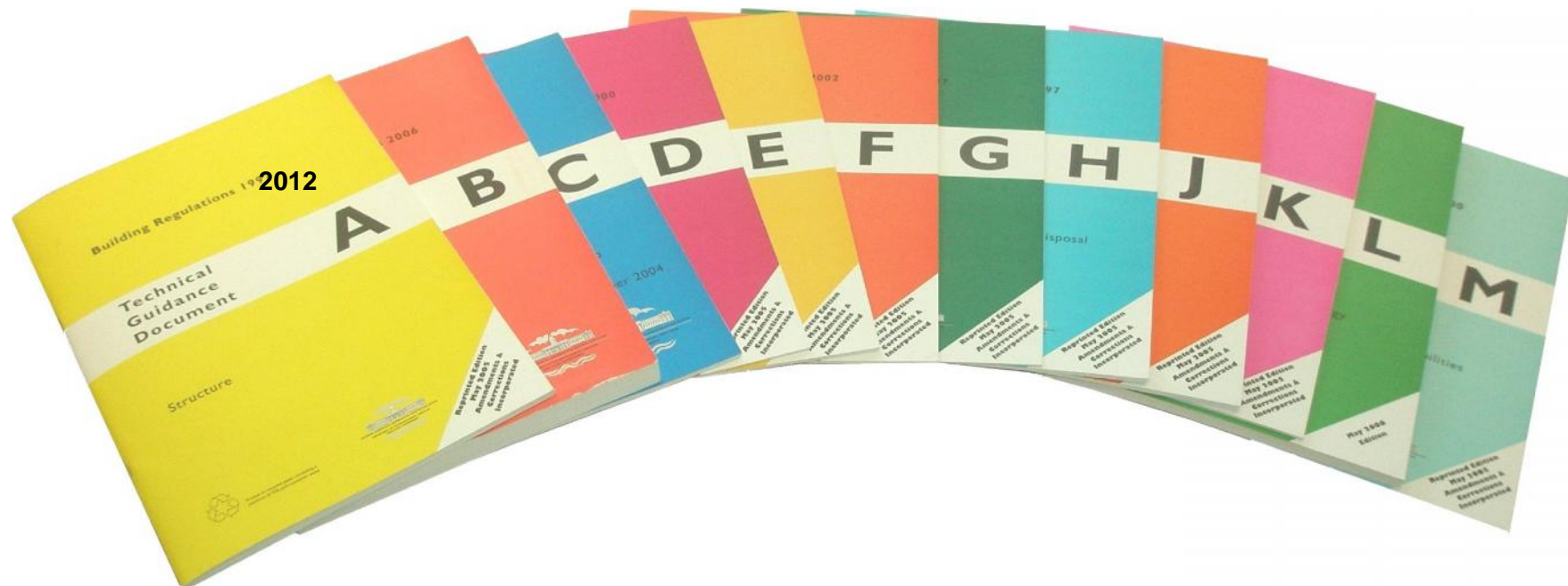
- Sets out legal and technical requirements
- About safety of people in or about buildings and also;
  - Energy conservation
  - Accessibility

# 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 (Amendment) Regulations 2014



STATUTORY INSTRUMENTS.

**S.I. No. 9 of 2014**

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BUILDING CONTROL (AMENDMENT) REGULATIONS 2014

# 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

# Owner Responsibilities

- 1) Sign the commencement notice
- 2) Must appoint a competent builder to undertake the works and certify on completion
- 3) Must appoint a competent registered professional (assigned certifier) to inspect and certify on completion
- 4) Must notify the building control authority of any changes to the builder or assigned certifier appointed

# Building Control (Amendment) Regulations



**1. Statutory  
Certification**

**3. Mandatory  
Inspection**

**2. Lodgement  
of Plans**

**4. Validation**

# Certification



# 1. Statutory Certification



## Statutory 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**





# Who can sign the Design Certificate or 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

# Code of Practice for Inspecting & Certifying

## Code of Practice

for

Inspecting and Certifying  
Buildings and Works

**Building Control  
Regulations 2014**

February, 2014



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



# Status and Purpose of Code



- 1) It is a statutory Code published by the Minister under Article 20 of the Building Control Regulations.
- 2) The purpose of the code is to provide guidance with respect to inspecting and certifying building works for compliance with the requirements of the Building Regulations.**
- 3) Compliance with the Code shall, prima facie, indicate compliance with the relevant requirements of the Building Control (Amendment) Regulations 2014.
- 4) The use of alternative suitable frameworks or approaches to the Code is permitted.

# Code of Practice – Contents

## 1) Introduction

- Purpose of code

## 2) Definitions

## 3) Roles and Duties

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

## 4) Certification

## 5) Lodgement of Plans

- Plans and specifications
- Lodgement of plans at later stage

# Code of Practice – Contents (cont.)



## 6) Commencement Stage

- Submission to Building Control Authority

## 7) Construction Stage Inspection

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

# Code of Practice – Contents (cont.)



## 8) Completion Stage

- Submission at completion
- Validation and Registration of Certificates

## 9) Archiving of Records

## 10) E- lodgements

## 11) Professional Ethics

## 12) Insurance

# Stages:

1. Commencement
2. During Construction
3. Completion

# Commencement Stage





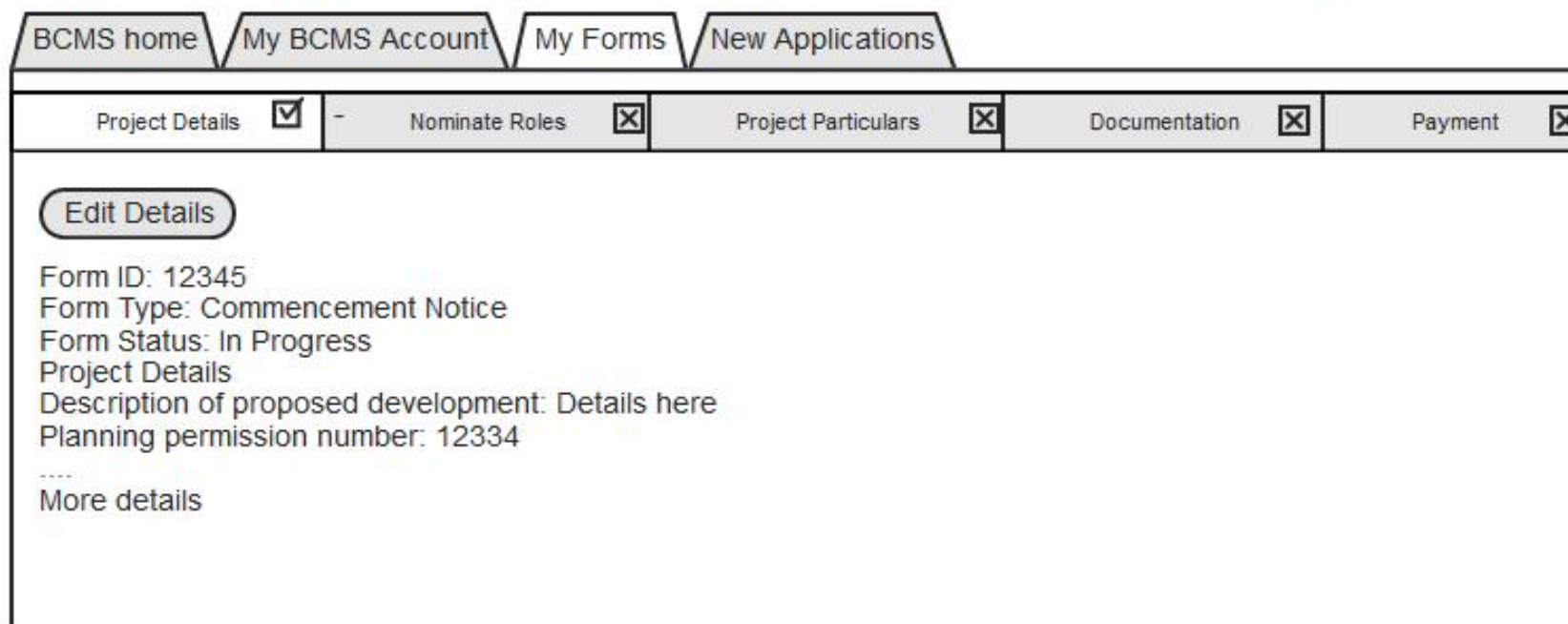
# Commencement Notice:

- a) Completed commencement notice**
- b) General Arrangement Plans & schedule of other plans**
- c) Online assessment of compliance with regulations**
- d) Preliminary Inspection Plan**
- e) Certificate of Compliance (Design)**
- f) Notice of Assignment of person to inspect and certify works - signed by building owner**
- g) Certificate of Undertaking from the assigned certifier**
- h) Notice of Assignment of builder**
- i) Certificate of Undertaking from the builder**
- j) Fee**

# Building Control Management System

**Commencement notices, Completion Certificates, documents and plans are submitted on a national online application system**

## Building Control Management System

A screenshot of the BCMS web application interface. At the top, there are four tabs: "BCMS home", "My BCMS Account", "My Forms", and "New Applications". Below these is a horizontal bar with five sections: "Project Details" (with a checkmark icon), a separator "-", "Nominate Roles" (with an 'X' icon), "Project Particulars" (with an 'X' icon), "Documentation" (with an 'X' icon), and "Payment" (with an 'X' icon). The main content area below this bar contains an "Edit Details" button, followed by the following text: "Form ID: 12345", "Form Type: Commencement Notice", "Form Status: In Progress", "Project Details", "Description of proposed development: Details here", "Planning permission number: 12334", and "More details".

BCMS home	My BCMS Account	My Forms	New Applications		
Project Details <input checked="" type="checkbox"/>	-	Nominate Roles <input type="checkbox"/>	Project Particulars <input type="checkbox"/>	Documentation <input type="checkbox"/>	Payment <input type="checkbox"/>
<div>Edit Details</div> <p>Form ID: 12345 Form Type: Commencement Notice Form Status: In Progress Project Details Description of proposed development: Details here Planning permission number: 12334 .... More details</p>					

# Online Building Control Management System



## a) Access to system

- [www.localgov.ie](http://www.localgov.ie) and choose **BCMS** or
- Relevant local authority website

## b) Registration on system

- Designers, Builders, Assigned Certifiers, & Building owners

## c) BCMS

- submitting commencement and completion notices etc.
- Building Register – commencement notices etc.
- Information and frequently asked questions

# Lodgement of Plans

- a) **General Arrangement Drawings** – plans, sections and elevations;
- b) **Schedule of Plans**, calculations, specifications and particulars as are currently designed or as are to be prepared,



# Design Certificate



- a) The Design Certifier signs the Certificate of Compliance (Design) that is lodged with the Commencement Notice and ensures that any necessary Ancillary Certificates are provided.
  
- b) The Design Certifier is responsible for co-ordinating and compiling of the plans, specifications and documents that are lodged to which the certificate relates.

# 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 ... Building Regulations ...”*
5. *“**I certify**, having exercised reasonable skill, care and diligence, that, having regard to the plans, specifications ... which have been prepared by me and others and **having relied on ancillary certificates ... the proposed design** for the works or building **is in compliance with the requirements of ... the Building Regulations** insofar as they apply to the building or works concerned.”*

# Undertaking by Assigned Certifier



## Undertaking to Inspect and Certify

*“In accordance with the Code of Practice for Inspecting and Certifying Building or 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 of ... the Building Regulations insofar as they apply to the building or works ...”*

# Assigner Certifier

- 1) Inspection:** Prepares, coordinates, and oversees implementation of Inspection Plan
- 2) Completion Certificate:** Signs Part B of Certificate of Compliance on Completion





# Undertaking by Builder



## Undertaking by Builder

3. *“ I undertake to construct the building or 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 building or works is in compliance ...”*

# Builder

- 1) **Construction:** Builds in accordance with plans and specifications
- 2) **Completion Certificate:**  
Signs Part A of Certificate of Compliance on Completion



# 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 to dwellings with a floor area greater than 40 square metre

**Note:** Applies to Commencement Notices lodged on or after **1<sup>st</sup> March, 2014**

# Construction Stage



# 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 made available

# Assigned Certifier

- a) Prepares and implements **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

# Inspection

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

# Inspection plan



- a) The Assigned Certifiers should adopt an appropriate Inspection Plan which takes full account of relevant factors for the building work concerned.
- b) Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project.
- c) Adequate site inspections should be carried out and records kept to demonstrate the application of reasonable skill and care.



# Inspection Plan - Factors

The Inspection Plan is dependent on many factors including -

- a) type of building and type of construction;
- b) method of construction;
- c) how serious the consequences of a particular contravention might be;
- d) the impracticability or impossibility of subsequent inspection of closed up work; and
- e) speed of construction.

# Inspection Notification Framework



# Inspection Notification Framework (INF)



- a) The Assigned Certifier should agree with the Building Owner and Builder an INF,
- b) The INF should take account of the building works involved and other factors.
- c) The INF should identify generally the stages or items of work the individual certifiers wish to be notified of, as and when they are ready for inspection.

# Completion Stage



# 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 Certificate

- a) The Builder and the Assigned Certifier sign the Certificate of Compliance on Completion;
- b) Supported by Ancillary Certificates from other members of the design team and certificates from specialist sub-contractors.



# Completion Certificate

## Part A



### Part A – Certificate signed by Builder

3. ***“I certify, having exercised reasonable skill, care and diligence, that the building or works as completed has been constructed in accordance with the plans, specifications, ... and such other documents relevant to compliance with the requirements of ... the Building Regulations ...”***
4. ***“Reliant on the foregoing, I certify that the works are in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.”***



# Completion Certificate

## Part B



### Part B – Certificate signed by Assigned Certifier

7. *“I now confirm that the inspection plan, drawn up having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, **has been undertaken** by the undersigned having exercised reasonable skill, care and diligence, and by others nominated therein, as appropriate, on the basis that all have exercised reasonable skill, care and diligence in certifying their work in the ancillary certificates scheduled.*
8. *“Based on the above, and relying on the ancillary certificates scheduled, **I now certify**, having exercised reasonable skill, care and diligence, that the building or works is in compliance with the requirements of the Second Schedule of the Building Regulations, insofar as they apply to the building or works concerned.”*



# 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 Management System Public Register



The Public Register will be maintained on the Building Control Management System

- Commencement notices
- Certificates, in particular the Design Certificate and the Completion Certificate
- Plans lodged
- Fire Safety Certificates
- Disability Access Certificates
- Etc.

# Role of Building Control Authorities



# Role of BCAs

1. **Process applications** for Fire Safety Certificates and Disability Access Certificates ;
2. **Validate and register Commencement Notices / 7-day Notices**
3. **Do a risk analysis** of each commencement notice submitted to inform its own inspection arrangements;
4. **Advise the Assigned Certifier**, in relation to issues of compliance relating to the building or works;

## Role of BCAs

- 5. Validate and register the Completion Certificate** and accompanying documentation;
- 6. Maintain a public register** of notices, decisions, certificates etc.; and
- 7. Maintain records**, including records of inspection



# Powers of BCAs

Under the Act of 1990 Building Control Authorities have strong powers of:

- a) Inspection,
- b) Enforcement and
- c) Prosecution.



# BCA Construction Stage

## – Assessment and Inspection



1. BCAs should adopt a formal policy for the assessment and inspection of building work
2. BCAs should adopt a risk management based approach in undertaking this work.
3. In addition a level of random assessment and inspection should be carried out.
4. In line with the agreed Service Indicators, BCAs are required to carry out a level of inspection equivalent to 12% to 15% of buildings and works commenced



# BCA – not under a duty

## Building Control Act 1990



**Section 6(4)** Where a certificate of compliance, or a notice to which *subsection (2) (k)* relates, is submitted to a building control authority, 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, either during the course of the work or when completed, 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 orders made under this Act, or
- c) verify that the facts stated in the certificate are true and accurate.

# Framework for Building Control Authorities



## Contents:

1. Introduction
  2. Role of BCAs
  3. Consistency & Standardisation
  4. Commencement Stage
  5. Construction Stage
  6. Completion Stage
- Etc.

# Building Control (Amendment) Regulations 2014 - Summary



**1. Statutory  
Certification**

**3. Mandatory  
Inspection**

**2. Lodgement  
of Plans**

**4. Validation**



# Thank You

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